

# **Strengthening Partnerships for Access to Land**

## **Current Experiences and Lessons Learned from the Land Alliances for National Development (LAND) Partnerships**

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## Strengthening Partnerships for Access to Land

### Introduction

The history of land reform and the effectiveness of land policies has shown that: (i) government-led initiatives without the active participation of civil-society; and, (ii) civil-society led initiatives without the enabling support of government approved public-policies have frequently failed. And, history also points to the need for greater coherence in the roles, technical support and financial commitments of the international and bilateral community. The need for a multi-stakeholder approach is further witnessed by the inabilities or failures to achieve the intended results from past international summits, forums and conferences. The need to work together is evident. However, the challenges to clarify mutual interests and to capture the potential synergy are constrained by: historical barriers separating organizations; differences in policy, philosophy and vision; and, other vested interests.

This paper:

- shares experiences in strengthening national level partnerships in Indonesia and the Philippines;
- introduces the LAND Partnership programme, and related lessons learned by the Land Coalition and its partners; and,
- aims to extend the lessons arising from the pilot phase of its LAND Partnerships to the global level using the follow-up processes to: (i) the World Summit on Sustainable Development (WSSD) where the LAND Partnership programme was launched in 2002; and, (ii) the High Level Segment of ECOSOC in 2003 where the Coalition convened the ministerial roundtable on land issues.

### I. National Level Partnerships to Increase Access to Land

#### A. Indonesia

##### Opportunities and Challenges in Building Partnerships

In Indonesia, there are currently several policy-development tracks that are related to land access for poor households. These include:

1. Revisions to the Basic Agrarian Law of 1960, conducted by the National Land Agency (*Badan Pertanahan Nasional* or BPN);

2. Development of national economic development strategies that incorporate the use of land resources, conducted by the National Planning Agency (Bappenas);
3. Development of draft policy on natural resource management, coordinated by the Department of Environment;
4. Development and revision of sectoral laws that involve land use and access, such as those governing mining activities or water resources, conducted by various government departments; and,
5. Development of a national poverty reduction plan as part of the PRSP process, conducted by the office of the Coordinating Minister for Social Welfare.

In addition to government departments and state agencies, these processes also involve different international agencies, which are providing financial and technical support, and different sets of civil society groups and peoples' organizations.

Limited coordination among laws and regulations in the past has limited the ability of poor households to use land and other natural resources in ways that are both productive and sustainable. Now, both government and civil society actors see an opportunity for greater coherence among laws and regulations, through the development of strong partnerships.

### Existing Mechanisms and Processes

The National Land Agency is preparing for a public consultation exercise on the draft revisions to the existing Basic Agrarian Law, slated to occur during the first half of 2004. In preparing input to the draft law, the BPN and civil society organizations, led by the Consortium for Agrarian Reform (*Konsortium Pembarauan Agraria* or KPA), have committed to merge their efforts to conduct reviews of land-related policies. These initiatives, underway since last year, aim to consolidate information as to what efforts are currently being undertaken among and between government departments, civil society, bilateral and intergovernmental organizations.

The challenges posed by land and resources conflicts have meant that government leaders must devote much of their own time to managing conflicts, sometimes to the detriment of other departmental priorities. This presents a real incentive for departments to work together on land-related issues, as has increased in the past year. The National Land Agency is playing a leading role in this effort to encourage a partnership approach among government departments to address land access.

While there are civil society efforts to address land and resource conflicts, including through one new partnership initiative with the National Human Rights Commission (*Komnas HAM*), there is recognition by civil society of the need for broader government leadership in this area. This presents the government with an opportunity to provide this leadership by incorporating dialogue on preventing and managing land conflicts into existing policy-making processes.

Additionally, there is an understanding that access to land and other resources alone is not sufficient for poor households to improve their livelihood. Support services, such as infrastructure, access to markets

and access to credit at fair terms, are also often key elements for poor men and women to overcome poverty.

Civil society organizations have developed national-level alliances in the past few years to coordinate and allow for greater partnership among their own efforts. The NGO Working Group on Agrarian Reform and Natural Resource Management has established a formal secretariat to encourage partnership among civil society organizations, and is playing an active role in advocating for legislative change to increase access to land for poor men and women. Multi-stakeholder working groups have also recently emerged, such as one focused Forest Land Tenure that brings together the Department of Forestry, civil society and research institutions to address common policy concerns.

Given Indonesia's diverse nature, rural development challenges and the nature of land conflicts can be very different across the country. There is increasing support for addressing land and resource access in conjunction with broader policies to support rural families and the rural economy, and for strengthening the capacity of district-level governments to perform their land-related functions effectively.

## **B. Philippines**

### **Opportunities and Challenges in Building Partnerships**

Efforts to increase access to land in the Philippines involve a wide range of institutional actors, including different government departments and state agencies, national and local civil society groups, organizations representing farmers and indigenous communities, and intergovernmental organizations, among others.

These organizations and institutions share many common goals, including the broad objective of assisting poor households to improve their livelihood through increased access to land and other key assets and resources. Often, though, the communication and working relationships among these different actors are limited, in part they tend to be conducted through the lens of specific sectors or program initiatives.

For instance, many intergovernmental and civil society organizations are engaged in the government's Comprehensive Agrarian Reform Program (CARP), for which increasing access to land is the central objective. At the same time, other organizations are involved in activities on forest-land policy or with indigenous communities. While forest-lands are by law within in the scope of CARP, the Department of Environment and Natural Resources (DENR) rather than the Department of Agrarian Reform (DAR) is responsible for implementing CARP in lands classified as forest area. DENR has its own implementing rules and regulations. Moreover, while the DENR issues Certificates of Stewardship Contract (CSC) to forest-land beneficiaries, the DAR issues Certificates of Land Ownership Award (CLOA) to farmer-beneficiaries of private and government-owned lands and resettlements.

Communication between actors and institutions involved in agrarian-land issues and forest-land issues is limited and largely informal, even though they face similar challenges and share common objectives. Even within a single sector, this challenge can exist. Civil society groups that work with agrarian reform beneficiaries and those working with indigenous peoples' communities, for instance, have limited collaboration at this point, in part because of limited opportunities to regularly communicate and share information as to each other's work.

In addition to creating lost opportunities for increasing land access by working together, at times this problem even exacerbates "poor-on-poor" conflicts over land and resources between land-poor or landless migrant farmers and indigenous communities.

### Existing Mechanisms and Processes

Government bodies exist to coordinate cross-cutting policy issues such as land, including the National Anti-Poverty Commission (NAPC) and the Philippines Council for Sustainable Development (PCSD). Both of these bodies have components that link government departments to civil society and intergovernmental organizations.

PCSD acts as a coordinating body for identifying opportunities for potential partnerships related to sustainable development, but generally refers those partnerships to specific departments and does not develop them directly. NAPC represents a number of basic sectors, including farmers and landless rural workers, and has in the past convened activities with intergovernmental organizations for the purposes of coordinating support to government anti-poverty programs.

The Presidential Agrarian Reform Committee (PARC) is the highest policy-making and coordinating body on all matters related to CARP, and is meant to coordinate efforts between national, provincial and local government. By law, PARC includes representatives from NGOs and peoples' organizations, including those of both landowners and farmers. Provincial- and local-level (*barangay*) committees also exist, to serve these coordination and partnership functions. (See attached paper by Remedios Reynoso, Policy and Strategic Research Service of DAR, for further discussion of partnership through the PARC structure and other partnership initiatives by DAR.)

At the local level, these multi-stakeholder committees have not always been successful in facilitating active community participation, limiting their ability to encourage partnership. In part for this reason, DAR has also sought to work directly with NGOs and POs in policy development and implementation. In the eyes of some civil-society groups, the PARC structure remains a limited mechanism for partnership on access to land, because it tends to focus on the process of land acquisition and compensation, which is only one among many land-related issues.

With the enactment of the Indigenous People's Rights Act (IPRA) in 1997, DAR has initiated consultative conferences and policy forms with the National Commission on Indigenous People (NCIP). Currently, both parties had agreed to temporarily suspend land acquisition and

distribution activities in ancestral lands and domains pending a joint administrative order ironing out the problem areas and issues identified.

Civil society partnerships and alliances often form around specific issues, such as last year's proposal to allow land reform beneficiaries to use their land as collateral for loans. These partnerships are not necessarily formal or made permanent, e.g., through the establishment of secretariats or other coordinating mechanisms. In fact, many civil society groups now see the formalization of partnerships as an obstacle to meaningful cooperation, because in the past it has tended merely to increase competition for resources, rather than facilitate genuine exchange of ideas and create space for cooperation.

## **II. Convening Role of LAND Partnerships**

### **A. Overview of LAND Partnerships**

Land Alliances for National Development, or LAND Partnerships, is a global initiative of the International Land Coalition to increase secure access to land for poor men and women, by strengthening country-level partnership among state institutions, civil society, international agencies and other key stakeholders. LAND Partnerships aims to provide a forum in which those affecting and those affected by decisions on land access, use and management can work together to examine pertinent issues.

The initiative is an outgrowth of similar efforts by the Land Coalition to expand space for dialogue at the global and regional levels. The idea for LAND Partnerships was developed over nearly two years, through extensive discussion with its civil society and intergovernmental partners, many of whom called upon the Coalition to take on a convening role to facilitate similar dialogue at the national level.

The program was formally launched at the WSSD in 2002, and has since developed country-specific partnerships in response to invitations from governments and expressed interest by civil society. In this initial phase, partnership activities are underway or under development in Guatemala, Indonesia, the Philippines and South Africa.

LAND Partnerships is not designed to replace existing processes or mechanisms, but to provide added value to efforts already underway at the country level. It seeks to achieve this by:

- serving as a convener to create space for dialogue and exchanges of information that could increase the transparency of decision-making processes;
- assisting stakeholders to access information and other resources needed to take part in decision-making processes effectively;
- providing an impartial forum in which different actors and stakeholders can identify common understandings of land access problems; and,
- creating a mechanism to address common challenges through collective action.

### **Example of LAND Partnership Initiative: the Philippines**

Through LAND Partnerships, stakeholders from the government, civil society and intergovernmental sectors in the Philippines are participating in a mapping of existing policies on access to land. Among other issues, this collaborative project study will address the linkages among CARP and other access to land initiatives and challenges, such as those established in uplands areas or by indigenous peoples' organizations. This exercise will achieve common understandings of the land problem, as well as strengthen partnerships among institutions in the process by working through a transparent mechanism. After common understandings are established through the mapping study, the partnership will convene a series of stakeholder roundtables, culminating into a national workshop (anticipated for July 2004) to identify possible solutions that could be implemented through joint action.

### **B. How LAND Incorporates Coalition Partnership Experiences**

In developing LAND Partnerships as a country-level initiative, the Land Coalition and its partners have sought to incorporate "initial" lessons on strengthening partnerships gained through past work at the international level.

#### **1. Co-ownership** is an essential cornerstone for the partnership.

This approach means that the Land Coalition, as the global partner, assists to establish and strengthen country-level processes – but in a way such that ownership will ultimately rest at the country-level.

The partnership in the Philippines has benefited from the strong support of the DAR, which is responsible for implementing the national agrarian reform policy. As part of the department's "co-ownership" of the partnership, senior DAR officials have taken on a coordination role for participating government departments, including ones that have land-related responsibilities but that are not directly involved in the agrarian reform program (e.g., National Economic Development Authority). This approach is designed to ensure that key government partners can easily receive and share information with each other, and with other CSO and IGO partners.

#### **2. Participation** by stakeholders in developing a common vision and framework provides the central foundation for the partnership.

Preparation for country-level partnerships included individual consultations with participating institutions, both in the four countries and at UN fora at the international and regional levels.

Roundtable planning meetings were held with civil society organizations in Guatemala, and among CSOs, governmental and intergovernmental institutions in the Philippines, to come first to a common idea of whether a new partnership initiative would provide

added value to existing efforts. In this way, partnership is not imposed on stakeholders, but rather stakeholders are given a chance to define the terms of the partnership. The commitment to partnership is only expected so long as individual participants find it valuable to them.

It is also anticipated that participation by a wide group of stakeholders active on land access issues will ensure that the partnership process will include all or most relevant topics. In the Philippines, for instance, while the partnership is focused on processes within the CARP program, participation by civil society groups and intergovernmental agencies working on indigenous communities' land rights, environment protection and natural resource management will allow for the intersection between agrarian reform and these issues to be addressed.

### **3. Transparency.**

LAND is a voluntary partnership. The extent to which institutions and organizations are willing to participate – and to which consensus reached through the partnership is respected – depends largely on having a process that is credible to all participants. Openness and transparency are key commitments in effective partnerships.

The LAND partnerships at country-levels have sought to instill transparency and confidence in the process, in different ways:

*Indonesia* – After individual consultations with stakeholders in October 2003, a group gathering was organized to allow representatives of the government, civil society and intergovernmental organizations to meet directly. A brief report of planning discussions was also distributed to meeting participants. These steps aimed to create a transparent process, giving participants a chance to confirm that points raised in individual meetings were being conveyed among the group as a whole.

*Philippines* – Following roundtable planning meetings in October 2003, a “Partnership Protocol” was signed between the co-leading institutions from government and civil society. This document seeks to institutionalize the consensus agreements that participants reached during the planning meetings. The mapping study, which is now taking place as the initial phase of the partnership, will increase transparency by ensuring that stakeholders have the opportunity to provide and exchange input, through interviews, participation in the stakeholder roundtables and the national workshop.

*Guatemala* – The Coalition held meetings with partners and other key stakeholders from various sectors and collected inputs to clarify the current situation regarding land demand, resistance, and support services in pre- and post-land acquisition. Based on the Land Coalition consultations, an analysis of challenges and opportunities in building partnerships to increase access to land was produced, as well as an outline of a preliminary country-level strategy for building a LAND Partnership. This document was shared with all participants of the preparatory meetings, in an effort to establish a common understanding of the differing viewpoints expressed.

4. **Conditions for Meaningful Dialogue**. The first step in building partnership is to create “favorable conditions,” in which participants from across all sectors are equipped with the tools needed for meaningful dialogue. This includes access to information, sufficient time for preparation, and an awareness of other interests related to the process, among others. Without these conditions in place, dialogue cannot be meaningful, and the opportunities for real change to improve the lives of poor men and women will remain limited.
5. There is increasing and genuine interest on the part of **intergovernmental organizations** to enter into multi-stakeholder partnerships, particularly at the country level, as a way of realizing their development objectives. This has been evidenced by the strong interest by Intergovernmental Organisations (IGOs) in participating in LAND Partnerships. For example, representatives from eight IGOs took part in the roundtable in Manila to develop parameters for the partnership’s mapping study.

### III. Linking Country-Level Experiences to the Global Level

*Accountability to WSSD.* Partnerships that were launched through the WSSD process need to remain accountable to the UN system, in order to maintain the credibility of the WSSD process. For LAND Partnerships, this can be done in several ways:

- by maintaining an emphasis the involvement of governments. It is governments that endorsed and are obligated to comply with Agenda 21 and the WSSD outcomes, and their responsibilities due to the intergovernmental nature of the UN system. An invitation by Government to the coalition is a pre-requisite for initiating country-level LAND Partnership activity. Here, the Land Coalition’s unique composition of members can provide real value-added to governments in terms of engaging civil society and intergovernmental organizations;
- by supporting transparency and exchange of information regionally and internationally, in order to ensure that lessons from the country level can have wider impact, in line with WSSD’s global mandate. This takes place through participation in UN and other international fora, through regular interaction with the Commission on Sustainable Development, in actions with ECOSOC, and through opportunities created by the Land Coalition’s global network of governments, CSOs and intergovernmental organizations; and,
- by ensuring the relevant links and joint efforts with others in the efforts to achieve the Millennium Development Goals (MDGs) related to land and poverty. Evaluation of the effectiveness of LAND Partnerships shall include reference to the following:
  - access to agricultural resources, including secure land tenure, as a means of poverty reduction;
  - enhanced productivity of land as a means of poverty reduction;

- enforceable land and resource rights exist, which increase the security of land tenure (including via land tenure reform);
- natural resource management processes that allow for sustainable livelihoods for poor households;
- equal access for women to land and other productive resources;
- full participation by poor women and men in decisions regarding these resources; and,
- effective management of land-related conflicts.

The concept and nature of LAND Partnerships is not so much a unique idea as a needed mechanism. In its design, testing and inauguration various donors, governments, international agencies, donors, bilaterals, UN bodies, financial institutions, NGOs and CSOs indicated that they had been involved in trying to foster something similar in the past. However, they frequently cited that creating a forum of this nature could not be fostered by any one party. Prior efforts to create a similar mechanism generally failed since the proponent organisation was seen by the others as wanting to further their own interests or particular donor ideas.

The stakeholders to the LAND Partnership programme of the International Land Coalition have seen that the impartial nature of the Coalition makes it conceivable to create this mechanism. It is seen that the Coalition, by its multi-stakeholder nature and definition, is not a mechanism of any one partner and does not reflect any pre-set vision of land reform or land policy.

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