



## Programs and Tools in Enhancing Land Administration and Management Projects

A presentation of potential tools and approaches provided the participants options to consider in enhancing the land administration process as well as bridging the rural-urban divide.

### Fit-For-Purpose Land Administration Tools and Approaches<sup>12</sup>

By Danilo Antonio, *Global Land Tool Network*

**S**ecurity of tenure is not equivalent to titles. It is not about maps, cadastres, the administrative system nor it is an instrument. Security of tenure is a relationship within a community that is anchored on mutual respect of each other's land claims, to which the government's role is to ensure that kind of respect is recognized.

Globally, conventional land systems fail to deliver tenure security at scale. Current solutions are constrained by limited coverage; complexity of land rights, claims and records; systematic inequalities; rapid urbanization; large scale land investments; and food security pressures on agricultural land.

Completing land information is critical and because of reliance to old solutions and tendency to trivialize non-conventional thinking and tools, records tend to be left incomplete and useless. Land held by poor people are often complex and conflict ridden. Appropriate and innovative land policies and legal framework is present, but we lack essential tools for implementation, leaving us again paralyzed in securing tenure. In addition to these challenges is the highly political nature of land, making those in position disengaged to avoid conflicts. The pressure and demand to change current system and scale up the efficiency of land administration services is increasing. The key obstruction in land administration services is the use of "traditional, high accuracy, expensive land surveying techniques to record land rights" (pg.9).<sup>13</sup> The term 'fit-for-purpose' is not new, what is new is relating it to building sustainable land administration systems. It is an approach that means for land administration systems to have the following elements:

- Flexible in spatial data capture approaches to provide for varying use and occupation;
- Inclusive in scope to cover all tenure and all kinds of land;
- Participatory in approach to data capture and use to ensure community support;
- Affordable for the government to establish and operate, and for the society to use;
- Reliable in terms of information that is authoritative and up-to-date ;
- Attainable to establish the system within a short timeframe and within available resources; and,
- Upgradeable with regard to incremental improvement over time in response to social and legal needs and emerging economic opportunities.

<sup>12</sup>Extracted from the paper presented by Danilo Antonio. For more details, contact <Danilo.Antonio@unhabitat.org>

<sup>13</sup>Bell, K., Enemark, S., Lemmen, C., and McLaren, R. (2014). *Fit-For-Purpose Land Administration*. Denmark: The World Bank and the International Federation of Surveyors. Accessed from <https://www.fig.net/resources/publications/figpub/pub60/Figpub60.pdf>



Fit-for-purpose land administration indicates an approach to building land administration systems in less developed countries that is flexible and focused on serving the purpose of the systems rather than focusing on top-end technical solutions and high accuracy surveys. Its key characteristics being flexible and upgradeable, enables land administration systems to focus on what is essential for a society for a time being.

This approach directly supports the “Continuum of Continuums” concept, recognizing that a continuum of tenure exists, that spatial units can include photo cadaster rather than a parcel boundary, recognizing a continuum of accuracy, and a continuum of data acquisition method. The basic components of the fit-for-purpose concept are threefold: i) a spatial framework is built by using affordable technologies that is able to show how land is occupied; ii) using a participatory approach, this spatial framework will then serve as a guide in identifying and recording various legal and social tenure rights associated with occupancy and use of land; and iii) adopting a legal framework that accommodates the flexibility for implementing a fit for purpose approach.<sup>14</sup>

Effective capacity building is fundamental for land administration systems to succeed. Communities must understand that relying on highly accurate land information gathering methods is not the only solution to secure tenure. Instead societies must shift to methods that are flexible and upgradeable. ■

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<sup>14</sup>For more details, refer to <http://www.glt.n.net/index.php/resources/publications/partner-publications/412-fig-fit-for-purpose-land-administration>



## Gender Evaluation Criteria<sup>15</sup>

By Maria Fides Bagasao, *Huairou Commission*

Land tenure programs are designed and implemented in the context of social and cultural traditions, arising from deeply rooted power structures. Women are still the largest marginalized sector when it comes to access to land under formal, informal and customary systems. Gender dimensions are frequently not captured by routine assessments and data collection involving land issues. The absence of specific gender criteria in the process is either because gender analysis is not prioritized or those involved lack the tool to reflect this perspective.

Likewise, women are excluded in decision-making processes as having a preconceived notion that they lack the capacity to participate. Land tools to be effective, must not only improve the poor but must also work towards gender equality.

The Gender Evaluation Criteria (GEC) is a set of 22 questions<sup>16</sup> on range of relevant factors reflecting the gender responsiveness of policies and practices within the land sector.<sup>17</sup> GEC was developed through multi-stakeholder consultations as a flexible framework to test the gender responsiveness of land tools and can be adapted to different activities. The aim is to improve access to land tenure and security for both men and women. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action are global policy and international standards which serve as basis for the GEC. The goal number 5 of the Post 2015 Sustainable Development Goals pertaining to women empowerment and gender equality contributes to promotion and implementation of the GEC.

### WHAT CAN BE EVALUATED?

The criteria can be applied to:

- evaluate a specific law or policy, or a group of laws and policies such as a municipal master plan;
- evaluate institutions, such as land department, land reform commission, customary land secretariats, land management mechanism, or land dispute resolution structures;
- guide in drafting or advocating for a new land law or policy;
- develop monitoring tool to ensure gender dimensions in the implementation of land policies, laws, programs, projects; and,
- develop check list of things to think about before a land program or project (example: land regularization) is started.

<sup>15</sup>Extracted from the paper presented by Maria Fides F. Bagasao. For more details, contact <fides\_bagasao@yahoo.com>

<sup>16</sup>The 22 questions for the gender criteria table were compiled by Diane Dumashie, Asa Jonsson, Slivia Mantilla, Siraj Sait, Birte Scholz, Jude Wallace based on an e-forum in 2008. Two workshops organized by GLTN in 2007-2008 held in Lukenya and Tanzania which included FIG, Huairou commission, University of East London provided the initial basis for the development of the GEC. For more information, visit: <http://huairou.org/sites/default/files/GEC%20matrix.pdf>

<sup>17</sup>GLTN is facilitated by a Secretariat based in UN Habitat, Nairobi. Both the GLTN and UN Habitat support the Secretariat operations. The key partners of GLTN are Huairou Commission, University of East London, and International Federation of Surveyors (FIG). From a handful of partners in its launch in 2006, the 5<sup>th</sup> GLTN Partners Meeting held in Hague, Netherlands in November 2013 was attended by 120 participants from 45 GLTN partners.



## Sample of Gender Evaluation Criteria

Criteria	Example of Evaluation Questions	Indicator
Equal participation by men and women and gender responsive governance	Is the decision making process transparent, inclusive for both men and women?	An agreed critical mass (x%) of decision makers are women
Capacity development, organization and empowerment of women and men to use, access and benefit from the tool	Is the information clear to, and does it empower both men and women to utilize the tool, and to know their rights related to the tool?	Information is available in different forms such as written, radio, etc., and in local languages for different stakeholders
Legal and institutional considerations in regard to women and men's access to land	Does the tool provide gender responsive dispute resolution?	Land administration and management systems have built dispute resolution mechanism that are available to both men and women

The GEC is designed as a flexible tool that can be adapted and customized to address local context and used in a participatory and inclusive manner by all stakeholders, including grassroots organizations to capture the dimensions of gender inequality.<sup>18</sup> The results will guide the action required to ensure that both men and women will benefit from the initiative. The evidence that is collected in a transparent, participatory manner, serve as an essential basis for advocacy for action that will lead to the improvement of the conditions of poor and marginalized communities where women constitute half of the population. ■

<sup>18</sup>Lumanti, a Nepal based NGO (Huairou Commission member) also utilized the GEC and can serve as resource for the region. GLTN in coordination with International Land Coalition–Asia and ANGOC conducted a regional training workshop on Gender Evaluation Criteria in Bogor, Indonesia in 2014.



## ILC: 10 Commitments on People-Centered Land Governance<sup>19</sup>

By Erpan Faryadi, *ILC-Asia*

Through the 10 commitments for People-Centered Land Governance, the International Land Coalition (ILC) seeks to promote policy change at the country level in relation to land.<sup>20</sup> Notably, this set of commitment differentiates the new strategy (2016-2021) from the previous one as it serves as a guide for ILC's works at all levels of actions to achieve land governance with and for the people. This is also a benchmark working towards the realization of the VGGT and other internationally agreed instruments.

### Commitment 1: Secure Tenure Rights

*Respect, protect, and strengthen the land rights of women and men living in poverty*

Existing initiatives: Influencing the national land agenda through ILC National Engagement Strategies (NES) in Bangladesh, Cambodia, India, Indonesia, Nepal and the Philippines and through other initiatives in Mongolia, Kyrgyzstan, Kazakhtan, Thailand and Pakistan.

### Commitment 2: Strong Small-Scale Farming

*Ensure equitable land distribution and public investment that supports small-scale farming systems, including through redistributive agrarian reforms that counter excessive land concentration, provide for secure and equitable use and control of land, and allocate appropriate land to landless rural producers and urban residents, whilst supporting smallholders as investors and producers, such as through cooperative and partnership business models.*

Existing initiatives: Small scale women farmer's cooperative in Bangladesh; in the Philippines, ILC members are engaged in the extension of the issuance of notice of coverage and working to ensure the provision of government budget for the implementation of the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER). ILC members in India are participating in the land reform process by documenting data and information on land ownership for dialogue with national state governments and village *panchayats*.<sup>21</sup>

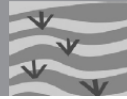
### Commitment 3: Diverse Tenure Systems

*Recognize and protect the diverse tenure and production systems, including the communal and customary tenure systems*

<sup>19</sup>Extracted from the paper presented by Erpan Faryadi. For more details, contact <e.faryadi@landcoalition.info>

<sup>20</sup>For more information on ILC's 10 People-Centered Land Governance Commitments please visit: <http://www.landcoalition.org/>

<sup>21</sup>*Panchayat*- a village council



Existing initiatives: Legalizing/recognizing of pasture land use tenure systems in Mongolia as well as in Central Asia countries. In Cambodia, ILC members are empowering twenty-one target communities to get community forestry, fishery and land-use recognized by local authorities as well as the Ministry of Agriculture, Forestry and Fisheries (MAFF). In the Philippines, ILC members are working to ensure that a new administrative order is issued to speed up delineation of municipal waters to grant fishing rights.

#### **Commitment 4: Equal Land Rights for Women**

*Ensure gender justice in relation to land*

Existing initiatives: Indigenous peoples' and women's struggle for land rights in Indonesia and Bangladesh; Gender Evaluation Criteria (GEC) training workshops in Indonesia. Shadow Reports on Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and Economic, Social and Cultural Rights (ESCR) focusing on women's land rights as parts of the National Engagement Strategies (NES) for Cambodia, India, and Nepal.

#### **Commitment 5: Secure Territorial Rights for Indigenous Peoples**

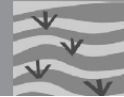
*Respect and protect the inherent land and territorial rights of indigenous peoples, as set out in International Labor Organization Convention 169 and the UN Declaration on the Rights of Indigenous Peoples*

Existing initiatives: Strengthening solidarity, collaboration and advocacy through network building on extractive industries and energy in Thailand. In Indonesia, ILC members are working through the NES platform to advocate for the recommendations given on the "protection and recognition of rights and access to land of marginalized peoples (including indigenous peoples)" and to ensure its inclusion in the revised government draft of the Land Bill.

#### **Commitment 6: Locally-managed Ecosystems**

*Enable the role of local land users in territorial and ecosystems management*

Existing initiatives: Development of map through participatory mapping service in Indonesia. Conduct of training course on Community Forestry Management Plan (CFMP) for sub-national authorities and beneficiaries in Cambodia. In India, ILC members are documenting village level data through participatory meetings for the identification of landless, homeless, land holdings that are not regularized.



### **Commitment 7: Inclusive Decision-making**

*Ensure that processes of decision-making over land are inclusive*

Existing initiatives: ILC members in Nepal are working on land rights campaign to mobilize landless and tenant farmers, including smallholders, and to ensure that land reform commitments are included in the Constitution. Members in the Philippines are working to strengthen the networks of fisherfolks to be recognized as political actors.

### **Commitment 8: Transparent and Accessible Information**

*Ensure transparency and accountability, through unhindered and timely public access to all information*

Existing initiatives: In the Philippines, the NES platform is using and informing the National Land Spatial Database developed by members, which includes data on zoning, conflicting/overlapping tenurial claims and land grabbing.

### **Commitment 9: Effective Actions against Land Grabbing**

*Prevent and remedy land grabbing, respecting traditional land use rights and local livelihoods*

Existing initiatives: Government's compliance on laws related to Social Land Concessions and lands granted to displaced and poor families in Cambodia. In Indonesia, members are consolidating civil society campaigns to push for safeguards in the Masterplan for the Acceleration and Expansion of Indonesia's Economic Development (MP3EI) – land allocated for large scale investments using natural resources.

### **Commitment 10: Protected Land Rights Defenders**

*Respect and protect the civil and political rights of human rights defenders working on land issues*

Existing initiatives: Legal support for a community of landless people in Bangladesh. Members in the Philippines are working to assist land rights defenders in emergency situations through the set-up of a Quick Response Fund. ■



## Synthesis and Ways Forward

### Issues and Challenges

Surveying all the presentations during the workshop, the main issues and challenges in land administration and management projects revolved on **institutional mandates, land information and disputes**. Often, there are numerous institutions with overlapping mandates on the administration and management of land. This plurality leads to inefficiency in land governance as related agencies lack coordination, contradicting each other's system, resolving less and producing more land issues. Related to this issue, numerous tenurial instruments and the lack of or non-implementation of land use policies hinder effective land administration and management. Another challenge is non-recognition of tenure and other informal contracts on land.

Land information tends to be unavailable and inaccurate. More often they are difficult to understand and people lack awareness of its regulation procedures. In addition, land conflicts remain unresolved due to the lack of information needed to arrive at a decision involving disputes. In some cases, communities are in conflict with large scale investors or other enterprises whose activities involve land grabbing and green grabbing.

The participants agreed to work on three areas: policy, tooling and information networking.

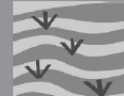
### Policy

The center point of land administration and management systems should always be the people. It should not focus solely on the accuracy of methods, technologies or policies; rather, it should center on peoples' relationship to the land, their context and their community. It should be participatory, purposive, partnership-based and pro-poor; what is valuable to a community's perspective should be considered. Systems should also recognize the plurality of tenurial forms, from formal to informal.

International processes and instruments, such as the Sustainable Development Goals (SDGs), the VGGT, the Fit-for-purpose land administration and management approach and Committee on World Food Security's Responsible Investments for Agriculture and Food Systems, and other contracts/pledges that government developed can be used as guides for land administration and management systems. Consistency and coherence of national policies with international norms and standards remain a challenge for policy-makers.

CSOs must continue to assist communities in ensuring that governments adhere to participatory processes and transparency.





## Tooling

To effectively address the challenges on land administration and management, key intervention on tooling as part of a continuing capacity building practice of both CSOs and governments for better land governance. While a number of tools have been developed (e.g., participatory land use planning, spatial mapping, capacity building, inclusive decision making, participatory conflict management and alternative dispute mechanisms), there is a need to contextualize them into different country characteristics. Local people should be able understand these tools into their local language. The end goal is to empower communities as knowledge is demonstrated and applied.

## Information Networking

As organizations advocating for land, the forum's participants have a wealth of experience and knowledge, which would be useful to share with other countries and organizations to provide or acquire more perspectives on land administration and management interventions. Regular sharing of laws and mechanisms/processes on land administration among countries can go a long way. Government agencies from different countries can also start sharing challenges and successful methods and experiences.

Specific suggestion of an exchange program between rural-urban women to support the agenda on rural and urban land administration and management in selected countries can be arranged.

Mapping of capacities and needs requirements on using participatory and indigenous knowledge with modern technologies is still an area that needs to be developed. The social media should be optimized as a platform for information and communication hub. Online tutorials to share tools are possibilities for regional action.

## Next Steps

Effective land administration and management system is key to achieving secure tenure for all. Land administration projects, if effective and participatory, can facilitate land reform and agrarian justice through laws and policies.

ANGOC and GLTN shall continue to facilitate and foster multi-stakeholder dialogues to understand and address the land challenges raised in the forum. Coming from various platforms, campaigns and processes, the challenge for this regional platform is on bringing and expanding synergy among CSOs, government, academe and private sectors.

In terms of sharing tools and knowledge products (e.g., studies, policy briefs, regional journals), both ANGOC and GLTN shall include the participants in their respective mailing lists. ■



Founded in 1979, ANGOC is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs) and international financial institutions (IFIs).

ANGOC is the convener of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAHM-Asia). ANGOC is also a member of the International Land Coalition (ILC), Global Land Tool Network (GLTN) and the Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium.

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The Global Land Tool Network (GLTN) is an alliance of global regional and national partners contributing to poverty alleviation through land reform, improved land management and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools. Know more about GLTN at <http://www.gltm.net>.

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Land Watch Asia (LWA) is a regional Campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan and the Philippines. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy activities on access to land; jointly develop approaches and tools; and encourage the sharing of experiences on coalition-building and actions on land rights issues.