

**ILC Land Reporting Initiative workshop:  
“Working together to monitor secure access to land”  
Rome, 8th-9<sup>th</sup> December 2008.**

## Issues Paper

Tim Bending, 27<sup>th</sup> November 2008

### 1 Introduction

The Land Reporting Initiative (LRI) 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. An early 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 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 working paper that was discussed through the LRI dgroup thus took stock of what has been done, examined the types of indicators developed to date, and sought to lay out a range of options.

This paper is intended primarily to be a resource for participants in the LRI workshop of 8<sup>th</sup> and 9<sup>th</sup> December 2008. It presents in concise form some key conclusions of the dgroup and the working paper that the dgroup reviewed. It discusses first the idea of a global standardised reporting system on land issues and how ILC might and might not be involved in such work. It then looks at the range of ways in which ILC members and partners are already involved in land monitoring and asks how ILC can best add value to these efforts. In response, it examines two further themes that emerged from discussions as potentially fruitful areas for collaboration. These are:

1. Monitoring land governance issues as an aspect of multi-sectoral partnerships (government, civil-society, etc.), and how the ILC network could help facilitate such partnerships.
2. The potential for collaboration by ILC members and partners to monitor global trends in access to land and “land-grabbing”, likely linked to the work by ILC members on the impacts of increasing commercial pressures on land.

On each theme this paper proposes a loosely defined way forward. This is intended to be a starting point to stimulate discussion, not to limit discussion or to foreclose any options.

### 2 The goal of a global standardised reporting system

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 thus envisaged as 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.

Working group discussions have not revealed a clear way forward to achieving this particular objective at the present time. Since this idea was first conceived, major actors such as IFAD, World Bank, 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. Therefore, there is no longer such demand for an ILC initiative in this area, but rather a concern about potential duplication of efforts. Some areas of indicator development are indeed well-covered by existing initiatives, but in general, the working paper also identified important areas in which indicators, and particularly data collection, are lacking. There are outstanding questions about the follow up to the International Conference on Agrarian Reform and Rural Development (ICARRD) and to possible future Voluntary Guidelines on land governance issues, but with regard to these, it is FAO, and not ILC, that needs to take the initiative.

It is also the case that few relevant data are collected by governments, while international agreements (with the exception of Voluntary Guidelines), tend to be very unspecific on the nature of commitments as regards land governance issues. It was also noted that getting governments to collect new data on the necessary scale can be extremely difficult, and may not be that effective in influencing policy and practice as more locally-owned approaches to monitoring and assessment.

ILC should be open to playing a role in bringing together stakeholders to monitor the implementation of international declarations of various kinds. It potentially has a comparative advantage in doing so as a meeting point of IGO and civil-society stakeholders. But, as was noted in group discussions, such a role for ILC would need to be in response to a clear demand. The form such an initiative would take might not be the development of a set of global standardised indicators, but could be the facilitation, through coalition members and partners, of multi-stakeholder and sector partnerships to assess land governance issues at the national-level, or indeed, a collaborative monitoring initiative based on the monitoring capacities of civil society organisations.

The working paper discussed the development of indicators on land issues at some length and drew a number of conclusions. However, it is the availability of data, not indicators, that is the key factor limiting monitoring efforts. It is felt that we should also examine the work that coalition members and partners do in relation to monitoring and other forms of evidence gathering, and consider how as a coalition we can add value to such work and enable new forms of collaboration.

### 3 Evidence gathering within the ILC network – How can ILC add value?

A high proportion of ILC members play some kind of role in monitoring or research on land issues. Such efforts demonstrate the potential that exists for more systematised research, reporting and information exchange among organisations working on land access and tenure security issues. A significant number of these are involved with what would be called “monitoring”.

#### **Examples of ILC members' involvement in monitoring activities:**

- The formation of Land Watch Asia by several members to coordinate monitoring efforts, particularly country mapping studies.<sup>1</sup>
- AFRA's collaboration with the Department of Land Affairs in South Africa (the LEAP project) to assess

<sup>1</sup> <http://landwatchasia.wordpress.com/>

tenure security within Communal Property Institutions.<sup>2</sup>

- IFAD's assessment of land access within its Performance-Based Allocation System
- The ongoing process of developing and piloting indicators and monitoring of good governance in land administration by the World Bank.
- Fundación Tierra's *Observatorio Tierra* set up to gather and make available information on the progress of Bolivia's land reforms.<sup>3</sup>
- The EC supported ISTT project by the Nicaraguan government to develop indicators to monitor land tenure security.<sup>4</sup>
- The assessment of land registration costs by World Bank/IFC's Doing Business Survey.<sup>5</sup>
- The ongoing process to develop guidelines on monitoring the implementation of the ICARRD Declaration.
- The initiative by CEPES and other members in the Andean region to develop indicators of tenure security for that region.<sup>6</sup>
- FAO's work with organisations such as FIAN to promote monitoring of the Voluntary Guidelines on the right to food. Monitoring is also envisaged in relation to the Voluntary Guidelines on Governance of Tenure.
- The initiative by HARDI (as part of the LAND partnership in Madagascar) to monitor the tenure regularisation process as an input into ongoing partnership with the Programme National Foncier.
- Land Net West Africa's involvement in the AU/ECA/AfDB Land Policy Initiative, which includes a component working on the development of benchmarks and indicators to monitor progress in land policy implementation.
- Internal monitoring and evaluation of projects and programmes by IGO members.

Outside of the ILC membership there are also significant initiatives taking place. UN Habitat, for example, 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 Rights and Resources Initiative (RRI) has produced assessments of the ownership of the world's forests. The UNDP Oslo Governance Centre seeks to facilitate inclusive governance assessment processes at the national level and has investigated the issue of indicators on land governance.

How can ILC add value to these efforts?

### ***Promoting the role of civil society monitoring within the policy process***

One area that has emerged from the working group process is that of facilitating the recognition and inclusion of civil society monitoring activities within the policy making processes. Such constructive partnerships are not possible in every, or even most national contexts, but examples such as those of AFRA and Platform SIF, suggest that here ILC may play a useful role in bringing together IGO and CSO members and partners.

### ***Collaboration to monitor global trends***

ILC may be able to add value as a platform for collaboration between members and partners on monitoring at the regional and global levels. This idea has already been pioneered by Landwatch Asia which has so far concentrated on coordinated country mapping studies. The Latin American Research Platform established by ILC members also shows something of the potential that exists for coordinated efforts, although in this the focus is more research than monitoring. In a similar

<sup>2</sup> <http://www.leap.org.za/home/>

<sup>3</sup> [http://ftierra-observa.org/site/index.php?option=com\\_letterman&task=view&Itemid=40&id=317](http://ftierra-observa.org/site/index.php?option=com_letterman&task=view&Itemid=40&id=317)

<sup>4</sup> <http://www.prorural.net.ni/?q=node/658>

<sup>5</sup> <http://www.doingbusiness.org/>

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

way, the new collaboration by members to research the impacts of commercial pressures on land demonstrates the potential for adding value through facilitating joint initiatives.

These two areas of potential added value by no means exhaust the potential roles of the coalition, but they are areas that have seemed to generate the most interest so far, and that seem to offer the most realistic potential for actions in the near-term. For this reason we are proposing to devote particular attention to them in the workshop. However, we do not want to preclude discussions of other possibilities and hope the workshop will be a good opportunity for all ideas to be aired.

## 4 Promoting the role of civil society monitoring within the policy process

A core component of ILC's work is facilitating the inclusion of civil society within national processes of policy dialogue. This is being done through CALI initiatives and the LAND partnership programme in particular. The nature of ILC as a coalition bridging the gap between IGOs and CSOs means it can play an important role in opening doors to inputs from civil society.

Research, monitoring and other forms of evidence gathering can be an important form of input by civil society that provides a basis for informed and constructive advocacy. In this way, supporting evidence gathering by national members and supporting the recognition of this evidence gathering as a valuable input for the design and evaluation of policy, is a natural extension of ILC's work.

A process of monitoring can also be a point around which inclusive processes can be convened. An example here can be taken from 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. As was noted through the dgroup, this may be a more effective way of encouraging monitoring than trying to set up a global reporting system that may be seen as an external imposition – something required by donors – that is ignored by governments. Similarly, UN-HABITAT has promoted the setting-up of Urban Observatories with the explicit aim that these should be inclusive of different sectors and promote multi-sector dialogue.

### 4.1 Formal partnerships or informal recognition?

There are few examples of formal partnerships between government agencies and CSOs that have focused on monitoring and evaluation and other types of evidence-gathering in relation to land issues. One example 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. In theory, official status should contribute to the recognition of civil society evidence by government and to the access granted to CSOs.

But it is necessary 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. Instead it is better to make use of political windows of opportunity that may arise in certain countries on certain issues. It is also worth noting that an official partnership is no guarantee of impact, and it is just as important, if not more, to support independent civil society evidence-gathering. It was noted through the dgroup that while Global Witness in Cameroon has met with “bureaucratic” resistance, perhaps being seen as something of

an external (donor) imposition, there are several cases of independent forest monitoring by CSOs where government agencies have come to respect and use the data generated. Government recognition of the value of CSO-produced evidence may be less likely to come about through a formal partnership, and more likely to come about through CSOs moving ahead independently to gather evidence and demonstrate their capacity in this regard. Platform SIF in Madagascar has received a degree of formal recognition from the Programme National Foncier, yet rather than seeking a formal partnership to monitor implementation process, it is seeking to develop an independent capacity for monitoring, which it hopes will be an important input into dialogue in the future.

In conclusion, there is a role to play in fostering the inclusion of civil society in wider processes of assessment and monitoring, but formal recognition of CSOs as partners should not be seen as a prerequisite. Rather, in many cases the most appropriate response maybe to strengthen the capacity of civil society to contribute to policy dialogue through evidence gathering, which may in fact lead to tacit and more fruitful recognition by government agencies.

## 4.2 What can ILC do?

This is an area where ILC can make a difference through facilitating links between IGOs, research organisations and CSOs. Such linkages could help facilitate greater inclusion of CSOs at the national level and also enhance the capacity of CSOs for research-related activities. The role of the secretariat would therefore be principally one of facilitation at the global level. As Teresa Yates of Nkuzi Development Association 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.

Facilitating the recognition and inclusion of civil society monitoring within policy processes is therefore potentially a significant area of ILC's work; an important component of its work in encouraging inclusive policy dialogue. It is perhaps unlikely to be the focus of a particular "ILC programme", however. Rather, it may be an aspect of other programming such as LAND partnerships, or something whereby the secretariat plays a role in facilitating joint partnerships between members and partners, particularly where both CSOs and IGOs are involved. One particular initiative that the secretariat could implement in partnership with members and partners would be a stocktaking study of how civil society has been able to input into national policy making an implementation processes on land issues through evidence-gathering, and of how IGOs have been and can be instrumental in encouraging this. Such a study would aim to promote this as a valuable approach for IGOs at the national level.

## 5 Collaboration to monitor global trends

As a global coalition, one way in which ILC can add value is through facilitating global collaboration between members and partners that enhances their ability to achieve global impact. In this regard, the working paper highlighted the way ILC as a network can facilitate coordinated monitoring efforts, something pioneered by Landwatch Asia. It also suggested that ILC can seek to enhance global impact though advocacy that builds on evidence-gathering by members. One way of doing this could be through a global report focussed on a particular land issue that builds on the monitoring work of members.

### 5.1 Monitoring trends in access to land?

A “hot topic” at the moment is the massive acquisition and leasing of land in developing and transition countries by foreign investors, often governments and sovereign wealth funds. This is something the FAO Director General has been drawing attention to,<sup>7</sup> whilst within IFAD the idea has been floated of setting up an “observatory” to monitor this phenomenon. In fact, an NGO *Grain.org* has already taken a lead in collating media sources on such land-grabbing, and has very recently released a first report on the trends so far in 2008.<sup>8</sup>

Such spectacular land-grabbing is the most visible symptom of what ILC has been describing as increasing commercial pressures on land in the context of rising demand for food, agrofuels and carbon off-setting opportunities. ILC has recently begun facilitating a collaborative effort to take stock of research on impacts of these increasing pressures. It has been suggested that this theme could warrant a similar and related collaborative effort that would go beyond a stocktaking of the research that has been done on the issue, to centre on a systematic gathering of data on the emerging trends.

Such a monitoring effort would also be highly pertinent to current debates over the response to the food crisis and future of agriculture that were very much in evidence at the FAO High Level Conference on World Food Security. Most non-governmental participants proposed a strategic focus on family farming as an alternative to large-scale commercial farming, an opposition that implies very different patterns of land ownership and rather different land policies). Monitoring trends in agriculture (smallholder, contract farming, plantations, etc.), land concentration or landlessness (among the agricultural and forestry workforce) would be very pertinent to the increasingly oft-stated policy goal of supporting smallholder agriculture.

A potential role for the coalition, therefore, could be to facilitate collaboration between members and partners to gather evidence on trends in access to land and to use this evidence as the basis of a high profile report linked to the global advocacy work of the coalition. Such a report might be repeated on a periodic basis. Inspiration for this has also come from the work of the Rights and Resources Initiative which has gathered data and produced two reports on the ownership of the worlds forests, identifying trends and accompanying the data with policy relevant analysis.

## 5.2 Data availability and the overall approach

There is no one existing and comprehensive data set which could be used as the basis of a report. The use of a narrow set of quantitative indicators applied to a large number of countries to produce a ranking index would in practice limit data-gathering to a survey of expert opinion (as in the World Bank/IFC Doing Business Survey), the value of which is questionable on a contentious issue such as land.

A more viable model for a global report would be a study that combined an analysis of globally available data with more in-depth country case studies. The country studies would be able to draw on the best available data in each country to build up a picture of the national situation, with different data sources being used to triangulate findings. They would facilitate analyses of the causes and possible policy responses to the observed global and national trends.

An example of such an approach is given by CEPES's ongoing study of land concentration in Peru. This study has used a variety of available sources, including:

- media reports;
- public land registry records (although these are difficult to access);
- trade publications (which inform about major agro-exporters, for example);
- direct field visits;

<sup>7</sup> [www.nation.co.ke/News/africa/-/1066/494022/-/147mhnjz/-/index.html](http://www.nation.co.ke/News/africa/-/1066/494022/-/147mhnjz/-/index.html)

<sup>8</sup> [www.grain.org](http://www.grain.org)

- interviews with experts; and
- websites of firms and other organisations.

These are information sources with different degrees of reliability. CEPES's approach is to draw on all such available sources to build up a triangulated picture of the national situation, whilst also specifying the sources and their reliability in the final report.

Land concentration is the most commonly suggested indicator or proxy measure of access to land by the poor. It is usually expressed using the Gini coefficient. Land concentration is particularly useful in, for example, the Latin-american context, but provides no measure of rural landlessness. Calculating a Gini coefficient also requires recent and comprehensive data on landholding size, which is rarely available. The most recent available figures for land concentration are often decades out of date. However, other data sources such as those used by CEPES may still allow trends in land concentration to be estimated.

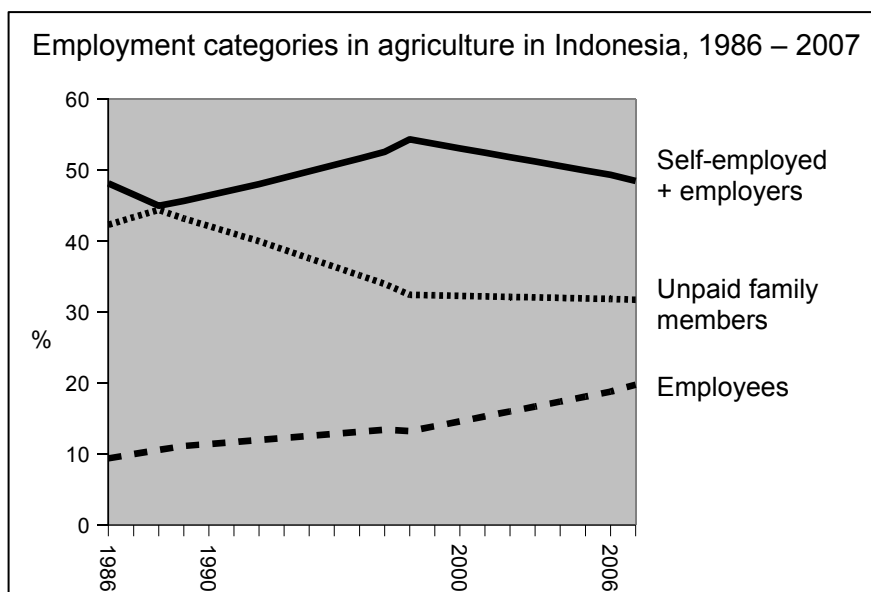
Land concentration is also not the only relevant measure. Trends in land transfers (e.g. to foreign investors, extractive industries, etc.) are worth monitoring in their own right. It could also be worth assessing numbers of landless agricultural workers, land ownership by income group, or the prevalence of small holder versus large-scale farming. All of these are indicative of access to land by the poor, or can at least reveal very relevant trends.

## 5.2 What data could we use?

### **Official statistics**

While no up-to-date and comprehensive data sets on patterns of access to land appear to be available, different relevant official datasets do exist for different countries.

- **Household surveys** may contain data on income and landholding size (e.g. the 2001 Nepal Demographic and Health Survey), but are unlikely to be frequent enough to reveal trends.
- **National Labour Force Surveys** are probably the most frequent and widespread form of household survey and generally record the ratio of self-employed to employees in agriculture. With certain caveats, this may be a reasonable indicator of the prevalence of family farming relative to larger-scale commercial agriculture and forestry. According to your definition of landlessness, employees in agriculture may be defined as landless. Unfortunately, even this data is irregular or absent in many key countries. In countries where good data exists, however, it may help establish a picture of trends in that country. An example is Indonesia (below). All data is available through the ILO website.



- **Censuses** often cover the same issues as national labour force surveys but are very infrequent.
- **Production statistics** may help to build up a picture of national trends (small-holder versus commercial farming) where sectors such as timber or palm oil are monopolised by large-scale producers.
- **Land registry records** may in some cases be accessible and may allow the calculation of land concentration, but of course exclude unregistered occupancy and use of land.

### ***Media and other publications***

Published sources are principally useful for tracking large-scale land transfers and identifying trends in “land-grabbing”.

- **National and international media** may provide good coverage particularly of large transfers to foreign investors. Grain.org has based its recent report on such sources. Whilst ILC should not attempt to duplicate this global level work (which we can presume will be continued), media sources may still be a very useful source of information for members at the national level.
- **Trade publications** may be a concentrated form of information over certain agricultural and extractive industry sectors.
- **Corporate publications**, such as websites and corporate reports may provide information on investments in land by selected large firms.

### ***Primary research and other data sets***

Primary field research, such as household surveying, is very expensive and thus unlikely to be a major component of a collaborative monitoring initiative. However, there may well be a role for limited field research, as in CEPES's study, in order to triangulate other findings. It is also the case that some members may have particular capacity to generate primary data. For example, Jagat Basnat of CSRC has described how the National Land Rights Forum movement in Nepal has been able to generate information on land issues through participatory analysis carried out at the grassroots level of organisation, and collated by the district and national fora. Where such organisational capacities exist, they can provide very useful information. We should keep open the possibility of using methodologies such as action research to gain snap-shots of circumstances at the local level. Also, as in CEPES's study, interviews with experts may be a useful tool for triangulating data sources. Popular organisations such as farmers' or indigenous people's organisations may be able to report on issues such as large-scale land acquisitions or concessions.

They may also be other relevant data sets available. Frank Place at ICRAF has suggested that it could be worthwhile for organisations such as ICRAF to do a stocktaking of the dataset that exist.

### ***Accompanying analysis***

Another point made by ICRAF was it would add to the value of a global report to include a degree of analysis on the observed trends (i.e. focused on causes and possible policy responses). It certainly would be important, at both the global overview and country case study levels, to be able to draw policy relevant conclusions from the findings. To this end, it could be appropriate for country studies also to include an analysis of the policy and legal situation. This would be a good way of building on the country mapping studies carried out by Landwatch Asia. It would also fit in with CEPES's conclusions from its study on indicators of tenure security for the Andean Region, that while data collection for most indicators is prohibitively expensive, ILC members could usefully work together to monitor a range of legal indicators, tracking changes in policy and legal frameworks, and summarising their findings in a collaborative report.

## 5.3 Funding

Such a collaborative initiative will obviously require resources. The secretariat has already submitted a draft proposal to Norway which included a degree of funding for member monitoring activities and for the production and promotion of a report. We are in the process of discussing this proposal with them. It is not finalised, and content of the final proposal will depend on the outcomes of this workshop. Aside from this, other proposals in the pipeline may mobilise some funds for monitoring and related work under the global advocacy budget, but it will be necessary to seek to mobilise dedicated funds.

## 6 Conclusions

Monitoring is an area in which ILC can have a positive impact, whether at the national or global level. The nature of ILC as a global coalition of diverse organisations, including IGOs, farmer's organisations, research organisations, and so on, may give it a comparative advantage for some forms of monitoring, and is the basis by which it can add value to the monitoring-related work of its members. There are three main monitoring-related areas in which it may be possible for ILC to play a key role, either now or in the future:

- a) As a facilitator of a multi-stakeholder effort to develop (further) indicators on land issues and, perhaps more importantly, to ensure that relevant data is collected and made available.
- b) As a facilitator of collaborative initiatives to increase the recognition and use of civil society monitoring efforts within national processes of policy dialogue and evaluation.
- c) As a facilitator of global collaboration by members and partners to monitor trends in access to land at national levels, collating findings in a global collaborative product.

This issues paper has put forward proposals that are at best vague, and this is because it is impossible to envisage, define and thus decide upon one or more of these roles without the full benefit of the experience and expertise that is possessed by member and partner organisations. The aim of this workshop is to bring together representatives of the most relevant member and partner organisations in this field to share this experience and expertise, and so to be able for the first time to define more clearly what ILC can and should do.

Put more specifically, the **objectives of the workshop** are:

1. To learn from the diverse experiences of member and partner organisations in relation to monitoring land issues, and to make sure that as many perspectives as possible are given due consideration.
2. To build an inclusive consensus on the future of ILC collaboration on monitoring land issues.
3. To identify the next steps that can be taken in organising activities and mobilising resources. Specifically, we hope that it will be possible to identify a core group of organisations to help steer the process into the next phase. We hope it will be possible to identify key actions to be taken and to allocate responsibility to take them.