CSO Land Reform Monitoring Framework in Asia

Background

Land Watch Asia (LWA) is a regional campaign to ensure that the rural poor's access to land is addressed in national and regional agendas towards sustainable development. The campaign involves civil society organizations (CSOs) in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, the Philippines, and Sri Lanka.

Convened by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), LWA has several aims. First is to take stock of significant changes in the policy and legal environments in relation to land access of the rural poor. Second, advocacy activities promoting land access must be strategically positioned and strengthened at national and regional levels. Approaches and tools to this end must be conceived and pursued jointly among CSOs Finally, lessons and experiences on coalition-building and actions on land rights issues must be shared.

ANGOC and LWA pursue its campaign activities with national governments, intergovernmental organizations, and regional institutions, which play critical roles in protecting and enhancing the poor's access to land. The campaign activities of LWA are strongly anchored on the participation of these stakeholders. Their roles retain a primacy to the overall strategy of the LWA campaign.

This monitoring framework has been developed to enhance the capacities of CSOs in monitoring agrarian reform, which forms one of the identified program areas of LWA within its policy advocacy component.

Rationale

The blight of rural poverty continues to afflict food producers in Asia – those who are marginalized and disadvantaged, including farmers, indigenous peoples, women, pastoralists, and fishers. Compounding their woes is poor access to land and other productive resources, in spite of policy and program initiatives on agrarian reform. The prolonged neglect of the agricultural sector has been a major reason behind rural poverty and hunger. However, in recent years, investments in agriculture have increased. The 2009 World Investment Report of the United Nations Conference on Trade and Development (UNCTAD) documented a growth of 17% in foreign direct investments (FDIs) in South, East and Southeast Asia in 2008. Inflows in agriculture exceeded $3 billion per annum between 2005 and 2007, up from below $1 billion per annum between 1989 and 1991 (UNCTAD, 2009).

Paper prepared by Roel R. Ravanera for the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA).

Growing commercial competition for land is accompanied by increasing investments in agriculture. Land grabs are also taking place amid a host of other challenges confronting rural communities throughout the region such as local elite interests, climate change, and poor policy and legal frameworks on land. Agricultural investments, in turn, are potential hosts for other tensions within the rural communities.

With this changing policy environment, issues and processes on land have grown more complex. The work of CSOs will require more research and understanding of the issues, fully appreciating, documenting, and analyzing differing contexts among the eight countries, and producing reliable data. The key result areas of these steps will inform CSO policy dialogues on land with government and intergovernmental institutions.

This CSO land reform monitoring initiative can provide feedback on the status and impacts of various interventions in local communities, especially those affecting women and cultural minorities. For beneficiaries of agrarian reform programs, land reform monitoring is a validation of greater security in land tenure and broader access to land. Its participatory nature could extend the purposes of monitoring into educating and empowering different stakeholders. Among like-minded institutions, land reform monitoring can be used in facilitating partnership, networking, and complementation.

This land reform monitoring framework will articulate the assumptions, indicators, methodology, and mechanisms for CSOs to engage constructively governments and examine other countries' experiences as part

Fig. 1 Process in Crafting the LWA Land Reform Monitoring Framework

of the regional campaign. This framework intends to clarify the direction and parameters in monitoring land reform implementation and to create a guide for the LWA members in conducting their policy advocacy work.

Objectives

The CSO Land Reform Monitoring Framework aims to:

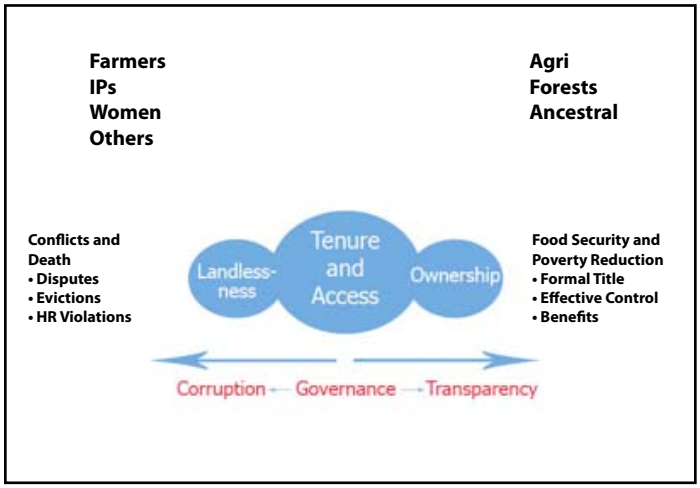
a. identify key indicators for CSO Land Reform Monitoring;
b. ascertain the various users and uses of the framework;
c. suggest instruments to gather data and generate output tables for land reform monitoring; and
d. recommend an institutional mechanism to implement the framework.

Framing the LWA Land Reform Monitoring

A participatory broad-based consultation was adopted in developing the framework to orient CSO and LWA members who are uninitiated in systematic land reform monitoring. Indicators and implementation processes and mechanisms were identified and formulated in the process.

The process started with a draft framework based on existing literature. (A major source is the ANGOC publication *Securing the Right to Land*, which presents regional and country perspectives on access to land for the rural poor.) It was then improved and expanded by academic experts and practitioners, then subjected to roundtable discussions and e-consultations. National and regional meetings were convened to solicit additional ideas, refine the indicators, and discuss viability

Fig. 2 LWA Land Reform Monitoring Framework



of the process and mechanics. Two sets of pilot testing were conducted, the results of which were presented in a regional meeting attended by partners and representatives from governments and intergovernmental organizations.

After eight months, during which pilot tests of the framework were conducted in seven countries and participants' inputs were gathered, the initiative was markedly embraced by the members.[1] Along the way, key bottlenecks were resolved and the campaign was readied for implementation. A user's guide to CSO land reform monitoring was drafted to capture the experience and lessons from the piloting process. The document is accomplished by measure of the framework's development, and is therefore not intended to be a definitive manual.

The Land Reform Monitoring Framework

Tenure and access to land are the main outcome indicators in monitoring agrarian reform programs in Asian countries. The

[1] The seven countries where pilots were undertaken are: Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan and the Philippines.

framework assumes that strengthening land tenure and access leads to food security and poverty reduction. The opposite condition, landlessness, leads to conflicts and violence.

Access to land by farmers, indigenous communities, and women, together with other land-based sectors, is essential for their survival and development. Land is not merely a foundation of their livelihood, but also of their identities and cultural practices. Even national food security hangs on this balance between the economic and the cultural.

Land tenure, access, and control over the land, are governed by customs, rights, and at the national or state level, legislations. Governments implement land or agrarian reform programs to institute these legislations. Governing these programs are rules, authorities and institutions.

Security of tenure over land among these sectors and their constituencies is cemented by land ownership or lease, any of which involves various rights. These include the right to use, dispose, or transfer as inheritance, depending on existing traditions or legislations. These rights or entitlements are manifested frequently through legal documents such as land titles. Greater ownership allows the ability to invest, plan, and care for these lands. Subsequently, beneficiaries attain self-reliance in their needs, improvements in the quality of lives, environmental sustainability, and a collective contribution to feeding their compatriots.

Landlessness is not only the result of evictions, leasing out to investors, and contractual arrangements but is also an inherited condition between dispossessed parents and their children. Increasing agricultural investments and commercialization of lands have been recently feeding the vicious cycle of these processes. Case studies by LWA members show that when this happens, it can lead to conflicts and violence[2].

Governance plays a critical role in determining control over the land. The welfare of land-based communities and the preservation of the environment have infinitely better chances with democratic and transparent processes. This principle highlights the importance of the policy work of LWA and other CSOs.

Scope and Indicators

Given the broad CSO concerns and extensive processes involved in monitoring, attempts by CSOs on land reform monitoring are usually constrained by lack of resources and unsuitable mechanisms. As a strategic measure, the scope must be clearly defined and targeted, and the mechanisms should fit its members' operational capacity.

Scope

CSO monitoring encompasses other land-related issues that also inform NGO missions. Broader social issues such as food security, poverty, governance, and the environment are not marginalized. These issues compel attention and will figure in the results and analyses of the LWA land reform monitoring initiative, even as it retains its focus on tracking the implementation statuses of agrarian reform programs.

2 Refer to ANGOC's regional journal, Lok Niti "Land Grab: Changing the Terrain of Land Tenure". Vol 18/1 2012.

Levels of Operation

LWA members operate at the local, state, national, and regional levels. Some of them conduct or have conducted land reform monitoring on their own as a component of other programs to address specific concerns.

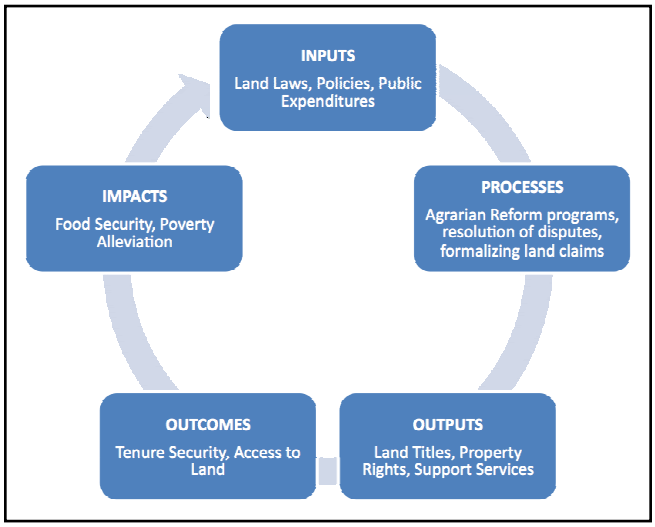
For reasons of practicality, the LWA land reform monitoring initiative will operate at the national level in all countries except India, where agrarian reform programs are legislated and implemented at the state level. Governments in Asia have varied agrarian reform programs given the diversity of land characteristics and political environments. Land administration and availability of data also vary across countries.

There is value, however, in including selected indicators that will allow regional comparisons. The new wave of agricultural investments transcends national boundaries. Although many of these investments are agreed among Asian countries, these transactions have to be analyzed at the regional level. Moreover, regional institutions such as the Association of Southeast Asian Nations (ASEAN), South Asia Association for Regional Cooperation (SAARC) and the Asian Development Bank (ADB) are positioned as stakeholders in these land transactions.

Selecting the Indicators

The monitoring framework follows a certain logic of inputs, processes, outputs, outcomes and impacts (Bending, 2009). In relation to agrarian reform issues, "inputs" are land laws, agrarian policies, and budgets; "processes" relate to the implementation of agrarian

Fig. 3 Conceptual Land Reform Monitoring Framework



reform programs, resolution of dated and current land disputes, as well as verification and formalization of claims over land areas; "outputs" are results and accomplishments such as the number of land titles issued, property rights restored or distributed, and provision of support services; "outcomes" are consequences and positive effects of the previous three factors, for instance in the form of tenure security and access to land; while "impacts" are tied to the ultimate aims of food security and poverty alleviation (see Fig. 3: conceptual framework as applied to land reform monitoring).

Focus, included indicators, and data to be collected are incumbent upon national focal points. This allows flexibility to address specific national concerns linked with their advocacies and action agenda.

In the pilot monitoring projects conducted in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, and the Philippines, several indicators were tested. Some indicators had to be dropped due to unavailability of data. Refer

to the regional summary of the results of the country pilot experiences "Monitoring Land Reforms in Asia: Status Check".

Common Regional Indicators

While the national contexts vary and agrarian reform programs differ across countries, there is agreement in the desired outcome: greater access to land and stronger land tenure for the farmers and indigenous communities, particularly women and other disadvantaged sectors. After all the agrarian reform laws have been crafted, programs implemented and titles issued, summary questions for accomplishment remain: are the farmers' tenure on land more secure? Do they have greater access to their lands?

Access to land, which "is the ability to use land and other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities" (FAO in IFAD, 2008) covers the following issues:

- Distribution or concentration of land ownership, in this case, effective ownership or possession of a title deed as the legal owner, right to cultivate the land (usufructuary right), and the right to harvest the cultivation (benefits);
- Displacement of smallholders; and
- Landlessness, "the state of those agricultural workers not owning or renting land and without access to permanent employment" (FAO, 2003).

Land tenure, on the other hand, "refers to the rules, authorities, institutions, rights and norms that govern access to and control over land and related resources. It defines the rules and rights that govern the appropriation, cultivation and use of natural resources on a given space or piece of land. It governs who can use what resources, for how long and under what conditions. Strictly speaking, it is not land itself that is owned, but rights and duties over it" (IFAD, 2008).

There are three main aspects of enhanced access to land: (i) strengthening land tenure security and land rights; (ii) increasing the amount of land that someone has access to; and (iii) improving the productivity of land. Alternatives to enhancing access to land for agriculture may include promotion of non-farm activities and urbanization (IFAD, 2008).

After a series of validation workshops and the piloting phase of the draft monitoring framework by the countries, the tables on the following page shows a list of indicators that are generally available and accessible.

Additionally, indicators on inputs such as budgets and policies are also deemed important. LWA members may choose to pursue monitoring land-related policies (e.g., land use, women's access to land, policies on other marginalized groups like indigenous peoples and fishers, and policies or guidelines on foreign investment in land) as well as agrarian reform budgets.

Establishing national and regional mechanisms for land reform monitoring[3]

LWA will undertake land reform monitoring in Asia. Members of LWA will take the lead in their respective countries. The ANGOC

[3] For more details, refer to the user's guide accompanying this CSO Land Reform Monitoring Framework.

A. Land Tenure
Land Disputes, which are "conflicts arising out of competing interests or when different parties have varying interests on the same parcel of land" (FAO, 2002). ☐ Number of people killed (per 100,000 population) ☐ Number of people detained(per 100,000 population) ☐ Number of people harassed (per 100,000 population) ☐ Number of cases received (per 100,000 population) ☐ Number of cases investigated (per 100,000 population) ☐ Number of cases adjudicated (per 100,000 population) ☐ Number of cases of land grabbing ☐ Percentage of area of land grabbed ☐ Average time in years for dispute resolution Additional indicators ☐ Annual loss of time due to disputes ☐ Monetary loss
Evictions, considered "the permanent or temporary removal against the will of individuals, families and/ or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (Committee on Economic, Social and Cultural Rights). ☐ Number of households evicted/ displaced from farms (per 100,000 population) ☐ Number of households becoming totally homeless because of eviction
B. Access to Land
Ownership ☐ Land ownership distribution by size ☐ Gini coefficient/bottom-to-top ratio (for analysis)
Tenancy Rights ☐ Number of sharecroppers ☐ Percentage of sharecroppers with legal documents ☐ Percentage of contract farmers' area in relation to total agricultural area
Landlessness ☐ Gini coefficient (for analysis) ☐ Number and percentage of landless persons among rural population

Regional Secretariat will provide the necessary support in processing national data and consolidate them for regional comparisons.

National

The following activities will be undertaken at the national level:

1.Adoption of the monitoring framework

A consultation process of adopting the proposed CSO Land Reform Monitoring Framework will be initiated. The framework may be revised according to the needs, relevance, and suitability to country situation. Agreed common regional indicators, however, will be maintained and used by LWA members in all countries.

2. Setting up national steering committees and secretariats

Using the monitoring framework, members of LWA will set up their own National Steering Committee that will provide policy direction and guidance. It is suggested to build on various expertise and to include NGOs, farmer organizations, indigenous people's organizations, members of the academe, and other relevant sector representatives. Government "champions", whenever appropriate, may be invited as members of the steering committee.

The National Steering Committee will be supported by a Secretariat that will be responsible for day-to-day operations.

3. Conduct of land reform monitoring

The National Secretariat under the guidance of the steering committee will undertake land reform monitoring. It should not only collect and collate information but also provide analyses as bases for more strategic interventions among members. It should strengthen its information capacity to influence policy makers.

4. Data validation

The success of land reform monitoring depends largely on the credibility of data. Collected information will be validated and triangulated. Data sources should be researched and double checked.

5. Dissemination of reports

Reports will be produced annually. To influence programs and policy directions, reports will be submitted to appropriate government, intergovernmental organizations, and the media. Forums and dialogues will also be convened to advocate urgent issues. Blogs and other information technology platforms will be utilized to reach a wider audience.

Geographic information system (GIS)-generated maps will also be used to enhance the presentation of monitoring data. These maps are powerful analytical, advocacy and communication tools, especially when employed in land issues. It can complement the data gathered by demonstrating relationships, such as the correlation between landlessness and poverty, in a visual manner.

Regional

At the regional level, a similar process and mechanism will be established, selected indicators for regional comparison will be central to analyses. Comparative analysis will figure greatly. Follow-up studies will also be conducted to substantiate data results.

Challenges encountered and lessons learned

Inputs from participating countries have revealed common ground through the pilot testing of the framework. A general agreement that there is a deficiency if not absence of successful implementation of essential land reform programs exists. For instance, in Indonesia, policies have been crafted but have not been implemented.

Representatives of Pakistan also share that the unavailability of "updated and reliable official data regarding land use and tenure" caused setbacks in the completion of their study. Another challenge is the scarcity of institutions directly advocating land rights and its attendant issues. Land reform had been a strong movement in the early 1970s but has

weakened in the past decades. Only recently has there been an urgent call for another large-scale advocacy, with the onset and exposition of massive land grabbing.

Indigenous communities and women are major concerns of the participants. It has been observed that most of land acquisitions in the rural areas have reached the uplands, affecting many indigenous communities. And with the increases in population and demand for land, most of those left landless are women.

Postscript

The increasing competition for land that is anticipated to intensify in the near future requires good governance to balance competing interests of various sectors towards attaining food security and sustainable rural development. Monitoring these developments will be valuable in making sound and informed policy decisions. Inputs of CSOs will be critical for their ability to articulate the situations of farmers and other vulnerable sectors.

This framework provides the general parameters for LWA members in monitoring land reform programs in their own countries. It is not meant to be a detailed manual but a reference for anchoring their policy and advocacy work. The accompanying user's guide to CSO land reform monitoring provides the road map but leaves enough room for creativity and value additions.

For those who are more academically inclined and would want to pursue the development of Land Reform Development Index that has been thoroughly discussed by some partners, this framework can serve as the foundation in developing quantifiable indicators using mathematical formulations.

If resources would allow, LWA should invest in establishing a database that will facilitate the collection, processing, and dissemination of data and results. Such database will be a valuable contribution in the efforts of CSOs to uphold land rights in rural Asia.

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