

Indicators and Monitoring on Tenure Security and Access to Land – progress and prospects for ILC involvement

ILC Working Paper

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List of abbreviations

AFRA	Association for the Advancement of Rural Affairs
AfDB	African Development Bank
AU	African Union
CSO	Civil society organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEPES	Centro Peruano de Estudios Sociales
CESCR	Committee on Economic, Social and Cultural Rights
DBS	Doing Business Survey
DLA	Department of Land Affairs (South Africa)
EC	European Commission
ECA	(United Nations) Economic Commission for Africa
ECOSOC	Economic and Social Council
FIAN	Food First International Action Network
IARPR	Inter-American Alliance for Real Property Rights
ICARRD	International Conference on Agrarian Reform and Rural Development
ICESCR	International Convention on Economic, Social and Cultural Rights
IFAD	International Fund for Agricultural Development
IGO	Intergovernmental organisation
ISTT	Índice de Seguridad de la Tenencia de la Tierra
ILC	International Land Coalition
JPOI	Johannesburg Plan of Implementation
LEAP	Legal Entity Assessment Project
LRI	Land Reporting Initiative
M&E	Monitoring and Evaluation
NGO	Non-governmental organisation
PBAS	Performance-Based Allocation System
RIMS	Results and Impacts Management System
UNDP	United Nations Development Program
UNECA	United Nations Economic Commission for Africa
WB/IFC	World Bank/International Finance Corporation
WCARRD	World Conference on Agrarian Reform and Rural Development

Summary

Background

The Land Reporting Initiative has been conceived as a way ILC could initiate a global multi-stakeholder effort to develop and implement a system to monitor trends in the area of land rights and agrarian reform. The original focus was on monitoring compliance with international agreements, but it has become clear that this is only one aspect of how ILC can be involved in this area. In discussions surrounding the November 2007 Coalition Council, it was agreed that it would be very valuable to conduct a stocktaking of the development of land indicators to date, and to use this as a basis for discussing and deciding on the way forward for ILC in the area of land monitoring. The first draft of this working paper thus took stock of what has been done, and sought to lay out a range of options. It was reviewed by an internet-based discussion group. This revised version seeks to incorporate comments made and to focus more on a feasible way forward for ILC.

Prospects for a global standardised reporting system

The goal of a global system of reporting by governments based on standard global indicators remains a worthwhile one, but one that offers rather weak prospects of success for ILC at the present time. The main reasons for this are as follows:

- Very few relevant data are already collected and made available by governments. Key data on land administration may be made available through the current World Bank initiative, but this is unlikely to be sufficient for a reporting system that does not simply replicate the World Bank's effort.
- International agreements are very unspecific about the obligations of governments in the area of land access and reform, and therefore provide little leverage for ensuring data collection by governments.
- Even where detailed reporting obligations exist (e.g. forced evictions) the actual record of reporting is poor.
- A previous example of such a reporting system (WCARRD follow-up) did not prove sustainable. The ICARRD follow-up has not succeeded in resurrecting it.
- Although support for this goal in principle is widespread, in practice major organisations such as World Bank, IFAD, UN-HABITAT and UNECA have chosen to pursue the development of indicators adapted to their own needs, rather than to push for the development of an internationally recognised and generally applicable system of indicators. There is therefore no longer such demand for an ILC initiative in this area, but rather a concern about potential duplication of efforts.

The collection and availability of data is the key limiting factor. Further multi-stakeholder efforts to develop such indicators should focus not just on indicator selection but also on strategies for ensuring data are collected by relevant actors, particularly governments. It is not clear that ILC is best placed to lead such an effort unless in response to demand from key international organisations. Where there is a clear demand, however, for inputs relating to indicator development, ILC members could make a significant contribution and the secretariat could play a useful coordinating role.

There are other ways to ensure evidence is gathered and acted upon

The central goal of the Land Reporting Initiative is to make sure that evidence is gathered on the land access and tenure security situations of poor and vulnerable groups, and to make sure that that evidence has an impact on policy. The concept of a global standardised reporting system is just one way in which this goal can be pursued. ILC members and partners gather evidence in a variety of ways, and there are a number of ways ILC can support and add value to these activities.

Evidence gathering within the ILC network

Evidence gathering by ILC members includes qualitative and quantitative investigations by civil society organisations such as those by Land Watch Asia; collaborative assessments of policy impact between CSOs and government (e.g. LEAP); the World Bank's initiative on Good Governance in Land Administration, currently being piloted; the ISTT project of the Nicaraguan government, supported by the EC; IFAD's PBAS; and project M&E by various organisations. Other significant initiatives include the work of UN-HABITAT.

How ILC can make a difference

These initiatives offer a range of opportunities for ILC members to support each other and to work together, and for the secretariat to support, complement and to build on the work of members. On the basis of what is already being done, we can suggest that ILC roles in land monitoring could include:

- facilitating government-civil society partnerships focussed on assessment and monitoring on land related issues, working through civil society members, and also in partnership with IGO members/partners that have significant country-level capacity;
- mobilising resources for the monitoring work of members, including the facilitation and support of member-to-member coordination and information-sharing;
- enhancing the impact of members' activities in global level advocacy, for example through the development of a global report on trends access to land, based as far as possible on evidence gathered by members; and
- working with members to promote the monitoring of secure land access by governments, for example through further exploration with members and partners of the feasibility of identifying and promoting the adoption of key global indicators.

Working with members on the ongoing development of indicators could be a significant aspect of many of these roles, with indicators being tailored to specific monitoring contexts.

Indicators of secure access to land: the state of development:

While meaningful indicators have been suggested in most key areas, actual data collection and data availability is very sparse. Perhaps because of this there has been a tendency to focus on legal frameworks and the implementation of policy which are both relatively easy to measure. There is less attention to the “ends” – actual patterns of access to land resources and levels of tenure security. Assessing these latter, however, would allow for the evaluation of policy efficacy, the impact on secure access to land of other factors, and the importance of land issues in attaining other key development goals.

Legal frameworks: A range of indicators has been developed, particularly as regards the rights of women and other vulnerable groups. Such indicators are relatively easy to assess by drawing on expert opinion.

Land administration: There has been a focus on quantitative indicators on the outputs and costs-to-users of tenure formalisation processes . There has been less focus on other aspects on land administration such as the accessibility of judicial processes and public awareness of rights and procedures.

Access to land for the poor: Access to land and landlessness are issues that have received little attention in indicator development. Land ownership concentration may in some cases be calculable from public data sources. Household survey methods, requiring government involvement, could be used to assess broader concepts of secure access to land.

Tenure security: Putative indicators of tenure security tend in fact to be indicators of legal and administrative factors that may contribute to tenure security – namely the means, not the end. Suggested indicators of tenure security in itself include the prevalence of disputes and evictions based on the records and assessments of CSOs. Another approach is to assess perception of security through household surveys.

Women's access to land: Indicators of the legal representation of women's rights have been proposed, while the use of disaggregated data to assess discrimination is commonly proposed for indicators of registration and titling coverage. Otherwise attention is sparse. Questionable is also the assumption that formal ownership data can represent women's real access and decision-making power. No indicators have been proposed for other key issues such as actual rates of women's inheritance of land.

1 Introduction

The ILC began to consider developing a Land Watch or Land Poverty Index as a result of its 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. ILC was encouraged to develop indicators and a reporting system that the UN could endeavor to incorporate into existing reporting instruments and mechanisms by member governments.

The Land Reporting Initiative was envisaged to be a global multi-stakeholder effort to develop and implement a land monitoring system, including the development of an agreed set of land indicators as a necessary component. Its function was explicitly seen as promoting national compliance with international human rights standards and other conventions including conference declarations.

It has now been recognized that this concept does not do justice to the range of opportunities that exist for ILC involvement in land indicator development and land monitoring. Simultaneously, it focuses on an area where prospects for success are relatively limited. This is not least because existing, binding international agreements offer few specifics on land issues and land policy. An overview of the relevant articles of international agreements and conference declarations is included in Appendix B.

At the ILC Coalition Council meeting of November 2007 it was decided to initiate a process to take-stock of the range of indicator development activities that ILC members and others are engaged in, to identify the full range of opportunities that may exist for an expanded ILC role in this area, and to decide on the way forward. This Working Paper is the first step in this process.

The process

This Working Paper is intended to be the basis of discussion on the options for ILC. A first draft was discussed in an internet-based discussion group in May-June 2008. This revised version is intended to reflect the comments made as best as possible. The ways forward proposed in this paper will be further considered in a workshop expected to be held in conjunction with the ILC Coalition Council meeting in October or November 2008.

The structure of this paper

This paper takes as its starting point the consideration that decisions about indicators can only be made in the context of real monitoring situations, and so begins by taking stock of the monitoring activities of ILC members and others. It then turns to an examination of the progress so far in developing indicators on land issues, before focussing on realistic ways forward for ILC.

2 Monitoring secure access to land – taking stock

2.1 Indicators *for what?* – Choices about indicators depend on choices about monitoring

Land issues are monitored for different purposes, by different types of organization, and in very different ways. These differing monitoring strategies have different requirements and different conditions for success. The selection of indicators, in particular, must be tailored to the monitoring strategy in question. Before we can consider the appropriateness and adequacy of any suggested sets of land indicators, we need to be conscious of how different indicators serve different monitoring strategies and of what different monitoring strategies exist. This is also why this report must necessarily be more than a stocktaking of indicator development. It is also necessary to take stock of existing land monitoring initiatives and to discuss how ILC can usefully engage in this area.

2.2 ILC members are already engaged in a wide range of land monitoring activities

A high proportion of ILC members play some kind of role in monitoring or research on land issues. Most of these are not engaged in systematic data gathering efforts, however, but conduct and publish *ad hoc* research on policy related issues. Such efforts are not normally regarded as monitoring, but nonetheless demonstrate the potential that may exist for more systematised research, reporting and information exchange among organisations working on land access and tenure security issues.

Examples of ILC members' involvement in monitoring include:

- The EC supported ISTT project by the Nicaraguan government to develop indicators to monitor land tenure security.¹
- The formation of Land Watch Asia by several members to coordinate monitoring efforts, particularly country mapping studies.²
- AFRA's collaboration with the Department of Land Affairs in South Africa (the LEAP project) to assess tenure security within Communal Property Institutions.³
- IFAD's assessment of land access within its Performance-Based Allocation System
- Fundación Tierra's *Observatorio Tierra* set up to gather and make available information on the progress of Bolivia's land reforms.⁴
- The assessment of land registration costs by World Bank/IFC's Doing Business Survey.⁵
- The ongoing process to develop guidelines on monitoring the implementation of the ICARRD Declaration.
- The initiative by members in the Andean region to develop indicators of tenure security for that region.⁶

¹ <http://www.prorural.net.ni/?q=node/658>

² <http://landwatchasia.wordpress.com/>

³ <http://www.leap.org.za/home/>

⁴ http://ftierra-observa.org/site/index.php?option=com_letterman&task=view&Itemid=40&id=317

⁵ <http://www.doingbusiness.org/>

⁶ <http://www.cepes.org.pe/cendoc/eventos/monitoreo-tierra/tierra.html>

- The ongoing process of developing and implementing indicators and monitoring of good governance in land administration by the World Bank.
- The internal monitoring and evaluation of projects and programs by IGO members, for example IFAD's DLSP project in Uganda.

Outside of the ILC membership there are also significant initiatives taking place. UN Habitat has developed an Urban Observatory System, from the local to the global level, and employs Urban Indicators which have a significant focus on tenure security and eviction. The AU/ECA/AfDB Land Policy Initiative has a component working on the development of benchmarks and indicators to monitor progress in land policy implementation. FIAN International, on the other hand, is supporting national FIAN organisations (with guidelines) on conducting monitoring on the realisation of the Right to Food, covering many land issues, and the production of parallel country reports to the Committee on Economic Social and Cultural Rights. The UNDP Oslo Governance Centre has produced guidance on the use of governance indicators and has investigated the issue of indicators on land governance.

2.3 How do these monitoring initiatives differ? How do their requirements for indicators differ?

The monitoring initiatives listed above all have very different characteristics in terms of:

- Objectives and purpose (function).
- Geographical scale.
- Types of organisation involved.
- Data collection methodology.
- Whether they use indicators, and the types of indicators they need.

The function or objectives of a monitoring initiative may largely determine its other characteristics. It is possible to identify five key monitoring functions:

Table 1: Key Monitoring functions

Monitoring functions	Examples
Monitoring compliance with human rights conventions and other international agreements	<ul style="list-style-type: none"> - Parallel reporting to the Committee on Economic, Social and Cultural Rights by national FIAN organisations.⁷ - UN Habitat's Urban Observatory System (monitoring the achievement of the Habitat Agenda).⁸
Providing evidence for advocacy	<ul style="list-style-type: none"> - Fundación Tierra's <i>Observatorio Tierra</i>. - Land Watch Asia (some country studies aimed to influence national legislative agenda)
Informing decision-making, policy and program development by organisations and government	<ul style="list-style-type: none"> - The ISTT Project in Nicaragua. - UN Habitat's Urban Observatory System (identifying trends and informing local policy dialogue).

⁷ <http://www.fian.org/resources/documents>

⁸ <http://ww2.unhabitat.org/programmes/guo/>

Assessment of country performance for fund allocation	<ul style="list-style-type: none"> - IFAD's Performance Based Allocation System (PBAS). - MCC's incorporation of IFAD PBAS data.
Monitoring and evaluation of projects/programs and organisations	<ul style="list-style-type: none"> - IFAD Project M&E (e.g. DLSP project, in collaboration with Uganda Natural Resources Department) - AFRA/DLA collaboration (LEAP, assessing the effectiveness of communal property institutions).

These functions often overlap and any single monitoring initiative may sometimes serve more than one function. Nonetheless the choice of the function of a monitoring initiative (i.e. its objectives) is likely to have a strong influence on the types of organisations able to be involved, the type of data collection that is possible, and the types of indicators that are used.

2.31 Different possibilities for organisational involvement

As can be seen from Table 2 below, monitoring systems that are designed to promote compliance with international human rights conventions, agreements and conference declarations provide a strong legalistic basis for the involvement of both IGOs and national governments. Data for such monitoring may be provided by governments and may form part of official statistics. Civil society also plays a role in such monitoring, but usually in a more independent capacity. By contrast, governments are unlikely as partners and implementers of data collection where monitoring is done to provide evidence for advocacy. IGO involvement is also generally more difficult making this an area dominated by civil society, and one severely limited by the resource constraints that CSOs face.

An exception is when a strong policy consensus or political backing allows IGOs to carry out more of an advocacy role. A good example is the World Bank/International Finance Corporation Doing Business Survey which is explicitly aimed at promoting more business-friendly policies by governments. It is notable that the DBS does not rely on government-produced data, and does not collect its own "field" data (prohibitively expensive even for WB/IFC) but relies on its own system of expert panel assessment, thus freeing it from the need for government collaboration.

However, a great deal of monitoring is not done with any advocacy or adversarial use of data envisaged. Such monitoring may help governments and organisations decide on future priorities and strategies, it may feed into social and economic analyses, and it may help governments and their IGO and CSO partners develop appropriate policies and programs. In short it is about informing rather than influencing decision-making. This monitoring function offers great potential for IGO- government-civil society collaboration. The difficulty in achieving this, even where all sides are genuinely interested in the findings of the monitoring, lies in the fact that the resultant data may often equally be used for advocacy. Collaborative monitoring for policy development and similar purposes can depend on the building of a degree of confidence between partners. Similar considerations also apply to the possibility of collaborative partnership in the monitoring and evaluation of land-related programs and projects.

Table 2 Overview of the characteristics of different monitoring functions

Monitoring Function	Organizational involvement:	Geographical scope:	Comparability:	Data collection methodologies:	Use of indicators:
1. Monitoring compliance with human rights conventions and other international agreements	Strong basis for IGO involvement and for securing inputs from national governments. CSOs play a more independent role.	Usually global, comparing the performance of national governments	Spatial (between countries) as well as over time.	A range, including surveys and administrative M&E conducted by governments.	Indispensable for purposes of comparability, need to be simple and few
2 Providing evidence for advocacy	Predominantly civil society. This is often a difficult area for IGO involvement.	Usually local to national. Can be globally coordinated.	Usually over time.	Range of data sources, but resource constraints make large scale primary data collection unlikely.	Systematic use of land indicators is rare.
3. Informing decision-making, policy and program development by organizations and government	Governments, IGOs, academic institutions and other CSOs.	Predominantly national and international.	Comparisons over both time and space are useful.	The complete range. Can include official statistics based on household surveys, etc.	Rare in academic research, but widespread in government and IGO monitoring.
4. Assessment of country performance for fund allocation	IGOs	Global	Spatial (country comparisons)	IGOs may seek to collect data themselves and thus may rely on expert assessments.	Necessary. Need to be relatively simple and directed towards producing an overall score.
5. Monitoring and evaluation of projects/programs and organizations	Governments, IGOs, contracted NGOs, occasionally NGOs as independent collaborators.	National to local. For internal evaluation of IGOs, global.	Over time.	Typically primary data collection, either through ongoing record-keeping by the implementing agency, or by pre- and post-hoc surveying, participatory or action research, etc.	Important for before/after comparisons. Typically selected for the project or program in question.

2.32 Different requirements for indicators

No one set of indicators can serve all the monitoring functions listed above. Monitoring compliance with international agreements requires a relatively limited, simple set of indicators that it is possible to collect in divergent country contexts, but which still allow for global comparability. Indicators for advocacy could be similar, but are more likely to be focused on a single country, and thus solely on comparisons over time. They are also likely to need to be adapted for the limited data gathering budgets of CSOs, and not to the data gathering opportunities offered to governments by administrative record keeping, extensive household surveys, and so on. CSO-led monitoring may also be influenced by an institutional need for outputs that can be employed for advocacy in the short term. More explorative monitoring for policy development requires similar indicators to monitoring compliance with international agreements, but while the range of indicators usable by the latter is severely limited by the content of international agreements, the former does not suffer this constraint.

The assessment of country performance for fund allocation is very constrained in that IGOs cannot generally collect “field” data and may either rely on existing data or use an internal expert assessment system. The monitoring and evaluation of projects and programmes, by contrast, is least constrained. It is usually limited in geographical scale and only focused on before and after comparisons. Relative to its limited geographical scope, M&E is often well resourced. Project and program implementation processes, or government administrative processes, also provide relatively ample opportunities for data collection, both through methods such as surveys and participatory appraisal and through ongoing record-keeping. These considerations mean that the indicators used in M&E can be relatively numerous, and targeted closely to specific contexts. M&E does not require a small number of widely relevant and easy to assess indicators like many monitoring functions, but rather can draw on a large menu of indicators, many of which imply intensive data collection processes.

2.4 Summary

It is clear that, within the ILC membership alone, a great range of research, monitoring and other types of evidence-gathering is undertaken. Evidence-gathering is not just restricted to the collection of data by government agencies and is not limited to the use of standardised indicators. It also involves various kinds of research studies, both quantitative and qualitative, programme and project M&E, and record-keeping, whether by government agencies or CSOs, of cases of evictions, corruption, and so on. All of these forms of evidence-gathering can be seen as part of a process of assessment in a broader sense.

But these types of evidence-gathering have very different characteristics and requirements in terms of objectives, viable geographical scales, the types of organisations likely to employ them, methodologies and in terms of what indicators, if any, are likely to be used. Different types of organisations, principally government agencies, intergovernmental organisations and different types of civil society organisation, all therefore have an important role to play in assessing issues of land governance, tenure security and access to land by the poor.

From ILC's perspective, it is important to assert the essential role that civil society can play in such assessment. It underlines the value in ILC seeking to support the evidence-gathering work of civil society members. It also underlines the value of multi-stakeholder assessment and monitoring processes, particularly at the national level where they can feed directly into processes of national programme evaluation and policy dialogue.

3 Land indicators – taking stock

3.1 Introduction

Before moving ahead to consider what role ILC might play in the monitoring of land issues, it is necessary to take stock of the development of land indicators to date. It is necessary to consider the different issues that can be covered by indicators and also their data collection requirements. It is necessary to consider what indicators can realistically be collected and also which may be the most useful for different purposes. This is important to making decisions about involvement in monitoring secure access to land.

This section will look in turn at different categories of indicator. Julian Quan has suggested the following typology for land indicators:⁹

- **Adequacy of land policy**
- **Institutional performance** of the government or land administration in delivering on land policy
- **Outcomes / conditions:** empirically verifiable outcomes or conditions of tenure security, land access or market performance.

As a further category Quan also suggests 'Impacts', namely the downstream impacts of the results of land policy.

This categorization is useful yet can be further refined. In particular it is useful to distinguish between actual conditions of tenure security, land access, and land market functionality on the one hand, and the outcomes of a land policy or programme implementation process on the other. This is a distinction between ends and means. It allows us to keep open the possibility that a particular land policy, although implemented and although producing planned outputs, does not in fact have a desired impact on conditions “on the ground”. It makes it possible to assess not just whether a policy process has been successfully carried through, but whether it has had a useful impact and whether it was an appropriate policy. In this paper I will be using the following categories:

Table 3: Major categories of land indicators

Category	Type of phenomena assessed	Example of indicator
Adequacy of legal and policy framework	Laws, ratification of international conventions, official policy, budget allocation.	Are formally registered property rights available to all without discrimination?
Characteristics of administrative / implementation practice	Nature, duration, cost, fairness and accessibility of procedures related to registration, arbitration, eviction, public land management, etc.	Time required to register land transaction.
Outputs of administrative / implementation process	Coverage of land registration, titling, cadastre or reform programme; extent of	Proportion of CPR dependent people with documented secure tenure rights.

⁹ Quan (2007) *Towards a Harmonised Set of Land Indicators: Preliminary Action Plan*, paper commissioned by Klaus Deininger at the World Bank in consultation with the Millenium Challenge Corporation.

	authorised housing; throughput of judicial processes.	
Measures of land access, transferability and (in)security	Land market functionality; levels of disputes, evictions and perceived insecurity; distribution of land ownership and access to natural resources; land and housing affordability; levels of squatting and landlessness.	Average annual number of men-headed and women-headed households evicted from their dwellings during the past five years.
Downstream impacts	Use of land as collateral and related investments. Other measures of human and economic development and sustainability.	Number of HH claiming to have realised improvements to their landholdings.

3.2 Overview of land indicators

3.2.1 Indicators on adequacy of legal and policy frameworks

Legal and policy frameworks include national constitutions, national laws, key policy documents such as Poverty Reduction Strategy Papers and other government policies. Given the influence of aid conditionality, as one working group member has noted, there is also a case for monitoring the policies of donor organisations and their effects.

The existence of a legal framework for individual private property is generally taken for granted. Indicators on legal and policy frameworks therefore largely focus on the following three areas:

- the recognition and accommodation of customary and communal property rights including common property regimes and indigenous rights;
- the outlawing of discrimination on any basis (racial, against women, against Indigenous Peoples, etc.), with a particular focus on the legal recognition of women's rights to own property, inherit land and as co-owners of their husbands' property; and
- legal protections against "forced" evictions.

There are many other legal and policy factors that could be assessed. For example, whether there are legal land ownership "ceilings". But while such policy measures remain the exception rather than standard policy responses to be expected everywhere, it makes little sense to assess them as part of an indicator system. Rather, an approach such as country mapping studies would seem more appropriate.

Another issue which deserves attention is that of the governance processes through which laws and policies are identified and changed. Better governance processes in which affected groups are able to play an active and meaningful role will tend to produce better legal frameworks. Existing indicators that have been used and proposed for the land sector do not cover this issue, but it is worth exploring. A good starting point would be the work on governance indicators of the UNDP Oslo Governance Centre.

All used and proposed indicators for assessing legal and policy frameworks suggest the use of some form of expert assessment. This may merely be in order to assist in the interpretation of legal documents or to give a more general opinion of the legal situation. The following are examples of legal framework indicators in use:

Table 4: Legal framework indicators

Issue	Indicator	Data collection methodology	Organisation
Recognition of multiple forms of tenure	“Regulation for the allocation and management of common property resources is clear and equitable”	Expert assessment	IFAD
	“Are communal, collective and customary rights to land and natural resources adequately recognised?”	None specified	FIAN ¹⁰
Discrimination, status of women	“Are there impediments to women inheriting land and housing?”	Expert assessment	UN-HABITAT
	“Are spouses living in the same dwelling as the owner automatically recognised as co-owners in the law?”	Expert assessment	UN-HABITAT
Protection against eviction	“Does the national law include protections against eviction?”	Expert assessment	UN-HABITAT
	“How are issues like adequate compensation, resettlement and restitution safeguarded in constitutional/legal provisions?”	None specified	FIAN

Overall, key issues relating to legal frameworks appear to be well represented by existing indicators, and those that exist provide a good model for developing indicators to fill gaps as necessary. The use of experts from lawyers' associations, specialist NGOs, etc. in assessment makes this a relatively easy area for indicators to address. Indeed, initial conclusions from the CEPES-led initiative on indicators of secure land access for the Andean region suggest that indicators on legal frameworks may be the only cost-effective indicators for CSOs to employ in that context at this time.

3.22 Indicators on practice and outputs of programmes and administration

Indicators assessing land administration and land programmes cover a huge range of issues. Land administration can be assessed firstly by asking questions about the availability and characteristics of administrative services. Issues in this area include:

- Cost of administrative services (including time costs)
- Adequacy of eviction processes
- Access to information
- Accountability of public land management
- Prevalence of discrimination
- Accessibility of administrative system and dispute resolution mechanisms
- Discrimination between tenure forms (e.g. in the provision of services)
- Openness of policy dialogue on land issues

Secondly, it can be assessed by quantifying the outputs of administrative processes, including:

- Coverage of titling, registration and cadastre
- The “success rate” of judicial and other dispute resolution mechanisms
- Coverage of programmes on access to land

¹⁰<http://www.fian.org/resources/documents/others/screen-state-action-against-hunger/?searchterm=voluntary%20guidelines>

Prevalence of authorised housing
Extent of awareness of rights (the output of the state's role in civic education)

There exist suggested indicators for all of these categories, although they are by no means all in use or well elaborated. The predominant focus of existing indicators is on the coverage of titling, registration and cadastre, and secondarily on the costs of these processes for the user as a measure of both accessibility and efficiency. This reflects the centrality of the formalisation of property rights in current practice. It may also reflect on considerations of what it is easy for government departments to measure.

Aside from this widespread focus on formalisation, different organisations tend to suggest indicators on different issues, and this may reflect differences in their views on the importance of different aspects of land administration. Nonetheless, it is difficult to see this as stemming from outright disagreements on what would constitute good land administration practice. The only explicit case of such a disagreement is that between the Inter-American Alliance for Real Property Rights and UN-HABITAT which appear to hold opposing views on what constitutes adequacy in eviction procedures.

Data collection for indicators on land administration are predominantly seen to come from departmental record-keeping and other forms of M&E. This is natural, given the subject matter, although it could create a tendency to measure those aspects which governments do not find too sensitive, and to exclude considerations like awareness of rights which are not easily measured by internal M&E. There may be scope for promoting the use of survey methods, as in Nicaragua, to supplement reliance on departmental records.

The current World Bank initiative is focussing on good governance in land administration. It may be expected to identify a range of indicators on this issue, indicators that will be adapted to the data-gathering opportunities that present themselves to governments. However, it may still be worth considering whether there are useful opportunities for “parallel reporting” by CSOs employing indicators on aspects such as accessibility of services and awareness of rights, policies and procedures.

3.23 Indicators on access to land

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. Access to land can be said to cover the following issues:

- Distribution of land ownership
- Access to natural resources such as water, forest products, pasture
- Consolidation of land ownership and displacement of smallholders
- Affordability, of land and housing
- Landlessness, homelessness, and squatting

The affordability of land and housing is one of the most easily measurable factors, but only to the extent that there are functioning formal markets in these assets, allowing price estimations to be made. UN-HABITAT thus uses the indicator:

“Ratios between the median price of 1 square metre of highly-developed, developed and raw land and the median household income per month.”

Assessing land affordability could be very useful, particularly in explaining levels of landlessness, overcrowding and squatting. Relative affordability of land is not, however,

necessarily a good indicator of the extent to which the poor actually do have access to land and related resources.

Access to land-based resources such as water and pasture is much more difficult to assess. Use rights are rarely formally registered in the way individual land ownership is. For this reason, perhaps, organisations have made little attempt to address this except through very general expert assessment (e.g. IFAD's PBAS). In the context of project M&E, however, much more detailed attention to this factor may be possible. Measures of landlessness are also sometimes proposed. For example, FIAN's indicator:

“Number of landless and near landless households.”

Assessing landlessness is confronted by two immediate problems. The first is data collection on what tends to be a politically sensitive issue. The second relates to finding a widely applicable definition of landlessness which sometimes seems to mean squatters and sometimes seems to mean agricultural tenants and workers who would gladly become self-employed landowners.

It is further suggested to assess patterns of land ownership, for example in the *EU Land Policy Guidelines*. It has been suggested to use the GINI coefficient (presumably relating to land parcel size) as an indicator for this. It should indeed be easy to construct an indicator on equity of land ownership so long as the relevant data are available. These data should be available (albeit only for formally registered land) through land registration and cadastral systems. Such a measure may indeed result from the World Bank's current initiative¹¹, and if not, it could be worthwhile to seek to have governments make the relevant data available. Other methods of estimating ownership of land (both formally and informally) by the poor could be designed for use by survey methods.

Assessing the distribution pattern of land ownership is important not only for assessing equity for its own sake. It is important to know whether poor and vulnerable sections of the population have access to land as a potential safety net in the face of economic downturns or food price inflation—something seen as connected to food security. It is also important to monitor trends in land consolidation and the displacement of small-holders that may accompany expansion in large scale commercial agriculture (e.g. biofuels), or widespread debt recovery.

3.24 Indicators on tenure security

It is usually suggested to measure tenure security with indicators of administrative performance such as coverage of land registration. But while such factors, as is suggested above, do contribute to making tenure more secure, they do not do so inevitably and they are not the same thing. Monitoring as if they were the same thing as tenure security itself is to forego an opportunity to evaluate the efficacy of these policy measures.

Tenure security can be most easily measured by the following factors:

- Frequency, severity and nature of disputes
- Frequency of evictions
- Perception of security/insecurity (anticipation of conflict, confidence in administration)

Disputes and evictions may be officially recorded where they involve complaints being made to official institutions. The extent to which this is the case is obviously variable, and for this

¹¹ The use of the GINI coefficient for land ownership was discussed in February (e-discussion hosted by the Global Land Tools Network, 21 January – 1 March, 2008), but may or may not be included in the final proposal.

reason UN-HABITAT also suggests drawing on the records of NGOs that work on eviction issues in the methodology for its extensive (i.e. optional) indicator:

“Average annual number of men-headed and women-headed households evicted from their dwellings during the past five years.”

There are also several suggestions for monitoring property disputes. CEPES has proposed survey questions assessing frequency severity and nature of disputes. Beyond using survey methods, it is difficult to see how else these factors can be assessed, apart from an expert panel method based on CSOs to estimate frequency and trends in land disputes. As an alternative to seeking to directly quantify disputes, FIAN has proposed the following indicators of the severity of land-related conflict, and the abuse of governance norms:

“Number of people killed, arbitrarily detained, harassed and persecuted because of claiming their rights to natural and productive resources in the last 5 years.”

“Number of cases received, investigated and adjudicated in courts and other relevant institutions concerning crimes committed against rural leaders claiming their rights to natural and productive resources in the last 5 years.”

“Number of cases of land grabbing and illegal appropriation of natural resources of rural communities within the past five years.”

These again depend on cases reaching the attention of responsible state institutions and being recorded, or at least being recorded by media and CSOs.

A different and also very promising approach is to assess perceptions of security and insecurity of tenure. Land tenure holders' perceptions of insecurity are an important variable. They are a form of “expert opinion” on the clarity of tenure rights, the effectiveness and willingness of the state to uphold them, and the level of actual threats. Similarly, perceptions of insecurity are a factor directly influencing management and investment decisions. Perception of insecurity can be measured using surveys as has been suggested by CEPES and ILC's paper on indicators of tenure security under common property regimes. The EC supported work on indicators in Nicaragua piloted the inclusion of the question: *“Do you fear eviction from your landholding?”* along with other questions related to tenure security in a government household survey. Respondents were also asked to specify the nature of the perceived threat.

3.25 Indicators on land market functionality

Alongside tenure security and access to land for the poor, a market in land is often a key aim of land policy. Many suggested indicators of land market functionality actually assess administrative practices that may affect the formation of markets such as the administrative cost of transactions and the existence of simple procedures for rentals. Others assess what are in a way downstream impacts of land markets, such as the availability of mortgages. Land market functionality itself could in fact be said to be an impact of tenure security. Typical are the suggested indicators:

“Number and volume of transactions”

“Level of informal land transactions”

“Availability of information on land prices”

Assessments of the volume of formal land market transactions should be methodologically simple, the data being available either from the offices that register the transactions, or from the real estate industry. The volume of different types of transactions could be a clear

indicator of the effectiveness or otherwise of land administration on this issue. It is not clear, however, that good administration will necessarily lead to high levels of market activity, or that high levels of market activity are necessarily a good thing. In any case, assessments of land market functionality would seem relatively simple to include in assessments of land administration, if this is desired.

3.26 Indicators on downstream impacts

The downstream impacts of conditions of tenure security and access to land for the poor fall into two groups. The first are factors that can be directly linked to tenure security and land access such as the propensity of land holders to manage land sustainably, to invest in the productivity of land or the quality of housing, or their ability to use land or buildings as collateral. The second are measures of human, economic and sustainable development that have a less direct link to land issues, like food security or poverty indicators. What both groups have in common is that they are affected by more than land issues. The first group can therefore be used as measures of tenure security, good land administration, etc. but only if other factors are taken into consideration. The second group would not be measured as part of a land monitoring initiative, but analytical comparisons between land indicators and other development indicators would be very useful to help demonstrate the linkages that exist. The inclusion of a question on whether landholders have invested in the productivity of their landholdings in a household survey in Nicaragua is a good example of an assessment of a putative downstream impact in order to assess the effects of a land registration program.

3.27 Land indicators and gender

Land indicators that address gender issues fall into three groups. The first consists in questions about the treatment of women within constitutional and national law frameworks, examples of which have already been given above. These can be any question on the relative standing of women to men in the law, but of particular concern in a land issues context are the rights of women to own land and housing, their status as co-owners of spousal property, and their rights to inherit property. As we have seen, there exist good examples of indicators on these issues, which could form a model for indicators on other legal topics. These are also indicators that can be assessed at relatively low cost with reference to expert legal opinion. A useful intervention, however, could be to collate existing indicators in this area as part of guidance on monitoring women's access to land, including parallel monitoring on the CEDAW.

The second group consists in indicators that are gender-sensitive by means of disaggregating data according to men and women, or male- and female-headed households. In principle this can be applied to any quantitative indicator such as coverage of land registration or frequency of property disputes. This type of data disaggregation seems to be quite widely proposed on the topics of land formalization (titling, registration and cadastre) and on the subject of evictions, but is largely absent elsewhere (see Appendix B). Consistent in their gender sensitivity are UN-HABITAT and FIAN.

There is scope for promoting a more widespread use of data disaggregation. However, there is also a need to be aware of the limits of quantitative indicators on formal ownership as a measure of the status of women. As discussed by Anne Lockley of Oxfam Australia, formal ownership or co-ownership of land and housing is not the same thing as actual access to and control over resources, and indicators focused on ownership can be either useful or misleading, depending on context.¹²

¹² 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.

The third group consists in questions specific to gender issues (they are not worth asking about men), but that are not about the legal but the actual situation of women. The single example found in this review of existing land indicators is the following:

“Is there legal aid support to family-related evictions (result of domestic violence, eviction by family members, etc.)?” (UN-HABITAT).

This is a question about the characteristics of land governance practice. It is designed to be assessed by an expert panel (lawyers' associations, specialist CSOs) that have familiarity with this issue. There should, in principle, be many questions of this type that it would be useful to ask in cases where quantitative, disaggregated data is not available. For example, how much decision-making power do women have over co-owned property? Are conflict resolution processes biased against women claimants? An important question, and one which could in theory be assessed by household survey methods, concerns the actual frequency of land and housing inheritance by women.

Questions about actual levels of access and control over property by women within customary regimes (including the family), and therefore the empowerment of women, may be effectively beyond realistic assessment by indicators in any extensive monitoring context. This limitation of indicators and monitoring should be borne in mind. The issue of land inheritance is perhaps a case where an indicator would be particularly valuable, both as a direct measure of women's access to land and as something indicative of the status of women within customary systems.

3.28 Land indicators and other vulnerable groups

An interest in promoting *pro-poor* land policy 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. Generally speaking, indicators related to these vulnerable groups are subject to the same considerations as indicators related to gender. They fall into three groups: questions about how legal and policy provisions accommodate and protect their interests (and also on whether these laws and policies are implemented); disaggregated data collection to identify differences in the treatment or outcomes for these groups; and questions about “on the ground” situations that are specifically focussed on these groups.

With a few exceptions, little attention has been paid in indicator development to how the particular situations of these groups could be assessed, or to ensuring that their problems are not overlooked by generalised indicators. The standing of multiple forms of tenure within the law and policy framework has been given most attention. Suggestions include:

“Are communal, collective and customary rights to land and natural resources adequately recognised?” (FIAN).

“Is collective title available to indigenous and other groups?” (Quan 2007).

“Does the law recognise common, collective property rights?” (Quan 2007).

As we have seen, such qualitative questions are relatively easy to answer using expert opinion and could form a model for a wider range of more focussed questions such as: Does national law give recognition to the territorial claims of Indigenous Peoples to land and resources they have traditionally used? Does the law uphold the customary grazing rights of pastoralists where these overlap with private property?

Just as disaggregated data collection is often suggested for men and women, it is sometimes suggested for other vulnerable groups. There is little reason why quantitative indicator data

cannot generally be disaggregated according to factors significant within a given national context (ethnicity, religion, caste) and tenure type (formal individual, formal collective, customary...). It is of course necessary that data on factors such as ethnicity is also collected. This is most likely to be a problem with administrative records. In some cases it might be feared that disclosure of a customer's ethnicity, religion or caste might be to invite discrimination.

A significant problem is also that indicators may tend to focus on formal forms of tenure (for which there are records), and vulnerable groups characterised by informal forms of accessing natural resources may be left out of the picture. For example: indicators could show a high degree of coverage of well-administered, formally registered and titled rights, yet obscure the fact that pastoralists and forest users are being systematically denied access to the resources on which they depend. Such indicators must also beg the question of whether the replacement of customary with formal tenure is always desirable.

There may also be questions one can ask specifically about vulnerable groups. Most obviously these questions may be about the internal "governance and administration" of communal and customary regimes. Do all members have equal access to communal resources? Are some sections of the community (e.g. women, dalits) disadvantaged within customary decision-making and arbitration? These are likely to be questions that are very difficult to answer within an extensive country-wide monitoring programme, and can best be assessed through more intensive, focussed research using survey methods (as proposed by Wilusz)¹³ or action research (as in the LEAP project).

Tenant farmers are another vulnerable group, but one where considerations for indicators are different. The key issue is the security of tenure they have as tenants. Indicators for this can be based on indicators for security of tenure in the area of rented housing. Key questions relate to the security of tenure and protection from eviction provided by the law and the level at which the law is in practice implemented, the actual prevalence of evictions and disputes, and the perception of security. These are questions that can be asked using the same methodologies as other questions on tenure security mentioned above. It is nonetheless important to make sure that tenants, and not just land owners, are the focus of monitoring initiatives.

3.3 What do we want to measure?

The selection of indicators must obviously always depend upon the monitoring context in which they are to be used. It depends therefore on country context, type of monitoring function, and above all on the thematic focus of the organisation or program for which they are selected. Nonetheless, in the context of a report like this one, we can reflect on some general considerations about the implications and ease of assessment of different types of indicator.

3.31 Monitoring means or ends?

The categorisation of indicators used here draws a clear distinction between the outputs of a policy process and the hoped for consequences of that process, namely changes in land access, land tenure security and the transferability of land assets. The validity of this distinction may not be immediately apparent, but is nonetheless very useful. This is particularly so in the case of tenure security. Measures of policy outputs that often affect tenure security include the number of registered land parcels, the number of concluded court cases, the percentage of a population aware of a piece of land-related legislation, or the number of individuals receiving land titles under a redistribution scheme. These are all

¹³Dano Wilusz, 2006, Quantitative Indicators for Common Property Tenure Security, ILC Discussion Paper. http://www.landcoalition.org/pdf/qty_indi_cp_tenure.pdf

factors that do contribute to tenure security, improved patterns of access and to land and improved land market functionality, but they are not the same thing. Actual “on the ground” conditions of tenure (in)security include the frequency of disputes and forced evictions, the perception of threats and the level of confidence that state and non-state institutions will recognise and protect legitimate tenure rights.

Land monitoring initiatives may choose only to focus on policy intents, processes and their immediate outputs. This focuses attention on issues where policy makers and implementing agencies can take immediate action and have a direct impact. However, it also foregoes an opportunity to test the appropriateness and efficacy of the policies selected and implemented. Thus a choice not to assess the impact of policies on actual conditions may reflect relative consensus within the relevant area of land policy. For example, the current focus of the World Bank on good governance in land administration, although the selection of indicators is yet to be finalized, may be a reflection of an apparent consensus on the essential elements of good land governance and administration.

3.32 The risks of “management by targets”

A further consideration in selecting indicators and designing a monitoring regime may be a desire to avoid the risk that the monitoring may itself distort practice in a way that is unintended. The fact that indicators of administrative practice and outputs highlight circumstances upon which policy makers can have a direct and relatively immediate impact, is part of their value. On the downside, they are liable to create incentives, not to improve practice in general, but to distort practice to score better on the indicators and meet targets. This may be done through privileging quantity over quality (where assessment is quantitative) or diverting resources to assessed areas.

3.33 Explanatory value

One objective of monitoring can be to look into the causes of a situation. We might, for example, wish to show how tenure insecurity can be a contributing factor to food insecurity, or we might wish to assess whether a policy has contributed to tenure security. The situation we wish to analyse and explain has implications for the choice of indicators.

There can be said to be a rough pattern of increasing explanatory value from assessments of legal and policy frameworks, to assessments of the impacts of land conditions. In principle, poverty indicators may be able to tell us something about the contribution of tenure insecurity to poverty, the affect of policy outputs on tenure insecurity, the affect of administrative conduct and practices on the achievement of policy outputs, and the general appropriateness of land-related laws and policies. An indicator assessing legal frameworks can tell us nothing except the characteristics of legal frameworks.

3.34 Ease of data collection

Data collection, by contrast, might be expected to be easiest for legal and policy frameworks, becoming more difficult as one moves towards downstream impacts. Assessing legal frameworks may require expert opinion, but is nonetheless based on publicly accessible documents. The characteristics and outputs of administrative and implementation processes are routinely assessed as part of institutional M&E. Resources and mechanisms often exist to collect this type of data, if it is not collected already. Actual “on the ground” conditions, however, may be difficult to reliably assess without costly efforts to collect primary field data, through means such as household surveys. The considerations regarding downstream impacts are slightly different. Many putative downstream impacts of improved tenure

security, access to land and land markets are already assessed by existing indicators of sustainable, human and economic development; the difficulty consists in demonstrating a causal relationship with land tenure-related factors.

Ease of data collection is a very important consideration in the selection of land indicators. However, it is a consideration that needs to be weighed against the potential explanatory value of much data that is comparatively hard to collect.

3.4 Is there a consensus on pro-poor land policy?

As we have just seen, monitoring priorities for the ILC as a coalition may be affected by the degree of consensus that exists on land policy. It affects whether one focuses on means or ends. It is also, of course, very relevant to considering what a very diverse range of organisations can actively work together on, and where they must see their work as separate but complementary endeavours. For this reason it is worth a very brief assessment of the level of consensus that exists.

International human rights instruments and other conventions assert the importance of land issues but do not specify a package of policy measures that have to be undertaken by all signatories. How to achieve the progressive realization of rights is left open to debate. The original LRI concept, however, proposes monitoring legal frameworks, policies and practices as a way of assessing government compliance with their obligations. This backing from international conventions is important for achieving broad engagement by IGOs and governments. Justifying the monitoring of legal frameworks, policies and practices in this way is, in fact, only possible if there is a consensus on a set of policies applicable in all cases. If there is a firm international consensus on the nature of “pro-poor land policy”, then governments can reasonably be seen to be obliged to implement it. Does such a consensus exist?

It is probably not controversial to suggest that there are key areas of emerging policy consensus on pro-poor land policy. There is very widespread agreement on such points as:

- The importance of recognizing multiple forms of tenure, including common property rights, customary rights and selective rights of access to natural resources.
- The importance of good governance considerations in land administration, particularly the minimization of corruption.
- The importance of access to information; making it not just formally available but accessible to the poor.
- The importance of the empowerment of the poor, including legal empowerment measures such as the provision of legal counseling and other access to justice considerations, or the use of alternative conflict resolution mechanisms.
- The importance of legal frameworks and administrative practices that are non-discriminatory to women and other disadvantaged groups.
- The importance of an open national dialogue on land policy in which poor and marginalized groups are able to contribute through civil society.

These emerging areas of consensus form a good basis for collaborative initiatives to monitor the progress of land administration and land reforms. However, can the progressive realization of the measures implied by these points be seen as obligatory for signatories of international agreements such as the International Convention on Economic Social and Cultural Rights (ICESCR)?

An example illustrates how this may be difficult in practice. The central focus of the land programs of many International Financial Institutions has been a property formalization process based on surveying, titling, and registration on land parcels. The rationale of such programs has been the view that such measures are an essential element of a modern land administrative system. From this perspective, the formalization of property rights could be seen as always essential to what the ICESCR refers to as “*developing or reforming agrarian systems*”. In terms of monitoring, it places the emphasis on indicators assessing the administrative outputs of the formalization process. It places less emphasis on trying to measure actual conditions of tenure insecurity because the efficacy of the policy in achieving this is assumed.

Yet there is arguably still a debate on whether such measures are necessarily pro-poor in effect. A set of recent case studies by Latin American CSO members of ILC, for example, highlights the importance of legal empowerment of the poor in making processes of property rights formalization pro-poor. They suggest that formalization and the centralization of land administration can have the effect of excluding the poor in the absence of sufficient legal counseling, legal aid, and other legal empowerment considerations. From this perspective, property rights formalization can not be seen as an obligation for governments because it is not always seen as a step in the right direction, but only possibly so, depending on other conditions. In terms of monitoring, the priority is then not just indicators of the outputs of the administrative process, but indicators of actual tenure security, because the efficacy of formalization measures in making tenure more secure is seen as something needing confirmation in each case.

Different ILC members naturally have different priorities in terms of monitoring land issues and policies. For some organization there may be a need to focus on the achievement of implementation goals; in other cases organizations may prioritize the assessment of the “on the ground” impacts of land administration processes and their outputs. It is not clear that there is a coalition-wide consensus that would allow a monitoring focus solely on the successful implementation of a certain land policy package, or the treatment of such a policy prescription as an obligation for signatories to one or more international agreements.

3.5 Summary

The coverage of existing land indicators, both in use and proposed, is far from being entirely comprehensive. Issues concerning legal frameworks are relatively well covered, but there could be a need to collate these indicators into guide on their use. Indicators assessing the characteristics and outputs of land administration are also extensively discussed. There are good reasons for promoting the systematic collection of data by governments on key indicators concerning land administration, and this is an area in which the World bank is focusing.

Key areas requiring further attention are the assessment of tenure security and access to land by poor men and women, not in terms of the administrative practices that affect these, but as actual conditions. Significant progress has been made in terms of methods for assessing tenure security including frequency of disputes and perceptions of security. It may be worthwhile to further investigate how these methods could be employed more widely in monitoring strategies.

Measures of land ownership (if not all types of access to land resources) by the poor are calculable and more widespread monitoring of these would be highly desirable. Key questions are the existence of sufficient data on land ownership, and the extent to which national governments will be willing to make such data available. Monitoring of both tenure security and land access for the poor in these ways would be very valuable, creating the possibility of evaluating policies, showing why they matter for human, economic and

sustainable development, and monitoring human rights compliance. There is also a case for further work in the area of gender sensitive land indicators, particularly in the area of land inheritance. In general there is also much potential for information resources discussing possible indicators, and giving guidance on their relevance, use and interpretation.

4 Ways forward for the ILC

4.1 Introduction

There are various ways in which land monitoring can be a part of the joint, collaborative activities of ILC member organisations. Likewise, the ILC secretariat can play a valuable role in facilitating this work. ILC's strategy will need to be realistic, however, about where progress in land monitoring is most achievable, and for what types of role ILC is best suited. In light of the preceding stocktaking of land indicators, we can look at the ways in which ILC may be able to play a greater role in land monitoring and related activities and make more concrete suggestions about the types of activities that it might be realistic to pursue at this time. The following sections, therefore, outline some of the options that could be pursued in seeking to take the LRI forward.

Future ILC roles in land monitoring could include:

- facilitating government-civil society collaboration on monitoring;
- mobilising resources for the monitoring work of members, including the facilitation of member-to-member coordination and information-sharing;
- enhancing the impact of members' evidence-gathering activities in global level advocacy; and
- working with members to promote the uptake of global standard indicators, including the necessary data collection by governments.

There is little value in ILC seeking to develop indicators in isolation of any such involvement in promoting monitoring. However, working with members on the ongoing development of indicators could be a significant aspect of many of the above listed roles, with indicators being tailored to specific monitoring contexts.

4.2 Pursuing the goal of a global reporting system

The goal of a global system of reporting by governments based on standard global indicators has been the explicit goal of the land reporting initiative. It remains a worthwhile goal. It is not clear, however, that it remains worthwhile for ILC to seek to lead a major effort towards achieving this because the prospects of success appear poor at the present time. Nonetheless, this is an area which warrants further exploration, and ILC should be ready to play a part in any initiatives that do seek to explore this as a possibility.

The difficulty in achieving a global system of reporting on states of tenure security and access to land by the poor, rests on a number of different factors:

Scarcity of available data

Very few relevant data are already collected and made available by governments. Any comprehensive set of indicators must therefore rely on new data collection. Key data on land administration, including on the coverage of tenure formalisation measures, may be made available through the current World Bank initiative, and this is to be welcomed. Nonetheless, these data are likely to be seen by many stakeholders as limited in their coverage of important land access and tenure security issues. As was noted in the working group, achieving new systematic data collection by governments would require a very considerable effort, and would not be without difficulty because of the often politicised nature of land issues.

Difficulties in drawing on international agreements

International agreements, particularly binding ones, call on governments to reform agrarian systems, or assert the importance of "access to land" but do not specify how systems are to be reformed, or how "access to land" is to be interpreted. It is therefore difficult to make strong links to actual policies and on-the-ground situations and to use this as leverage to ensure data collection and reporting by governments.

Freedom from forced eviction is perhaps the best elaborated "land right". Specific quantitative indicators on this are included in the reporting guidelines of the Committee on Economic, Social and Cultural Rights (CESCR). Nonetheless, even those government that submit reports at all to the CESCR often fail to report on this point, citing data unavailability, despite the CESCR asserting that Parties to the convention are obliged to collect data where necessary.

Non-binding conference agreements have perhaps a better record in encouraging government reporting on land issues; notably the WCARRD, the follow-up of which included government reporting for several years. The fact, however, that WCARRD reporting was not able to sustain itself, and that the ICARRD follow-up has not so far been able to resurrect this system, does not bode well for an ILC-led initiative in this area.

Major organisations have pursued their own indicator and monitoring programmes

Part of the rationale of the original Land Reporting Initiative concept was that it could meet demands for data from various major organisations. However, in the intervening period, key organisations have pursued in-house processes to identify indicators and generate data to meet their own needs. These include IFAD's Performance-Based Allocation System and the World Bank's initiative on Good Governance in Land Administration. While there continues to be widespread support for the idea of a global standardised reporting system, there therefore is less active demand for one from major organisations.

4.21 ILC should explore possibilities and respond to demands

Instead of seeking to initiate and lead a multi-stakeholder effort to create a global reporting system in the absence of clear demands for it to do so, ILC should be willing to continue exploring the possibility of global indicators and reporting mechanisms, and should be willing to respond to demands for inputs from ILC as they arise.

The collection and availability of data is the key limiting factor in creating a global reporting system. Further multi-stakeholder efforts to develop such indicators should focus not just on indicator selection but also on strategies for ensuring data are collected by relevant actors, particularly governments. ILC members have the potential to make a significant contribution to any process considering the development and use of land indicators. In such a context the secretariat could play a useful coordinating role.

4.22 Considerations on the selection of global indicators

The review of land indicators above allows us to draw some conclusions about what indicators might be valuable and appropriate in an global reporting system. Realistically, the aim would be for a very small number of key indicators that might be incorporated into existing government data collection such as household surveys or multiple indicator cluster surveys. One focus could be a key aspect of land administration, such as coverage of formal land ownership registration, which indeed is likely to be covered by the World Bank's current initiative. Equally if not more useful would be key indicators on actual conditions of tenure security or access to land by the poor. This would be extremely useful in demonstrating the linkages between these factors and social, economic and sustainable development issues. It would also provide evidence on the comparative efficacy of national land policies.

Tenure Security

The work done with EC support in Nicaragua to develop indicators of tenure security is illustrative of how tenure security can be assessed using survey methods. Questions on whether the respondents' land holding were subject to dispute seem to have been used in pilot stages. The final selection included a question on the respondents' perception of insecurity. Perception of insecurity is not only likely to be indicative of actual insecurity, but is itself an important factor directly affecting management and investment decisions. There may be potential for the inclusion of such a question in other surveys.

Access to land

Access to land by the poor is a topic very poorly addressed by existing indicators and is by no means easy to assess. There are issues concerning whether access is defined solely as formal ownership, and whether doing so prejudices a debate on the universal necessity of formalisation. These considerations aside, a key measure is land concentration (expressed as a GINI coefficient), which has been calculated for many countries by academic investigators in the past. It is worth investigating to what extent this may be possible in the future, based on public records. Otherwise, many household surveys may already contain questions on ownership of land and housing assets, alongside income. In other cases it may be possible to add a question or two on this topic. This would in principle allow for an indicator on access to land by the poor.

Women's access to land

In any indicator of formal rights coverage, tenure security or land ownership, data need to be disaggregated to account for women owners and rights-holders, or female-headed households. However, methodological questions about an exclusive focus on formal rights, and whether it can represent women's real situations, are likely to remain. The inclusion within surveys of an indicator on women's inheritance of land would be both a direct measure of this issue and perhaps a useful indicator of women's general status within customary land tenure systems. Assessing women's *de facto* rights within customary regimes, including the family, is probably beyond the scope of global-level indicators, and this limitation needs to be borne in mind.

4.3 Facilitating partnership between government and civil society

A key problem with a global reporting system is that it may tend to be seen as an external imposition by governments, something they may go along with to please donors. This fact may do nothing for the reliability of the data provided, and it means there may be no sense of national ownership over the monitoring process and the data generated. The evidence generated may be ignored in national policy-making processes to which it is most relevant.

In this context it is worth considering the approach of the UNDP Oslo Governance Centre which is seeking to promote nationally-owned processes of governance assessment (including land governance), in which governments and other national stakeholders identify the indicators and other forms of evidence that they need. The involvement of CSOs as stakeholders in such processes is seen itself as a defining element of good governance. ILC may be able to play a valuable role in supporting the development of such national-level partnerships and processes in relation to land issues.

4.31 Experiences and advantages of CSO-government partnerships for assessing land issues

In practice, there are not many examples of institutionalised partnerships between government agencies and CSOs that have focussed on monitoring and evaluation and other types of evidence-gathering in relation to land issues. An example of where this has occurred is LEAP in South Africa which started as a collaborative initiative between ILC member

AFRA and the Department of Land Affairs to evaluate the effectiveness of newly implemented Communal Property Institutions. Nkuzi Development Association also worked in partnership with the Department of Land Affairs to assess past rates of eviction from commercial farms. Another example is that of Global Witness which has negotiated Independent Observer status in Cambodia and Cameroon to monitor illegal logging.

Such partnerships can in theory bring advantages thanks to the complementary strengths of government, IGOs and CSOs. Collaborating CSOs can bring expertise in local issues, and are perceived in a different way from government workers, or even from NGO workers employed as part of project implementation. They can provide an independent and authoritative voice that may be welcomed, whilst official status as collaborators allows them to contribute constructively to evaluation. In a broader sense, civil society organisations obviously have a role to play as stakeholders in policy development and land governance in general. Institutionalised partnerships to gather and evaluate evidence have an important role to play in such broader processes.

4.32 ILC's role: opportunities and limitations

ILC could, in principle, perform a useful function by seeking to catalyze such partnerships. The role of the ILC secretariat, however, is likely to be more of a backstage one. As one working group member noted, ILC is likely to be less well known at the country level than its members and it needs to be the members that play a key role identifying the need and opportunity for initiatives with particular actors. ILC can seek to add a degree of international credibility to member initiatives in this area and can also play an important role bringing together national members and the local representatives of IGOs as potential stakeholders in such partnerships. Indeed, an important intervention would be to promote the role that IGO country offices can play in facilitating joint initiatives between government and civil society. This applies both to member IGOs and partners such as UNDP who have a particularly strong presence at the national level. One way of doing this would be through a review of cases where government agencies have worked with CSO on some aspect of M&E or other evidence gathering in order to demonstrate the potential and identify best practices.

It is also necessary, however, to be realistic about the number of countries and issues where such partnerships may be politically feasible. Creating such partnerships through external pressure is unlikely to produce worthwhile results. It is about exploiting political windows of opportunity that may arise. It is also worth noting that an official partnership is no guarantee of impact and it is just as, if not more, important to support independent civil society evidence-gathering. One working group member noted that while Global Witness in Cameroon has met with "bureaucratic" resistance, perhaps being seen as something of an external imposition, there are several cases of independent forest monitoring by CSOs where government agencies have come to respect and use the data generated. Progress in generating a constructive relationship between civil society and government agencies may be less likely to come from an external initiative than from CSOs moving ahead to gather evidence and demonstrate their capacity in this regard.

4.4 Supporting evidence-gathering by civil society members

ILC member organisations are already engaged in a great range of evidence-gathering activities related to issues of secure access to land. There are accordingly a number of ways in which ILC can support and build on these activities.

4.41 Mobilising resources for land monitoring by members

Arguably the biggest restraining factor for most ILC members wishing to engage more in land monitoring activities is financial. ILC should consider whether any overall monitoring program

should contain a fund for monitoring activities by civil society members. In this case, the secretariat needs to respect the priorities of members in identifying the objectives of monitoring activities, not seek to impose an agenda from above. Such funding can, however, be linked to processes through which members work together to identify common priorities and implement coordinated activities, as has been happening through Land Watch Asia and the Regional Research Committee in Latin America. Such funding can seek to facilitate and encourage a more coordinated approach, bringing members and partners together at global, regional and national levels.

4.42 Facilitating coordination and collaboration

ILC members have led the way in working together to coordinate their evidence-gathering activities. The key examples are Land Watch Asia and the Regional Research Committee in Latin America. ILC should seek to further facilitate and support these kinds of collaborative initiatives, and to look into whether similar initiatives could be encouraged between members in the African region.

As well as regional coordination initiatives, members should also be supported in working with other organisations at the national level to coordinate and collaborate in evidence gathering. The potential value-added from such initiatives is various:

- Coordinating around agreed priorities can improve the representivity and coverage of the data gathered.
- Coordinating methodologies can allow for greater comparability between the findings of different organisations, as well as facilitating comparisons over time.
- The “peer review” of efforts and sharing of expertise within the platform can improve methodologies.
- Findings may be seen as more credible because they are not simply seen as the viewpoint of one organisation.
- More representative coverage and better methodology may also make findings harder to dismiss.

4.43 Coordinating the development of information resources

There is a potential role for ILC in developing a “toolkit” or guidelines on monitoring issues of secure access to land. Such information resources would aim to support ILC members in their evidence-gathering work whilst also possibly helping to lend credibility to the methodologies they might use. Such guidelines could also constitute a coordinating tool in that they could potentially define key indicators that organisations could use to assess trends in access to land and tenure security in a diversity of contexts. This would thus also allow for greater data comparability across countries and contexts, creating more possibilities for comparative analyses and allowing more effective synthesis of findings in regional and global reports.

However, ILC members should not be seen as simply the end users of such information resources, but also as the key contributors. Any guidelines should draw on the existing expertise of members and be a way of sharing expertise. They should be a dynamic resource that would develop over time, incorporating and analysing the experience of organisations in collecting data on key measures of access to land and tenure security in different national and cultural contexts and in relation to different issues.

4.5 Enhancing impact through global level advocacy

As an international coalition, a key aim of the ILC should not just be to support members in their evidence-gathering work, but to support them in ensuring that their work has maximum impact at national, regional, and, particularly, international levels. One way that ILC does this

is through supporting member attendance at international events, another is through building on the work of members in key policy advocacy publications. Both of these are ways to enhance the impact of the research, monitoring and other forms of evidence-gathering that ILC members do.

4.51 Producing regional and global land reports

The role of the ILC secretariat in enhancing the impact of the evidence-gathering work of members could centre around the production of a global report on the state of access to land by poor women and men. Such a report would aim to gather and present the most up to date available data on this issue, would provide an analysis of principle contributory factors related to tenure insecurity, as well as to globalisation and commercial pressures on land, and would put forward key advocacy messages based on this evidence and analysis.

An alternative to a global report would be regional level reports that would be able to focus on specific regionally relevant issues. A global report could, in fact, be based on regional reports and reflect this in its structure. Such a report would build on the evidence gathered by ILC members, but it would be more than a simple summarising of evidence. It would involve an inclusive process in which the secretariat would work with civil society and intergovernmental members together to plan the report, to assess what key data is available and to identify what members and the secretariat might aim to collect.

Appendix A

Appendix Table 1: Land Indicators used in monitoring initiatives

Organisation	IFAD	IFAD	UN-Habitat	WB/IFC	FIAN	EC/Magfor	IFAD	AFRA
Monitoring program	PBAS	RIMS	Urban Obs. System	DBS	Right to food	ISTT	DLSP M&E	LEAP
Monitoring performance of what?	Countries	IGO	Cities	Countries	Countries	Program	Program	Program
Geographical scope of indicators	Global	Global	Global	Global	Global	National	Subnational	Subnational
Data collection methodology	Expert op.	Various	Various	Expert op.	Various	Survey	Various	Action Res.
Issues assessed by indicators:								
Adequacy of legal and policy framework								
- in general								
- as applies to women								
- as applies to vulnerable groups								
- as applies to common property regimes								
- as applies to customary tenure								
Quality of administrative/implementation process								
Quality of administrative services (e.g. cost, duration)								
Dispute resolution – efficiency and access								
Adequacy of eviction processes								
Access to information								
Accountability of public land management								
Prevalence of discrimination (gender and vulnerable groups)								
Accessibility of administrative system								
Discrimination between tenure forms (provision of services)								
Openness of policy dialogue								


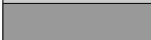


= At least one indicator addressing this issue

= indicator(s) disaggregate by gender

Appendix Table 1 continued: Land Indicators used in monitoring initiatives

Organisation	IFAD	IFAD	UN-Habitat	WB/IFC	FIAN	EC/Magfor	IFAD	AFRA
Monitoring program	PBAS	RIMS	Urban Obs. System	DBS	Right to food	ISTT	DLSP M&E	LEAP
Issues assessed by indicators:								
Output of administrative/implementation process								
Coverage of titling/registration								
Coverage of common property titling/registration								
Coverage of cadastre								
Coverage of access to land programme								
Prevalence of authorized housing								
Extent of awareness of rights								
Measures of land access and (in)security								
Land market functionality								
Prevalence/severity/nature of disputes								
Prevalence of evictions								
Perception of security, threats, confidence in government)								
Distribution of land ownership								
Extent of access to NR (water, forest products, etc.)								
Land affordability, landlessness								
Housing adequacy, affordability, squatting								
Measures of further impacts								
Use of real property as collateral								
Investment in land/agriculture								
Other indicators of human and economic development								

 = At least one indicator addressing this issue
 = indicator(s) disaggregate by gender

Appendix Table 2: Proposed land indicators

Organisation	World Bank	IARPR	ILC	CEPES	EU	WB/Quan
Nature of proposal	LEI proposal, 02/08	"Blue Print"	Common property paper	Discussion paper	Land Policy Guidelines	Discussion Paper
Monitoring performance of what?	Countries	Countries	-	Countries	Countries	Countries
Geographical scope of indicators	Global	Regional	Global	Regional	Global	Global
Data collection methodology	-	-	-	-	-	-
Issues assessed by indicators:						
Adequacy of legal and policy framework						
- in general						
- as applies to women						
- as applies to vulnerable groups						
- as applies to common property regimes						
- as applies to customary tenure						
Quality of administrative/implementation process						
Quality of administrative services (e.g. cost, duration)						
Dispute resolution – efficiency and access						
Adequacy of eviction processes						
Access to information						
Accountability of public land management						
Prevalence of discrimination (gender and vulnerable groups)						
Accessibility of administrative system						
Discrimination between tenure forms (provision of services)						
Openness of policy dialogue						





 = At least one indicator addressing this issue
 = indicator(s) disaggregate by gender

Table 2 continued: Proposed land indicators

Organisation	World Bank	IARPR	ILC	CEPES	EU	WB/Quan
Monitoring program	LEI proposal, 02/08	"Blue Print"	Common property paper	Discussion paper	Land Policy Guidelines	Discussion Paper
Issues assessed by indicators:						
Output of administrative/implementation process						
Coverage of titling/registration						
Coverage of common property titling/registration						
Coverage of cadastre						
Coverage of access to land programme						
Prevalence of authorized housing						
Extent of awareness of rights						
Measures of land access and (in)security						
Land market functionality						
Prevalence/severity/nature of disputes						
Prevalence of evictions						
Perception of security, threats, confidence in government)						
Distribution of land ownership						
Extent of access to NR (water, forest products, etc.)						
Land affordability, landlessness						
Housing adequacy, affordability, squatting						
Measures of further impacts						
Use of real property as collateral						
Investment in land/agriculture						
Other indicators of human and economic development						

 = At least one indicator addressing this issue
 = indicator(s) disaggregate by gender

Appendix B

The basis for a land reporting system in international agreements

The LRI concept paper proposed systematic engagement with all concerned stakeholders, but particularly with governments. National governments were to be the principle collectors and providers of data. It was also emphasised that it should be a multi-stakeholder effort, bringing together various multilateral agencies, amongst others, in order to gain greater credibility. The function of the LRI as a monitoring initiative was essentially to support advocacy in what is often a very contentious area. The envisaged level of government and IGO involvement must thus be considered difficult to achieve unless the standards against which national performance is to be monitored have a clear and uncontroversial basis in the existing international commitments of governments.

Governments are indeed committed, under various agreements, to taking action in the area of agrarian reform. However, these agreements do not go far in specifying the nature of the action to be taken. Furthermore, there is only limited elaboration of individual rights within the area of land access and tenure security.

Table 5: How influential are different international agreements?

Agreement	Legally binding?	No. States Parties
International Covenant on Civil and Political Rights	Yes	152*
International Covenant on Economic, Social and Cultural Rights	Yes	149*
Convention of the Elimination of Discrimination Against Women	Yes	177*
Declaration on the Rights of Indigenous Peoples	No	-
Indigenous and Tribal peoples Convention (ILO # 169)	Yes	19**
Convention to Combat Desertification	Yes	193***
Agenda 21	No	-
Johannesburg Plan of Implementation	No	-
ICARRD Declaration	No	-

*Status of Ratifications of Principle Human Rights Treaties, 09/06/04, www.unhchr.ch/pdf/report.pdf

**www.ilo.org/ilolex/english/newratframeE.htm

***www.unccd.int/convention/ratif/doiif.php

The International Covenant on Economic, Social and Cultural Rights

The ICESCR has a bearing on land issues through the Right to Adequate Food and the Right to Adequate Housing. It is specified that the Right to Food obliges governments to undertake such measures as deemed necessary:

“To improve methods of production... by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources” (11, 2, a).

The importance of land is reiterated by the General Comment 12 of the Committee on ESCR on the Right to Adequate Food which notes the vulnerability of Indigenous Peoples “whose access to their ancestral lands may be threatened”. Furthermore, paragraph 26 states that the implementation strategy of states:

“...should give particular attention to the need to prevent discrimination in access to food or resources for food. This should include: guarantees of full and equal access to economic resources, particularly for

women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology;... maintaining registries on rights in land (including forests).”

The nature of the agrarian reforms or land policies to be pursued are not further specified. It should be noted that General Comments are not binding on states, though they are influential in the interpretation of the articles of the ESCR.

FAO’s *Voluntary Guidelines to Support the Progressive Realization of the Right to Food*, go into greater detail on the types of land policies that may be entailed in fulfilling this obligation, but it is made clear that action in these policy areas is obligatory for signatories to the ICESCR as and when they are appropriate to the national context in question. Governments are obliged, in other words, to do what is necessary, but the question of what is necessary is left open to debate.

General Comment 4 on the Right to Adequate Housing makes clear that adequacy entails security of tenure and freedom from forced eviction, and further notes that: “*Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal.*” General Comment 7, The Right to Adequate Housing: Forced Evictions, makes clear that forced evictions are not just an urban phenomena, but indeed, “*may be carried out in connection with conflict over land rights...*”

The policy implications of the Right to Freedom from Forced Evictions, as suggested by General Comment 7, lie in the area of measures necessary for the protection of victims, including access to justice, rather than in the area of land reform and administration that might contribute to the prevention of evictions. The ICESCR does not specify other rights pertaining to land. It does not for example specify a “Right to Freedom from Conflict over Property Rights”, or any kind of “Right to Land”.

States’ Reporting Obligations under the ICESCR

State signatories to the ICESCR are obliged to submit periodic reports to the Committee on ESCRs. The Committee’s reporting guidelines set out in detail information that states should provide, including many indicators. On the Right to Adequate Food, states are asked to:

“2 (g) ...describe any measures of agrarian reform taken by your Government to ensure that the agrarian system is efficiently utilized in order to promote food security at household level without negatively affecting human dignity both in the rural and urban settings taking into account articles 6 to 8 of the Covenant. Describe the measures taken:

- (i) To legislate to this effect;
- (ii) To enforce existing law to this effect;
- (iii) To facilitate monitoring through governmental and non-governmental organizations.

On the Right to Adequate Housing, states are asked to describe, “*Legislation relevant to land use, land distribution; land allocation, land zoning, land ceilings, expropriations including provisions for compensation; land planning, including procedures for community participation*” (3, c, iii); “*Legislation prohibiting any form of eviction*” (3, c, vii); and “*Legislative measures conferring legal title to those living in the ‘illegal’ sector*” (3, c, x). Furthermore, states are requested to provide disaggregated data on:

“*The number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction*” (3, b, iv).

A rights-based monitoring system using indicators on forced evictions and collecting information on land related legal frameworks, and even their implementation, is therefore in place. But it should be noted that many state signatories fail to submit reports to the Committee, although they are formally obliged to do so. In General Comment 7 the Committee further complains that data of forced evictions is often simply stated to be “not available”, although the Committee

emphasises that states' obligation to monitor and report implies an obligation to collect such data as necessary.

The Convention on the Elimination of Discrimination Against Women

The CEDAW is focused on promoting the equal standing of women and men before the law and in eliminating the discrimination of women by the state, by persons and by other types of organization or enterprise. This obviously has a general bearing on legal frameworks related to land, and on land administration. More particularly, it obliges States Parties to ensure rural women the right:

"To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes (14, 2, g)."

There are no other specific references to land issues, and also none in the reporting guidelines.

International agreements concerning Indigenous Peoples

The *UN Declaration on the Rights of Indigenous Peoples* pays substantial attention to the issue of land, territorial and resource rights and defines these rights as emanating not just from formal ownership at the current time but from traditional ownership, occupation and use. The declaration also stipulates that the state shall administrate indigenous land, territories and resources in a participatory way that takes customary practices into account:

"States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process" (Article 27).

As a declaration, however, it is influential rather than legally binding.

The *Indigenous and Tribal peoples Convention (ILO # 169)*, by contrast is legally binding, but only ratified by 19 countries. These do however include most South American and some key Central American countries. Like the more recent *Declaration*, it asserts the importance of customary rights to access and use land resources:

"Measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect" (14, 1).

Conference Declarations and Implementation Plans

The UN Conferences on Environment and Development, and the World Summit on Sustainable Development produced a number of relevant outputs including Agenda 21, the UN Convention to Combat Desertification (UNCCD) and the Johannesburg Plan of Implementation (JPOI). These are significant in asserting the importance of concepts of wider or more equitable access to land for various groups, and of security of tenure. This is a degree more detail than the ICESCR's *"reforming agrarian systems"*. In terms of defining measures needed, Agenda 21 states that governments should:

"Assign clear titles, rights and responsibilities for land and for individuals or communities to encourage investment in land resources" (14.18, c);

while the JPOI states calls for:

“...national programmes for sustainable development and local and community development, where appropriate within country-owned poverty reduction strategies, to promote the empowerment of people living in poverty and their organizations. These programmes should reflect their priorities and enable them to increase access to productive resources, public services and institutions, in particular land, water... (II, 7, c);

“... land tenure arrangements that recognize and protect indigenous and common property resource management systems” (II, 7, h); and

“...policies and implement laws that guarantee well defined and enforceable land and water use rights and promote legal security of tenure, recognizing the existence of different national laws and/or systems of land access and tenure...” (IV, 40, i).

These are not very specific commitments in policy terms but they do provide some rationale for monitoring trends in access to land resources and security of tenure, although what these mean in practical, measurable terms is left open. The follow-up of these instruments is chiefly overseen by the Commission on Sustainable Development which might therefore have an interest in such monitoring, although there appears to be little monitoring of progress at this level of detail at the moment. Agenda 21 and JPOI are not legally binding.

In contrast to other declarations the declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD) goes as far as specifying various guiding principles for the reform of agrarian systems. The declaration also recommends that the FAO Food Security Committee adopt reporting guidelines to monitor the implementation of the declaration. In the context of the FAO-IFAD-IPC Working Group to follow up on the ICARRD, FIAN has offered to make proposals for developing a set of reporting guidelines. The ICARRD declaration is not legally binding on states but could nonetheless be a vehicle for expanded monitoring of various land issues.