Experiences, Challenges and Opportunities:

Collaboration for Pro-Poor Land Governance - United Nations and Civil Society Organizations

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International Land Coalition (ILC)

The International Land Coalition is a global alliance of civil society and intergovernmental organizations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity-building.

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UNDP Drylands Development Centre (UNDP/DCC) is part of the United Nations Development Programme. It is a unique global thematic centre that provides technical expertise and practical policy advice and programme support for poverty reduction and development in the drylands of the world.

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Table of Contents

List of Figures and Case Studies 7
List of Acronyms 9
Executive Summary 12

1 Introduction 21
1.1 About this Document 23

2 Land Governance, Civil Society and the UN 25
2.1 What is land governance? 25
2.2 Why does land governance matter? 28
2.3 Making land governance pro-poor 32
2.4 UN-CSO collaboration for pro-poor land governance 34

3 A broader understanding of what CSOs do reveals many valuable entry points for UN agencies 37
3.1 How CSOs promote pro-poor land governance 39
3.2 Generating information – Research, monitoring and evaluation 40
3.3 Sharing information for empowerment – Civic education and legal empowerment 41
3.4 Advocacy – Providing evidence and enabling representation 42
3.5 Organizing collective action 43
3.6 Providing technical support 44
3.7 Opportunities and entry points for collaboration 45

4 The UN's role in upholding human rights standards and instruments facilitates and complements the work of CSOs 46
4.1 Land governance reform and human rights 48
4.2 A rights-based approach to promoting pro-poor land governance 49
4.3 Using UN and CSO comparative advantages to the full 53

5 UN agencies are in a strategic position to bridge the gap between government and civil society 54
5.1 Convene dialogue between government and civil society 57
5.2 Build bridges across the government-civil society divide 58
5.3 Put land on the public agenda 61
5.4 The UN as a catalyst for dialogue 62

6 The UN can play a key role in strengthening organizations of the poor for engagement in the reform process 63
6.1 The importance of grassroots organizations 65
6.2 The importance of coalitions and networks 65
6.3 Enhancing the organizational capacity of the poor 66

7 Funding should promote a broad-based movement for reform 68
7.1 Who to fund? 70
7.2 What to fund? 70
7.3 How to fund? 71
7.4 Accountability, yes; Bureaucracy, no 72
7.5 Needing to be accountable to the poor 73
7.6 Funding for empowerment 76

Annex: Web-based Resources 81

List of Figures and Case Studies

Figure 1 Survey of ILC Members and Partners – Which countries were represented? 24
Figure 2 The Importance of Land Governance for Achieving the MDGs – UNDP Country Office Views 28
Figure 3 CSO Activities throughout the Policy Cycle 34
Figure 4 The Importance of Land Issues – UNDP CO and CSO Views 35
Figure 5 CSO Activities: How important are the following activities in your organization's work? 39
Figure 6 Financial Help for CSOs: "Outside financial help for CSOs risks making them more accountable to donors than to the poor people they seek to represent." Do you agree with this statement? 75

Case Study 1 UNDP Country Offices: Realizing opportunities for collaboration in different areas of civil society activity 37
Case Study 2 Promoting and monitoring the right to food: FAO's role in facilitating human rights monitoring by civil society 47
Case Study 3 Building local capacity to exercise rights: ILO and Indigenous Peoples' rights in Cambodia 52
Case Study 4 UNDP Sri Lanka: Acting as a catalyst for dialogue between community organizations and forest administrators 56
Case Study 5 Bridging the government-CSO divide: ILC experiences in promoting Land Alliances for National Development 60
Case Study 6 IFAD experiences of strengthening rural poor organizations in the Philippines 69
Case Study 7 Funding CSO networks to support grassroots participation in policy dialogue: ILO experiences in Kenya 69

List of Acronyms

AIAS	African Institute for Agrarian Studies
ALRD	Association for Land Reform and Development (Bangladesh)
ANGOC	Asian NGO Coalition (Philippines)
Anon	Anonymous
ARNow!	Agrarian Reform Network (Philippines)
AusAID	Australian Aid
BDP	Bureau of Development Policy
CAPRi	Collective Action and Property Rights
CBO	Community-based Organization
CEPES	Centro Peruano de Estudios Sociales (Peru)
CGIAR	Consultative Group on International Agricultural Research
CIPRODEC	Centro de Investigación, Promocion, y Desarrollo de la Ciudad (Bolivia)
CIRDAP	Centre on Integrated Rural Development for Asia & the Pacific
CNA	Confederación Nacional Agraria (Peru)
CODECA	Comité de Desarrollo Campesino (Guatemala)
CO	Country Office
CONCAD	Fundación Consejo Cristiano de Agencias de Desarrollo (Guatemala)
CPI	Cross Practice Initiative
CSO	Civil Society Organization
CRSC	Community Self-Reliance Centre (Nepal)
DDC	Drylands Development Centre
FAO	Food and Agriculture Organization
FIAN	Food First International Action Network
GEF	Global Environment Facility
ICAARD	International Conference on Agrarian Reform & Rural Development
IFAD	International Fund for Agricultural Development
IFAP	International Federation of Agricultural Producers
IFI	International Financial Institution
IGO	International Governmental Organization
IIED	International Institute for Environment and Development
ILC	International Land Coalition
ILO	International Labour Organization
INGO	International Non-Governmental Organization
IPs	Indigenous Peoples
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco & Allied Worker's Associations
JADE	Juristas Asociados para el Desarrollo Legal (Guatemala)
KPA	Consortium for Agrarian Reform
LAND	Land Alliances for National Development
LEMU	Land Equity Movement of Uganda

MACOFA	Mau Community Forestry Association (Kenya)
MDGs	Millennium Development Goals
MUCAARD	Muslim-Christian Agency for Advocacy & Rural Development (Philippines)
OECD	Organisation for Economic Cooperation and Development
PHGEMN	Pastoralist Hunter-Gatherers' Ethnic Minority Network (Kenya)
PhilDHRRA	Philippine Partnership for the Development of Human Resources in Rural Areas
PRSP	Poverty Reduction Strategy Paper
SCOPE	Strengthening Capacities of Organizations of the Poor (IFAD)
SDF	Social Development Foundation (India)
SDI	Shack/Slum Dwellers International
SGP-PTF	Small Grants Programme to Promote Tropical Forests in Southeast Asia
SIF	Solidarité des Intervenants sur le Foncier (Madagascar)
SARRA	South Asia Rural Reconstruction Association (India)
TFM	Task Force Mapalad
TWA	Transborder Wildlife Association (Albania)
ULA	Uganda Land Alliance
UN	United Nations
UNDP	United Nations Development Programme
USA	United States of America
WFP	World Food Programme
WMCIP	Western Mindanao Community Initiatives Project (Philippines)

Executive Summary

What is land governance?

Land governance refers to the rules and practices of ownership, tenure and use that govern who can access which land resources and when:

- How secure are rights of tenure and access?
- How are these rights registered and recorded?
- How are conflicts over land tenure and resource access resolved?
- Who has access to administrative and judicial procedures?
- How is land distributed and how can it be redistributed?

Land governance is concerned with all the natural resources associated with land, such as soil resources, pasture, timber and non-timber forest products, water and space for housing.

Why does it matter?

Land governance matters because it has a critical impact on development and sustainability, on the realization of basic rights, and on human security. Strengthening the rights of poor men and women to land resources is considered a prerequisite to investments in agriculture, housing and the sustainable management of their environment, while relative equity in land distribution has been linked to higher rates of economic growth. Moreover, land is more than an economic asset; secure and equitable access to land contributes as well to dignity, identity and social inclusion, to peace-building and the building of democracy. From a rights perspective, secure access to land for the poor is a right that is derivative from other rights such as the right to food, the right to property and the right to adequate housing. In many areas of the globe, contradictory claims to land and natural resources lie at the root of civil conflicts.

The document and the research behind it

This document is aimed at United Nations (UN) country teams and United Nations Development Programme (UNDP) country offices, other international development organizations and many civil society organizations. It seeks to make clear the opportunities and constraints that exist for mutual engagement. It has been produced by the International Land Coalition (ILC) in collaboration with the UNDP as part of its Cross Practice Initiative (CPI) on Land Governance funded by its Bureau of Development Policy (BDP). This initiative is designed to identify the role UNDP should play on land governance issues.

This document is based on a global survey conducted by the ILC of its civil society members and partners, a range of very diverse Civil Society Organizations (CSOs) that work on many different aspects of land governance throughout the world. It is also based on an inquiry by the ILC into the experiences of UNDP and other UN agencies in working with CSOs to promote pro-poor land governance. It draws as well on data from the CPI survey of UNDP country offices managed by the UNDP Drylands Development Centre on behalf of the BDP. The surveys revealed five clear ways in which UN agencies and civil society could better work together to promote pro-poor land governance.

A broader understanding of what CSOs do reveals many valuable entry points for UN agencies

CSOs stress that their effective input into policy dialogue is dependent on research, awareness-raising, community-organizing, and coalition-building. Supporting these different 'backstage' roles is therefore just as important as creating formal space for CSO advocacy. UN interventions in different countries provide examples of how this can be done.

The existence of a broad-based, organized, grassroots-driven movement for pro-poor land governance reform that is able to project its message and make the best possible use of openings for dialogue, when they arise, would be an asset to the work of UN agencies. This broader view of CSO roles also offers many more entry points for the involvement of UN agencies. They include areas such as civic education and legal empowerment, research, and community organizing. Land is often a very sensitive issue and UNDP country offices face many constraints in getting involved in this area. In a given country, many or most forms of UN-CSO collaboration on land may be very difficult. Even here, an awareness of the range of CSO roles may help in finding openings for collaboration.

The UN's role in upholding human rights standards and instruments facilitates and complements the work of CSOs

CSOs highlight how the role of UN agencies as standard setters and human rights advocates helped them in their work. They call for document and conventions on land governance, and for the real implementation of existing conventions. Case studies on the work of different UN agencies also show that such a rights-based approach to land issues can be advantageous in giving them a mandate for collaboration with civil society and engagement on land governance issues.

Through a rights-based approach to promoting land governance reform, UN agencies can facilitate the work of CSOs in advocating for pro-poor land governance. International standards provide CSOs with benchmarks against which national performance can be measured. They also supply key arguments and confer legitimacy. This complementarity

between UN and CSO roles can be enhanced by providing civil society with tools to monitor compliance, and by strengthening their capacity to carry out this role.

UN agencies are in a strategic position to bridge the gap between government and civil society

Both CSO and UN agency experiences show the value of the role that these agencies can play in overcoming the barriers that exist between government and civil society organizations. One case study shows how UN agencies can provide the leverage and confidence necessary to facilitate government-community agreements on land access at the local level, even when the national-level environment is more difficult. Another key finding of the background work is the value that CSOs place on having allies within government.

UN agencies are uniquely positioned to identify potential allies and bring them together. Bridging the gap between government and civil society can also mean convening different types of fora for government-CSO dialogue, thus creating space for CSO advocacy. It can mean encouraging inclusivity in existing dialogue and consultation processes. It can also mean mediating to overcome barriers of mistrust and ignorance, or raising land governance issues to put them on the public agenda.

The UN can play a key role in strengthening organizations of the poor for engagement in the reform process

CSOs repeatedly stress the importance of community organizing, raising the awareness and building the capacity of communities affected by land governance issues. They stress the importance of efforts for land governance reform being driven by the views and needs of affected people. The case studies in this volume show instances where UN agencies have strengthened local-level organizations through small grants projects or as part of larger programmes, and where these community organizations have gone on to participate in wider civil society coalitions to defend their rights to access natural resources.

Strengthening community organizations and civil society coalitions can be a viable strategy for UN agencies to help poor people promote land governance reform. This approach fits with the mode of operation of many UN agency projects and programmes, and it may thus be possible to avoid a direct focus on the often sensitive issue of land rights. The goal is to empower communities to take action on objectives defined by them. The sustainability of community organizations is a crucial factor and can be enhanced by facilitating linkages amongst themselves and with the wider civil society.

Résumé analytique

Qu'est-ce que la gouvernance des terres ?

On entend par gouvernance des terres l'application des règles et des principes relatifs à la propriété foncière, au régime de la propriété foncière et à l'utilisation des terres qui régissent les droits d'accès aux ressources en terre et déterminent notamment qui a accès à ces ressources et quand :

- Quelle est la sécurité des droits de propriété foncière et d'accès aux terres ?
- Ces droits sont-ils enregistrés officiellement ?
- Comment les conflits relatifs à la propriété foncière et à l'accès aux terres sont-ils résolus ?
- Qui peut engager les procédures administratives et judiciaires ?
- Comment les terres sont-elles réparties et cette répartition peut-elle être modifiée ?

La gouvernance des terres englobe toutes les ressources associées aux terres, tels que les sols, les pâturages, les produits forestiers ligneux et non ligneux, l'eau et les espaces d'habitation.

Pourquoi est-elle importante ?

La gouvernance des terres doit son importance à l'impact essentiel qu'elle a sur le développement et la durabilité, sur les réalisations des droits fondamentaux et sur la sécurité humaine. Le renforcement des droits des pauvres, hommes et femmes, relatifs aux ressources en terre est considéré comme une condition préalable des investissements dans l'agriculture, le logement et la gestion durable de leur environnement; également, une égalité relative en matière de répartition des terres est liée à une augmentation des taux de croissance économique. Par ailleurs, la terre est davantage qu'un simple bien économique; un accès assuré et équitable aux ressources en terre contribue aussi à la dignité, à l'identité et à l'inclusion sociale des individus, à la consolidation de la paix et au renforcement de la démocratie. Du point de vue des droits, la sécurité de l'accès aux terres pour les pauvres est un droit qui découle d'autres droits tels que le droit à l'alimentation, le droit à la propriété et le droit à un logement approprié. Dans de nombreuses régions du globe, des revendications contradictoires relatives à la terre et aux ressources naturelles constituent la cause profonde de conflits civils.

Le document et les recherches sous-jacentes

Le présent document est destiné aux équipes de pays des Nations Unies et aux bureaux de pays du Programme des Nations Unies pour le développement (PNUD), à d'autres organisations de développement international et à de nombreuses organisations de la

société civile. Il vise à préciser les possibilités d'engagement mutuel et les contraintes qui s'y opposent. Il est dû aux travaux menés par la Coalition internationale pour l'accès à la terre (ILC) en collaboration avec le PNUD dans le cadre de sa l'Initiative multi-pratique (CPI) sur la gouvernance des terres financée par son Bureau des politiques de développement (BDP). Cette initiative a pour objet de définir le rôle que le PNUD devrait jouer dans le domaine de la gouvernance des terres.

Le présent document est fondé sur un sondage mondial mené par l'ILC auprès de ses membres et partenaires de la société civile, gamme très diverse d'organisations de la société civile (OSC) dont les activités portent sur de multiples aspects de la gouvernance des terres de par le monde. Il repose également sur une enquête menée par l'ILC sur les expériences du PNUD et d'autres organismes des Nations Unies en matière de travail avec les OSC pour promouvoir l'adoption de pratiques pro-pauvres dans le domaine de la gouvernance des terres. Il puise aussi dans les données d'un sondage du CPI mené auprès des bureaux de pays du PNUD gérés par le Centre de développement des terres arides du PNUD pour le compte du BDP. Les sondages et enquêtes ont mis en évidence cinq façons d'améliorer la coopération entre les organismes des Nations Unies et la société civile aux fins de promouvoir une gouvernance des terres favorable aux pauvres.

Une meilleure compréhension des activités des OSC révèle de nombreux points d'entrée intéressants pour les organismes des Nations Unies

Les OSC soulignent le fait qu'elles doivent, pour que leur contribution au dialogue des politiques soit efficace, faire appel à la recherche, à la sensibilisation, à l'organisation communautaire et à l'établissement des coalitions. L'appui de ces diverses activités menées « en coulisse » par les OSC est tout aussi important que la création d'un espace formel de plaidoyer. Les interventions des Nations Unies dans différents pays offrent des exemples de la façon de procéder.

L'existence d'un mouvement à large base, organisé et partant de la base en faveur d'une réforme de la gouvernance des terres tenant compte des besoins des pauvres qui permettrait de faire passer son message et de faire un usage optimal des possibilités de dialogue lorsqu'elles se présentent, serait d'une grande utilité pour les organismes des Nations Unies. Cette large conception du rôle des OSC offre également des points d'entrée considérablement plus nombreux à ces organismes, notamment dans les domaines de l'éducation civique, de l'autonomisation juridique, de la recherche et de l'organisation communautaire. La question foncière est souvent très délicate et les bureaux de pays du PNUD se heurtent à de nombreux obstacles lorsqu'ils s'engagent dans ce domaine. Dans certains pays, un grand nombre de formes de collaboration des Nations Unies et des OSC, voire la plupart d'entre elles, peuvent présenter de sérieuses difficultés. Même dans ces cas, toutefois, la connaissance de toute la gamme des rôles des OSC peut aider à repérer des avenues de collaboration.

Le rôle des Nations Unies en matière de défense des droits de l'homme et d'application des instruments y relatifs facilite et complète les travaux des OSC

Les OSC signalent que les organismes des Nations Unies, du fait de leur rôle dans la définition des normes et la défense des droits de l'homme, les ont aidées dans leur travail. Elles demandent que des directives et des conventions sur la gouvernance des terres soient formulées et que les conventions existantes soient appliquées. Les études de cas sur le travail de différents organismes des Nations Unies indiquent également qu'une telle approche des questions foncières axée sur les droits peut être utile en ce qu'elle leur confère un mandat de collaboration avec la société civile et d'intervention dans le domaine de la gouvernance des terres.

Par le biais d'une approche axée sur les droits de la promotion de la réforme de la gouvernance des terres, les organismes des Nations Unies peuvent faciliter le travail de plaidoyer des OSC en faveur d'une gouvernance des terres pro-pauvres. Les normes internationales fournissent à ces dernières des repères par rapport auxquels les performances nationales peuvent être mesurées. Elles fournissent également des arguments clés et confèrent de la légitimité aux OSC. Cette complémentarité des rôles des Nations Unies et de la société civile peut être renforcée en fournissant aux OSC des outils pour surveiller l'application des mesures en vigueur et en renforçant leurs capacités en la matière.

Les organismes des Nations Unies sont positionnés stratégiquement pour combler l'écart entre le gouvernement et la société civile

Les expériences des OSC ainsi que des organismes des Nations Unies révèlent la valeur du rôle que ceux-ci peuvent jouer pour surmonter les obstacles qui existent entre le gouvernement et les OSC. Une étude de cas indique comment les organismes des Nations Unies peuvent, par effet de levier, apporter le pouvoir et la confiance nécessaires pour faciliter les accords entre l'État et les communautés concernant l'accès aux terres au niveau local, même lorsque la situation est plus difficile au niveau national. Un autre constat clé des travaux de recherche est que les OSC attachent une grande valeur à la présence d'alliés au sein des instances gouvernementales.

Les organismes des Nations Unies sont particulièrement bien positionnés pour repérer les alliés potentiels et pour les réunir. Combler l'écart entre le gouvernement et la société civile peut également consister à convoquer diverses réunions pour lancer un dialogue entre les deux parties, ce qui ouvre un espace au plaidoyer des OSC. Cela peut consister à encourager l'inclusivité dans les processus de dialogue et de consultation existants. Cela peut également consister à intervenir en tant qu'intermédiaires pour surmonter les obstacles dus à la méfiance et à l'ignorance ou pour soulever les questions relatives à la gouvernance des terres afin de les inscrire à l'ordre du jour public.

Les Nations Unies peuvent jouer un rôle clé dans le renforcement des capacités des organisations de pauvres à intervenir dans le processus de réforme

Les OSC insistent très fréquemment sur l'importance de l'organisation communautaire, de la sensibilisation des communautés et du renforcement des capacités des communautés concernées par les questions de gouvernance des terres. Elles soulignent l'importance de veiller à ce que les efforts de réforme dans ce domaine soient informés par les vues et les besoins des intéressés immédiats. Les études de cas présentées dans ce volume donnent des exemples de cas où des organismes des Nations Unies ont renforcé les organisations au niveau local, au moyen de projets de microfinancement ou dans le cadre de programmes de plus vaste envergure, et où ces organisations communautaires ont ensuite participé aux actions de grandes coalitions de la société civile pour défendre leurs droits d'accès aux ressources naturelles.

Le renforcement des organisations communautaires et des coalitions de la société civile peut constituer pour les organismes des Nations Unies une stratégie viable pour aider les pauvres à promouvoir une réforme de la gouvernance des terres. Cette approche s'inscrit dans le droit fil des processus adoptés par de nombreux projets et programmes des Nations Unies et a l'avantage d'éviter une concentration directe sur la question souvent délicate des droits fonciers. Elle vise à habiliter les communautés à agir en vue de la réalisation d'objectifs définis par elles. La durabilité des organisations communautaires est également un facteur crucial et elle peut être accrue en facilitant l'établissement de relations entre ces organisations ainsi qu'entre elles et l'ensemble de la société civile.

Les appuis financiers devraient promouvoir un mouvement à large base en faveur de la réforme

Les OSC qui représentent les pauvres, des deux sexes, soulignent le fait que les appuis financiers extérieurs peuvent être essentiels à leur réussite. Les pauvres ruraux et urbains qui peuvent être affectés par l'insécurité ou se voir refuser l'accès à la terre et aux ressources naturelles sont aussi ceux qui ont le moins les moyens de financer des activités civiques. Leur exclusion du dialogue de politiques est une question d'économie ainsi que de volonté politique. L'appui financier accordé par les organismes des Nations Unies aux OSC a eu un impact concret évident. Mais l'expérience de ces organismes et des OSC montre également que ces concours financiers extérieurs risquent parfois de faire apparaître les OSC comme impulsées par les donateurs, ce qui dissuade les éléments de base de s'impliquer et réduit la capacité des mouvements et des coalitions de la société civile à représenter les pauvres de manière opérante.

L'appui financier accordé par les Nations Unies à la société civile peut devenir plus efficace. Les organismes des Nations Unies peuvent répondre aux besoins exprimés par les OSC, en leur octroyant des subventions mieux adaptées aux processus d'habilitation

Resumen Ejecutivo

¿Qué es la gobernanza territorial?

Gobernanza territorial se refiere a las normas y prácticas de la propiedad, tenencia y uso que indican quienes pueden acceder a los recursos de la tierra y cuándo pueden hacerlo:

- ¿Cómo asegurar los derechos a la tenencia y acceso?
- ¿Cómo se registran y documentan estos derechos?
- ¿Cómo se resuelven los conflictos sobre tenencia y recursos de la tierra?
- ¿Quién tiene acceso a los procedimientos administrativos y judiciales?
- ¿Cómo se distribuye la tierra y cómo puede ser redistribuida?

La gobernanza territorial se refiere a todos los recursos naturales relacionados con la tierra, como el suelo, las pasturas, madera, productos forestales no madereros, agua y espacios destinados para viviendas.

¿Por qué es importante?

La gobernanza territorial es importante porque tiene un impacto crucial sobre el desarrollo y la sostenibilidad, sobre el ejercicio de los derechos básicos, y sobre la seguridad de los seres humanos. El fortalecimiento de los derechos de los hombres y las mujeres pobres se considera un prerrequisito para invertir en la agricultura, vivienda y la gestión sostenible de su medioambiente; mientras que una relativa equidad en la distribución de la tierra se vincula con mayores índices de crecimiento económico. Además, la tierra es más que un bien económico; el acceso seguro y equitativo a la tierra contribuye a la dignidad, identidad e inclusión social, a la construcción de la paz y de la democracia. Desde el punto de vista de los derechos, el acceso seguro de los pobres a la tierra, es un derecho que deriva de otros derechos como el derecho a los alimentos, el derecho a la propiedad y el derecho a una vivienda adecuada. En muchas regiones del mundo, los reclamos sobre la tierra y los recursos naturales son las raíces de los conflictos civiles.

El documento y su investigación

Este documento está dirigido a los equipos de país de las Naciones Unidas (ONU) y a las oficinas de país del Programa de las Naciones Unidas para el Desarrollo (PNUD), otras organizaciones internacionales para el desarrollo y muchas organizaciones de la sociedad civil. Pretende visibilizar las oportunidades e impedimentos que existen para alcanzar un compromiso mutuo. Fue elaborado por la Coalición Internacional para el Acceso a la Tierra (ILC por sus siglas en inglés) en colaboración con el PNUD como parte de su Iniciativa de Prácticas Intersectoriales (CPI por sus siglas en inglés) en la Gobernanza

Territorial, fundada por su Dirección de Políticas de Desarrollo (DPD). Esta iniciativa fue diseñada para identificar qué función puede tener el PNUD en los asuntos de gobernanza territorial.

Este documento está basado en una encuesta mundial conducida por la ILC a sus miembros y socios de la sociedad civil, una gran variedad de Organizaciones de la Sociedad Civil (OSC) que trabajan en los distintos aspectos de la gobernanza territorial en todo el mundo. También se basa en una investigación de la ILC sobre las experiencias del PNUD y otras agencias de la ONU que trabajan con OSC para promover la gobernanza territorial en favor de los pobres. Además, utiliza información obtenida en las encuestas de la CPI de las oficinas de país del PNUD, dirigidas por el Centro de Desarrollo de las Zonas Áridas del PNUD por cuenta de la DPD. Las encuestas revelan cinco formas muy claras en las que las agencias de la ONU y la sociedad civil podrían trabajar mejor para promover la gobernanza territorial en favor de los pobres.

Un conocimiento más amplio del trabajo de las OSC revela muchas ventanas abiertas para las agencias de las ONU.

Las OSC ponen énfasis en que su aporte eficaz al diálogo político depende de la investigación, toma de conciencia, organización comunitaria y construcción de coaliciones. La prestación de apoyo a estas diferentes funciones desde un segundo plano es tan importante como crear un espacio formal para que las OSC promuevan sus intereses. Las intervenciones de la ONU en los diferentes países dan ejemplos de cómo puede lograrse.

La existencia de un movimiento de la sociedad civil de amplia base y organizado para una reforma de la gobernanza territorial en favor de los pobres, capaz de transmitir su mensaje y hacer uso óptimo de las aperturas para el diálogo, cuando estas surgen, sería un recurso de gran valor para el trabajo de las agencias de la ONU. Esta visión más amplia del rol de las OSC también ofrece más ventanas para que las agencias de la ONU se involucren. Éstas incluyen áreas como la educación civil, el empoderamiento legal, investigación y organización comunitaria. La tierra es, a menudo, un tema sensible y las oficinas de país del PNUD se enfrentan a muchos impedimentos para involucrarse en éste. En determinados países, la mayoría, o muchas de las formas de colaboración ONU-OSC sobre la tierra, pueden ser muy difíciles. Incluso allí, la toma de conciencia de la gama de roles de las OSC puede ayudar a encontrar puntos de colaboración.

El rol de la ONU para mantener los estándares e instrumentos de los derechos humanos facilita y complementa el trabajo de las OSC.

Las OSC resaltan cómo el rol de las agencias de la ONU para establecer estándares y promover los derechos humanos los ayuda en su trabajo. Solicitan pautas y convenciones

de gobernanza territorial, y la implementación real de las convenciones ya existentes. Los estudios de caso del trabajo de distintas agencias de la ONU también demuestran que este enfoque basado en los derechos, aplicado a los asuntos territoriales, puede resultar ventajoso al proporcionarles un mandato de colaboración con la sociedad civil y un compromiso en los asuntos de gobernanza territorial.

Mediante un enfoque basado en los derechos para lograr la reforma de la gobernanza territorial, las agencias de la ONU pueden facilitar el trabajo de las OSC para promover la gobernanza territorial a favor de los pobres. Los estándares internacionales brindan puntos de referencia para medir el desempeño nacional. También proveen argumentos clave y confieren legitimidad. Esta complementariedad entre la ONU y las OSC puede mejorarse facilitando a la sociedad civil las herramientas para monitorear el cumplimiento, y fortaleciendo su capacidad para llevar a cabo esta función.

Las agencias de la ONU se encuentran en una posición estratégica para cerrar la brecha entre el gobierno y la sociedad civil.

Tanto las experiencias de las OSC como las de las agencias de la ONU muestran el valor de la función que estas agencias pueden tener para vencer las barreras existentes entre el gobierno y la sociedad civil. Un estudio de caso demuestra cómo las agencias de la ONU pueden servir de puntal y brindar la confianza necesaria para facilitar los acuerdos entre el gobierno y la comunidad sobre el acceso a la tierra a nivel local, aún cuando el ambiente a nivel nacional sea más difícil. Otro descubrimiento importante del trabajo desde un segundo plano es el valor que las OSC dan a los aliados dentro del gobierno.

Las agencias de la ONU están en una posición privilegiada para identificar posibles aliados y reunirlos. Cerrar la brecha entre el gobierno y la sociedad civil también puede significar crear diferentes instancias de diálogo entre el gobierno y las OSC, creando espacios para el trabajo de promoción de las OSC. Esto puede hacerse fomentando la inclusión en los diálogos y procesos de consulta existentes. También puede significar derribar las barreras de desconfianza e ignorancia, o visibilizar los asuntos de gobernanza territorial para incluirlos en la agenda pública.

La ONU puede tener un rol importante en el fortalecimiento de las organizaciones de los pobres para involucrarlos en el proceso de reforma.

Con frecuencia, las OSC resaltan la importancia de la organización comunitaria, la toma de conciencia y la construcción de capacidades de las comunidades afectadas por los asuntos de gobernanza territorial. Ponen énfasis en la importancia que los esfuerzos para lograr la reforma de la gobernanza territorial estén motivados por la opinión y las necesidades de las personas afectadas. Los estudios de caso en este volumen muestran instancias en las que las agencias de la ONU han fortalecido a las organizaciones a

nivel local mediante pequeños proyectos de subsidio o como parte de programas más amplios, y donde las organizaciones comunitarias han participado en coaliciones de la sociedad civil más grandes para defender sus derechos al acceso a los recursos naturales.

El fortalecimiento de organizaciones comunitarias y coaliciones de la sociedad puede ser una estrategia viable para que las agencias de la ONU ayuden a la población pobre a promover la reforma de la gobernanza territorial. Este enfoque se ajusta al modelo operativo de muchos proyectos y programas de las agencias de la ONU, y así puede ser posible evitar un enfoque directo sobre el tema de derechos sobre la tierra, con frecuencia tan sensible. El objetivo es empoderar a las comunidades para actuar en base a objetivos definidos por ellas mismas. La sostenibilidad de las organizaciones comunitarias es un factor crucial, y puede ser mejorada facilitando el vínculo entre ellas y con la sociedad civil en sentido más amplio.

El financiamiento debería promover un movimiento de base amplio para la reforma.

Las OSC que representan a los hombres y mujeres pobres enfatizan que el financiamiento externo puede ser fundamental para su éxito. La población pobre rural y urbana que puede verse afectada por la inseguridad o la imposibilidad de acceso a la tierra y los recursos naturales, es también la que tiene menos posibilidad de financiar la actividad cívica. Su exclusión del diálogo sobre políticas es un asunto económico así como de voluntad política. Cuando las agencias de la ONU han brindado apoyo financiero a las OSC, se ha notado un impacto concreto. Pero las experiencias de las agencias de la ONU y las OSC también demuestran que el financiamiento externo puede conllevar el riesgo que las OSC sean percibidas como dirigidas por los donantes, lo que desincentiva la participación de las bases populares y debilita la capacidad de los movimientos y las coaliciones de la sociedad civil de representar a los pobres eficazmente.

El apoyo financiero de la ONU a la sociedad civil puede ser más eficaz. Las agencias de la ONU pueden responder a la necesidad expresada por las OSC de recibir subsidios más adecuados para los procesos a largo plazo, de empoderamiento y diálogo, y para los procedimientos de informes y propuestas armonizados, que resultan más fáciles de administrar por pequeñas organizaciones. La propiedad de las bases populares puede promoverse mediante la toma de decisiones compartida con los socios de las OSC, dando prioridad a las OSC y a las coaliciones con fuertes estructuras democráticas, y construyendo una participación significativa de las bases populares en el diseño de proyectos.

Funding should promote a broad-based movement for reform

CSOs that represent poor men and women emphasize that external funding can be critical to their success. The rural and urban poor who may be affected by insecurity or denial of access to land and natural resources are also those least able to finance civic activity. Their exclusion from policy dialogue is a matter of economics as well as political will. UN agencies that have financially supported CSOs this can be shown to have had concrete impact. But UN agency and CSO experiences also show how external funding sometimes risks having CSOs appear to be seen as donor-driven, discouraging grassroots involvement, and weakening the ability of civil society movements and coalitions to effectively represent the poor.

UN financial support for civil society can become more effective. UN agencies can respond to the needs expressed by CSOs for grants better suited to longer-term processes of empowerment and dialogue, and for harmonized proposal and reporting procedures that are easier to manage for small organizations. Grassroots ownership can be fostered through shared decision-making with CSO partners, by prioritizing CSOs and coalitions with strong democratic structures, and by building meaningful grassroots participation into the design of projects.

1. Introduction

Land governance is about access and rights to land and all the natural resources that are associated with it. It is about who can use these resources and how this is decided, about the security of rights, and about how conflict over land and resources is resolved.

Land governance is a crucial factor in sustainable development. It affects the food security of the poor, incentives for investment in agriculture, and the sustainable management of natural resources. Secure access to land for the poor is often an essential element for eradicating poverty, for sustainable urban and rural development, and for realizing fundamental human rights, such as the rights to adequate food and housing. Improving land governance means resolving one of the underlying causes of conflict in many societies.

United Nations organizations thus have a mandate to support the reform of land governance systems wherever they work for improved human security, the sustainable management of natural resources, the promotion of democratic governance, and the eradication of poverty in both rural and urban spheres. But, in order for land governance reforms to contribute most fully to these goals, they must be closely related to processes that empower poor men and women to make decisions. The meaningful, informed participation of the poor is the only guarantee that land governance reform will be pro-poor.

This is not always an easy area for the work of UN agencies. Yet, as many examples described in these document show, it is an area where they can and do have an impact. Through the careful selection of nationally-appropriate strategies, promoting the involvement of poor men and women and their organizations in land governance reform is a way in which UN agencies can assist states to meet their internationally- recognized obligations. UN agencies have clear mandates to act in arenas of poverty elimination, sustainable development and human rights. The need to play a leadership role in land governance can be framed as a central part of that mandate; linking with civil society is a key part of that role. Indeed, UN agencies have comparative advantages in this area, as they are impartial bodies able to engage with both government and civil society.

The aim of these document is to help UN country teams, as well as other UN staff, other intergovernmental organizations and civil society organizations to:

- Understand the issue of land governance, why it matters and why civil society needs to be involved;
- Understand why UN agencies need to work with civil society organizations to promote pro-poor land governance; and
- Identify the opportunities and entry points that exist for such UN-CSO collaboration.

Text Box 1

The research behind this document

This document are grounded in the accumulated experiences of CSOs and UN agencies, based on:

A global survey of CSOs, representing an extensive cross-section of the CSOs working on land governance issues around the globe, done by the ILC;

A global survey of 122 UNDP country offices, conducted by the UNDP Drylands Development Centre;

A review of the experiences of other UN agencies, as a basis for detailed case studies.

Key points

The analysis of the surveys and other inputs into these document has revealed many lessons on the opportunities, and difficulties that exist for UN-CSO collaboration for pro-poor land governance reform. These lessons can be summarized in five key points:

- A broader understanding of what CSOs do reveals many valuable entry points for UN agencies;
- The UN's role in upholding human rights standards and instruments facilitates and complements the work of CSOs;
- UN agencies are in a strategic position to bridge the gap between government and civil society;
- The UN can play a key role in strengthening organizations of the poor for engagement in the reform process; and Funding should promote a broad-based movement for reform

This document is organized into seven chapters. These describe the work of different UN agencies and the recommendations of CSOs as they relate to these points. They outline some of the key entry points and approaches that UN agencies can follow in promoting pro-poor land governance through the involvement of civil society and the empowerment of poor men and women.

Chapter 1 provides a brief introduction to the subject matter -- land governance, a crucial factor in sustainable development that affects the food security of the poor and incentives for investment in agriculture and sustainable management of natural resources. Chapter 2 provides a definition of land governance, why it matters and how it can be made pro-poor. Chapter 3 examines what CSOs do and highlights the possible entry points for UN agencies in land governance issues. Chapter 4 explores the role of the United Nations in upholding human rights and instruments that facilitate and complement the work of CSOs. Chapter 5 examines the what and how. Chapter 6 discusses the role the United Nations can play in strengthening organizations of the poor for their engagement in the reform processes. Chapter 7 discusses funding. The last section of the document presents annexes that provide the reader with Web-based resources.

1.1 About this Document

1.1.1 The UNDP-BDP Land Governance Cross Practice Initiative

UNDP is engaged in a Cross Practice Initiative on Land Governance funded by the Bureau of Development Policy. This initiative is principally designed to determine what the role of the UNDP should be in the area of land governance reform. It seeks to assess how the UNDP fits into the collective efforts of the international community on this issue.

The CPI on Land Governance emphasizes the potential role that UNDP and other UN organizations, through UN country teams, can have in bringing the voices of affected people to the table in policy dialogue on land and natural resources issues. This is seen as crucial to facilitating pro-poor reforms. The status of UNDP and UN country teams as trusted partners of government is seen as vital to their ability to play this role.

1.1.2 The CPI survey of UNDP country offices

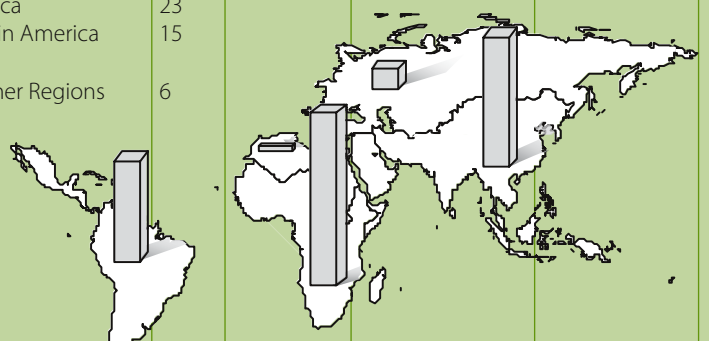
As part of the Cross Practice Initiative on Land Governance, the UNDP Drylands Development Centre conducted a global survey of UNDP country offices. The objective of this survey was to assess the actual and potential levels of the involvement of country offices in land governance as an issue, the needs that they have in order to do so, and the strategies that they could pursue. The data produced by the CPI survey have been used to provide important contextual information for these document.

1.1.3 The International Land Coalition surveys of CSOs

The principle research behind this document was conducted by the International Land Coalition, in collaboration with the UNDP Drylands Development Centre. The major part of the research consisted of a survey of civil society organizations that are members or partners of the ILC. These are all organizations, including farmers' organizations, advocacy groups, NGOs and civil society umbrella organizations, working to promote and realize a pro-poor land governance agenda, though in different ways and very different local and national contexts. A total of 63 CSOs in 27 countries responded to the survey.

Figure 1

	Asia		Africa		Latin America		Other Regions	
Survey of ILC Members and Partners: Which countries were represented?	Bangladesh	2	DR Congo	1	Argentina	1	Albania	3
	Cambodia	1	Kenya	5	Bolivia	4	Azerbaijan	1
	India	4	Madagascar	2	Costa Rica	1	Palestine	1
	Indonesia	2	Malawi	1	Guatemala	5		
	Nepal	3	Malí	1	Honduras	1	Global	1
Figures indicate the number of CSOs responding from each country or territory	Philippines	5	Niger	1	Perú	3		
			Rwanda	1				
	Regional	2	South Africa	4				
			Tanzania	2				
			Uganda	3				
			Zambia	1				
			Zimbabwe	1				
Regional totals:	Asia		19					
	Africa		23					
	Latin America		15					
	Other Regions		6					



1.1.4 The ILC review of UN agency experiences

The results of the above survey were supplemented by a review of the experiences of a range of UN agencies, including a number of UNDP country offices. This investigation focused on the experiences of these UN agencies in collaborating with CSOs on land governance issues, with the aim of promoting pro-poor land governance reforms. The findings of this review form the basis of the case studies presented in this volume.

1.1.5 Intended audience

This document is intended for use by the following target groups:

- UN country teams, in particular, UNDP country offices;
- Multilateral and donor organizations in their engagement with land governance issues and with civil society; and
- Civil society organizations, with the aim to help them understand the role that multilateral institutions can play, and the opportunities and constraints that exist for mutual engagement.

2. Land Governance, Civil Society and the UN

What is land governance? Why does it matter? How can civil society help make land governance pro-poor? Is this an issue on which collaboration between the UN and civil society is possible? These are the fundamental questions that this chapter seeks to answer. These questions also form the basis for exploring, in the later chapters, the opportunities that exist for UN-CSO collaboration.

2.1 What is land governance?

Promoting pro-poor land governance reform can mean doing a great variety of different things. The ILC survey has shown, for example, that CSOs organize farmers in Nepal to claim formal tenancy rights, lobby for community management of forest resources in Kenya, engage policy dialogue and civil action on agrarian reform in the Philippines, conduct research on the effects of existing land policies in Bangladesh, assist Indigenous Peoples (IPs) to secure territorial rights in Bolivia, mediate between communities in conflict over land in Guatemala, and conduct civic education on land rights in Uganda.

All these issues and activities are closely interlinked; yet, it is difficult to encompass them with a term like 'land rights' or 'access to natural resources'. This is why the Cross Practice Initiative is using the term 'land governance'. The following has been adopted as a working definition:

"Land governance includes both the formal and informal rules which determine who gets to use which land resources, when, for how long and under what conditions."

It is also necessary to emphasize that land governance implies a process of governance – not just rules, but how these rules are created and enforced.

Land governance, therefore, covers themes of land ownership and tenure, as well as those of land administration, conflict resolution and (re)distribution. It is concerned both with the process of allocating and securing rights to land, and with the results -- the modes and patterns of ownership, as well as access and use, which are of critical economic and cultural importance to the people involved.

2.1.1 The diversity of land resources

The work of the surveyed organizations has also highlighted the impossibility of separating the governance of land per se from that of other natural resources. The rules governing access to land are shown to be critical to gaining access to, for example, irrigation water, wildlife and other non-timber forest resources, fodder and inland fisheries. For this reason, land governance not only refers to land in the narrowest sense but to the whole range of natural resources that may be associated with land, including soil, vegetation,

water resources (e.g. surface waters, aquifers, catchments), fauna and space (as used by buildings and transport routes).

2.1.2 Land rights and tenure systems

A tenure system or regime is the way in which access to and use of these land resources is organized. Systems of tenure may be created by statute, agreed precedent, or customary practice. A common source of conflict is overlap between formal tenure (codified in national law) and customary tenure (created by community adherence to a particular set of practices). Rights within a tenure system may also be roughly classified as:

- Primary and/or ownership rights, including freehold ownership, leasehold ownership, root title (ownership of the land itself – vested, in many African countries, in the Head of State), subsoil rights and communal tenure or common property.
- Secondary or use rights, including seasonal access rights, tenancy rights and agreements, grazing rights, rights to harvest vegetation (including fodder and medicinal plants), water abstraction rights, waste disposal rights, hunting and fishing rights, timber harvesting rights/logging concessions, rights of occupancy (e.g. of squatters, or for ceremonial purposes), and rights to movement across land.

De facto tenure systems, in other words, what happens in practice, are also sometimes affected by projects sponsored by international agencies. Agreements on tenure may be built into agreements between governments and donors, thus either legitimizing or promoting the evolution of tenure arrangements.

2.1.3 Processes and institutions of land governance

Processes

Systems of tenure often require some means of enforcement. They may also be changed through processes of reform. Rights to land resources may be unclear or lead to conflicting usages, or they may prescribe patterns of access that are highly inequitable. Therefore, land tenure systems may require processes of monitoring, clarification and registration, adjudication and conflict resolution, reform and redistribution. They may also allow practices that are environmentally destructive, or that fail to facilitate rural and urban development. These too are reasons for reform.

Institutions

Land governance is likewise concerned with the institutions that carry out and influence these processes. The formal and informal institutions involved in land governance include state administrative institutions (e.g. land registration and cadastre offices, land reform departments, rural and urban planning departments), the state legislature and executive, the judicial system, local government, customary institutions for decision-making, arbitration and adjudication, the family, community-based organizations (CBOs) and the planning and management structures of development projects.

Influence of civil society and other actors

However, processes of land governance reform are influenced by a much wider range of non-state actors, and often driven by them. They include the private sector as well as intergovernmental organizations and other donor institutions. Most importantly, they include civil society organizations: farmers associations, landowner associations, NGOs, women's groups, social movements, academic institutions, landless people's movements, and advocacy organizations. The ILC survey has revealed that some CSOs play an important role in showing the need for change, mobilizing demand for change, and influencing the direction of change in land governance reform.

Text Box 1

What do we mean by 'CSOs'?

The term 'civil society organization' is commonly used to mean different things. In this document, the term is used inclusively to refer to organizations that are not governmental, intergovernmental or profit-seeking. This definition thus includes NGOs, membership-based organizations such as farmers' organizations, popular coalitions and social movements, and also community-level organizations such as community-based organizations, self-help groups, and natural resource management associations.

Are all CSOs pro-poor?

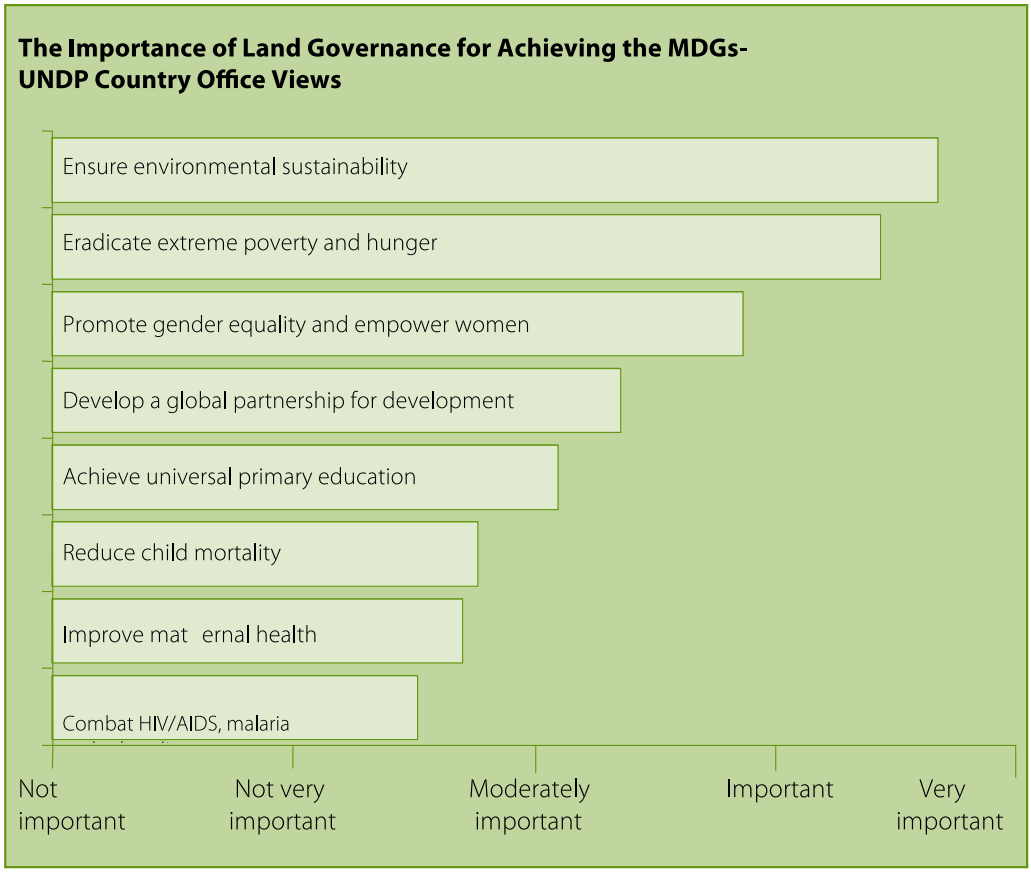
These document also recognize that a wide variety of viewpoints are represented within civil society. CSOs can be landless people's movements or landowner associations; they may be closely associated with ruling politicians or radically opposed to them, and may oppose democratic values, or illiberal ones. CSOs are not automatically pro-poor. They do not have an automatically-justified claim to represent 'the poor' or any segment of the poor population of a country. Yet, beyond the ballot box, it is through civil society that the poor can give voice to their concerns and hold governments accountable. Many CSOs do represent poor stakeholders in land issues, and play an indispensable role in doing so.

UN agencies have a mandate to collaborate with CSOs that share their values and objectives (see Section 2.4). They therefore need to make an assessment of different civil society and land actors on a country-by-country basis to identify possible collaborators for mutual engagement.

2.1.4 Land governance and democratic governance

The processes and institutions of land governance are also subject to considerations of democratic governance. Are these processes transparent? Do they fully involve and take into account the perspectives of the affected people, of the poor, of marginalized groups, and of the organizations that represent them? Are decision-makers democratically accountable? Do research, consultation and evaluation procedures ensure that decisions reflect realities on the ground? Many of the surveyed CSOs can be said to play a critical role as watchdogs and promoters of good land governance practice.

Figure 2



2.2 Why does land governance matter?

Land is a vital economic resource. Three-quarters of the world's poor live in rural areas and depend on access to land and associated natural resources for their livelihoods. In urban areas, meanwhile, security of tenure is one of the key factors that promote sustainable urban development, enabling the poor to improve standards of housing and their standards of living.

Yet, access to land for the poor is very often inadequate and insecure. Access to land resources is often highly unequal. Without strong interventions by government or civil society, the long-term trend in landholding is often concentration in the hands of the few. The economic opportunities for the land-poor and the landless are thus curtailed. With increasing inequity in access to land, poorer members of society are increasingly deprived of resources they need to utilize, or of the security needed for investment.

Simultaneously, access to land is a prerequisite for the survival of the cultural heritage of many rural and indigenous peoples. It is also a vital factor in achieving sustainability. Repeatedly, environments rich in biodiversity and resources for human use have been destroyed or degraded where insecure and contested claims of access to resources have led to a "free for all', technically open-access exploitation.

Improving the security and equitability of access to land resources is essential to the achievement of the Millennium Development Goals (MDGs). Land governance is integral to each of the three pillars for achieving the MDGs – development, human rights and security – as described in the UN Secretary General's report: In Larger Freedom.[1]

2.2.1 Land governance is a development issue

In the CPI survey of UNDP country offices, 85 CSOs stated that land governance issues hinder the achievement of the MDGs in their country – over 80 per cent of those that responded to the question. On average, land governance was considered to be very important to ensuring environmental sustainability, to achieving the eradication of extreme poverty and hunger, and to promoting gender equality and empowering women, and moderately important to the achievement of all five remaining MDGs (see Figure 2).

Indeed, the importance of land reform and improved tenure security for development is widely recognized.[2] Highly unequal land ownership distributions not only undermine the ability of the landless poor to get out of poverty, but also lead to sub-optimal land use. Promoting greater equality in land ownership is therefore often a prerequisite for broad-based economic growth. UN agencies have a long history of promoting agrarian reforms and providing technical assistance to governments undertaking land reform programmes. Likewise, in recent decades, there have sometimes been very extensive land titling and registration programmes financed by multilateral institutions.

1 In Larger Freedom: Towards Development, Security and Human Rights for All, http://www.un.org/largerfreedom/index.html.

2 See e.g.: Klaus Deininger, Land Policies for Growth and Poverty Reduction: a World Bank Policy Research Report, World Bank, Washington, p. ix; The Global Drylands Imperative, Second Challenge Paper Series: Land Tenure Reform and the Drylands, Nairobi, 2003, p.i.; AusAid (2000), Improving Access to Land and Enhancing the Security of Land Rights: A Review of Land Titling and Land Administration Projects, Quality Assurance Series No.20, p.11.

Text Box 3

Land governance reform and the MDGs

Strengthening the rights of poor men and women to land and natural resources is essential to achieving the following MDGs:

Goal 1: Eradicate extreme poverty and hunger.

Secure rights to land, alongside the provision of other services, may enable poor men and women to improve production and income, improving their food security.

Goal 2: Achieve universal primary education.

Insecure and unrecognized tenure may lead to the denial of basic public services, including education, while improved income (Goal 1) may increase school attendance.

Goal 3: Promote gender equality and empower women.

Women in developing countries own less than two per cent of land despite playing a pivotal role in agriculture and household food security. Secure land rights for women also increase women's social and political power, contributing to a reduction in child mortality and improvements in maternal health (Goals 4 and 5).

Goal 6: Combat HIV/AIDS, malaria and other diseases.

Non-recognition of women's rights to inherit land exacerbates the HIV/AIDS epidemic, causing loss of livelihood, as well as food insecurity, thus forcing many to enter into other relationships which may increase their own risk of becoming infected.

Goal 7: Ensure environmental sustainability.

Resource degradation is rooted in imbalances of power, wealth, knowledge and access to resources. If poor households lack secure land rights, they are compelled to adopt short-term survival strategies that have negative environmental impacts.

Goal 8: Develop a global partnership for development.

It is crucial that poor men and women, whose livelihoods are directly affected by land and resource policies, have the opportunity to participate in policy formulation and decision-making processes and partnerships at local, national and global levels.

Source: International Land Coalition, ***The Importance of Land and Resource Rights in Achieving the MDGs***, Rome (2007), http://www.landcoalition.org/pdf/MDG_05flyer.pdf.

2.2.2 Land governance is a human rights issue

Secure access to land resources is often critical to the realization of a range of human rights. Its lack may be a cause of food insecurity, low income, poor housing, an inability to obtain basic services, and the loss of cultural heritage and identity. Respect for the equal rights of women, indigenous peoples, and other marginalized groups cannot exclude respect for their rights to land.

Secure access to land is a human right in itself, where that access is needed for the realization of other basic rights. However, to speak of a single 'right to land' does not capture the complexity of the land rights issue. Land governance can involve a plurality of rights, for the landless and homeless, squatters, those with formal title or customarily-defined access and possession, freedom from discrimination based on such traits as gender or ethnicity, and freedom from arbitrary and illegal eviction.

Viewed from the perspective of international human rights law, the above rights can be considered in the context of the right to food, the right to adequate housing, the right to property, the right to be protected against forced evictions, the right not to be arbitrarily deprived of one's property, the right to employment, and the right to an adequate standard of living.

2.2.3 Land governance is a security issue

Competing claims to land and natural resources is an important source of both civil and military conflict.[3] Likewise, inequitable access to land and inadequate access for the poor has been and is the source of major conflict in many societies. Even where land is not at the root of conflict, tenure disputes often emerge in the course of conflict and serve to perpetuate insecurity. Attention to land governance may thus need to be a part of peace-building efforts.

Land-related conflict often occurs in the context of migration where the claims of new and pre-exiting inhabitants may overlap. Loss of land rights is a key issue when people are displaced by conflict; uncertain and conflicting land rights are issues related to the return of refugees. The goal of secure access to land and natural resources for the poor implies a concern with wider issues of human security.

2.2.4 Land governance: Challenges and opportunities

While the need for land governance reform is rarely disputed, the form these reforms should take remains a very open question. Land tenure and governance systems are complex and highly specific to locality. Land governance issues are also politically highly sensitive, bearing witness to histories of colonialism and dispossession. Ownership of land often correlates with social position, economic wealth and political power. Attempts by the poor to instigate pro-poor land governance reforms are thus often opposed by powerful interest groups.

The ILC survey of CSOs does not reveal any single blueprint reform for pro-poor land governance. Rather, these CSOs seek political windows of opportunity for engagement in different national and local contexts. Actual issues addressed by the surveyed CSOs

3 See Policies and Practices For Securing and Improving Access to Land, Cotula, Toulmin and Quan, ICARRD Issue Paper No.1, January 2006. http://www.icarrd.org/en/icard_doc_down/Issue_Paper1.pdf .

include:

- The interrelation between formal and customary tenure systems, as in Uganda, leading to the loss of entitlements by family members who are not heads of families (e.g. wives, children, widows and orphans), a situation exacerbated by HIV/AIDS;
- Illegal discrimination against women in matters of land tenure, as in Guatemala;
- The non-recognition in Cambodia and elsewhere of customary common property by the state, leading to conflict with government licensed extractive industries;
- Low capacity and partiality of land administration and of the judiciary in India, leading to denial of access to justice for low caste victims of eviction;
- Resistance to land reform implementation by large land holders, as in the Philippines;
- The non-availability of legal and policy documents in local languages, leading in Kenya to the exclusion of certain communities from participation in policy dialogue on land tenure reforms and natural resources management; and
  Conflicting claims to land of private land owners and Indigenous peoples, as in Bolivia.

2.3 Making land governance pro-poor

Many studies are focused on the review of prevalent land governance situations and the development of policy instruments, which, employed in the right context, may be pro-poor. This work is needed and valuable, but not sufficient. It leaves unanswered certain questions, such as:

- How can policy makers take the diversity of specific local realities into account?
- How can the government be persuaded to adopt pro-poor reforms, even in the face of opposition from powerful interest groups?
- How can one ensure that existing policies are properly implemented to the benefit of the poor?

This document takes the view that the answer to these questions lies in the involvement of the affected people. The affected population is needed to provide local knowledge of their situations, to create political pressure for reform, and to monitor implementation and governance systems, thus holding administrators accountable. As the Organization for Economic Cooperation and Development (OECD) has stated:

"For pro-poor growth policies to emerge, the poor need to be informed and empowered to influence a policy-making process that is accountable to their interests."[4]

4 Promoting Pro-Poor Growth: Key Policy Messages, OECD, 2006, p. 35. http://www.oecd.org/dataoecd/0/61/37852580.pdf.

Beyond the ballot box, broad-based popular participation in policy development, decision-making and implementation happens through the medium of civil society. In practice, facilitating the role of the poor in land governance reform means facilitating the work of the civil society organizations that represent them. This document aims to address how this can be done.

2.3.1 CSOs in roles in land governance reform

Most of the CSOs that responded to the ILC survey might describe themselves as advocacy organizations. However, they do more than simply advocate, in the narrow sense. The survey indicates that CSOs play an important and needed role at all points of the policy cycle (see Figure 3). Over-emphasis on CSO involvement in formal consultations and fora for policy dialogue may thus lead to a variety of opportunities for UN-CSO collaboration being overlooked. The role of civil society can be facilitated not just at the level of decision-making, but also in areas such as civic education and research. This may be just as effective at improving the impact of civil society movements for pro-poor land governance reforms.

2.3.2 CSO roles in promoting democratic governance

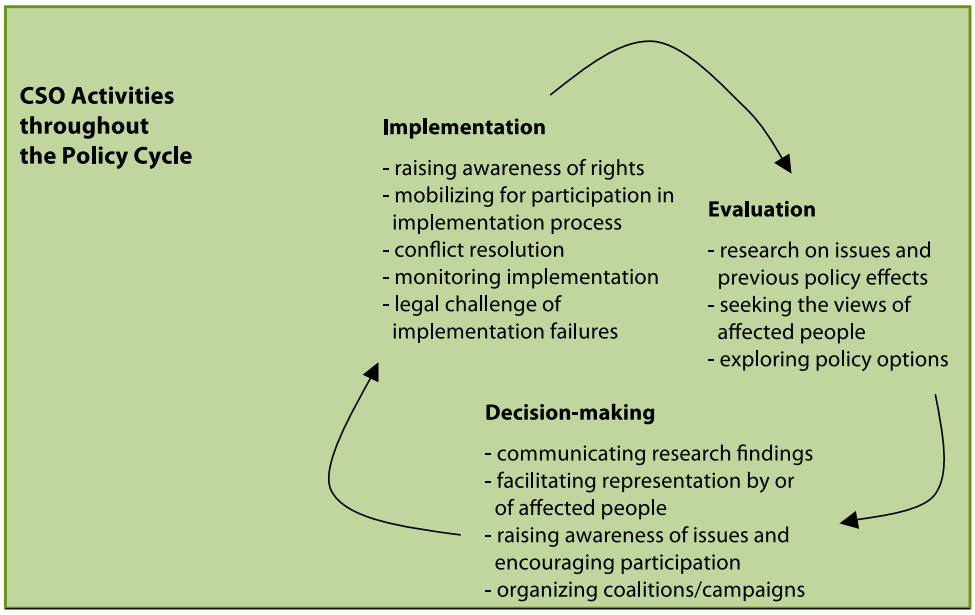
Although their work is usually linked to advocacy, the role of many of the respondent CSOs can be described as the legal empowerment of the poor. Even more CSOs could be described as being engaged in promoting democratic governance. In this they have three main roles:

- As representatives: Articulating the interests and views of citizens at local, national and international levels; reporting back to citizens in a two-way flow of information
- As watchdogs: Monitoring governance process
- As educators: Conducting civic education to promote the civic disposition, knowledge and skills of citizens[5]
    - Empowering citizens to participate in civic life;
    - Promoting understanding of political and civic contexts;
    - Raising awareness of political, civic, social and economic rights; and
    - Enhancing skills for informed and effective participation in political processes.

The range of CSO roles and activities described in this document point to the range of different openings there may be for UN-CSO collaboration.

5 For a fuller explanation of civic disposition, knowledge and skills as parts of civic education see Civic Education; Practical Guidance Note, UNDP, 2004, http://www.undp.org/governance/docs/A2IGuidesCiviceducation.pdf.

Figure 3



2.4 UN-CSO collaboration for pro-poor land governance

2.4.1 Shared aims can be a basis for collaboration between the UN and CSOs

UN agencies have a mandate for collaboration with civil society. However, a prerequisite for UN-CSO collaboration is that the UN agency and CSOs concerned must share common aims. For example, the publication UNDP and Civil Society Organizations: A Practice Note on Engagement states:

"UNDP collaborates with CSOs whose goals, values and development philosophy correspond to its own. UNDP also engages with CSOs concerned with (inter)national public policy and governance. The nature of the partnership with CSOs, particularly at the country level, needs to be rooted in informed analysis and assessment of the country situation including the role, competencies and needs of CSOs".[6]

The views of UNDP country offices in the CPI survey, and the broad range of CSOs represented by the ILC survey, indicate a high degree of agreement about priorities for land governance reform. Country offices were asked to rate the national importance of a range of land and natural resources governance issues. In the ILC survey, CSOs were then asked to do the same for the same list of issues. Figure 4 compares the global average responses for CSOs and UNDP country offices.[7]

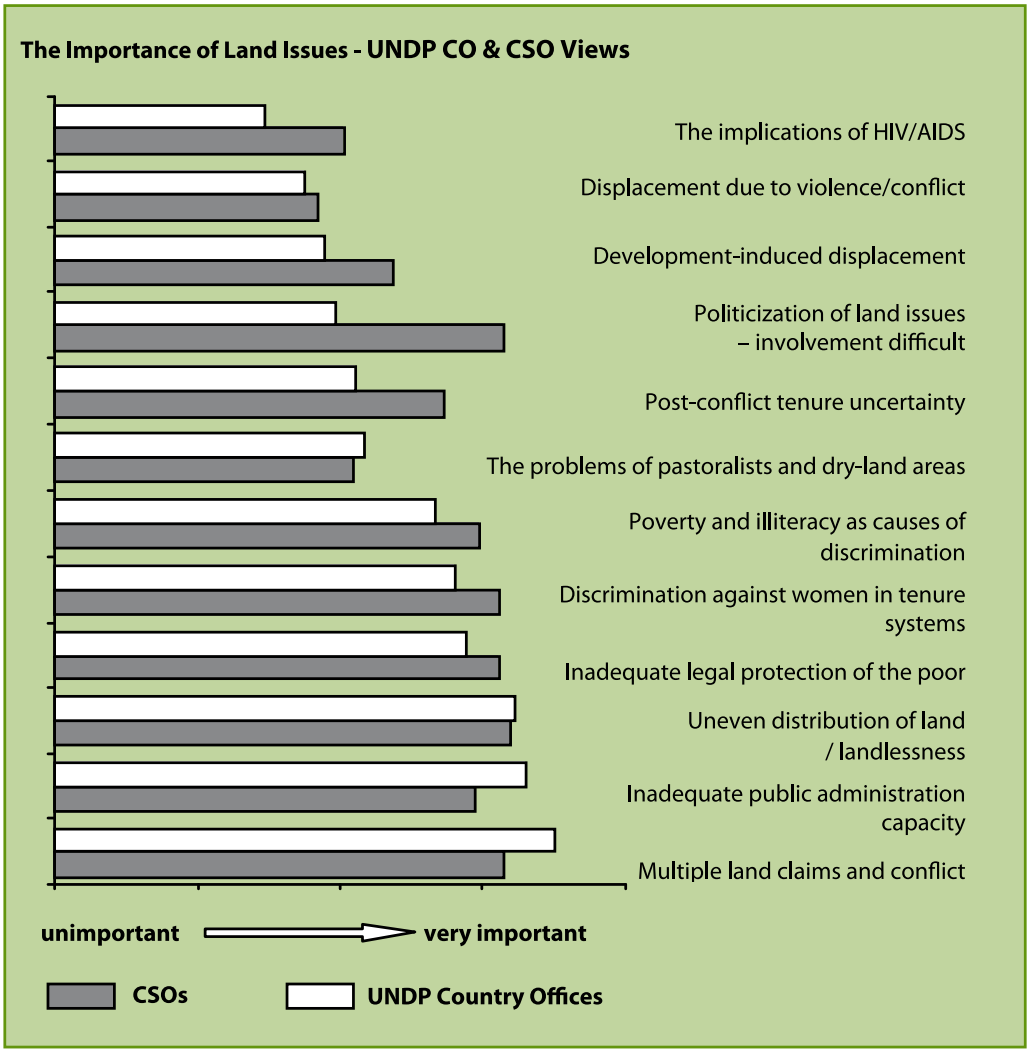
6 UNDP and Civil Society Organizations: A Practice Note on Engagement, UNDP: 2001: www.undp.org/partners/cso/publications/UNDP%20CSO%20Policy.doc

7 Using data only from countries for which both Country Office and CSO data are available.

Figure 4 shows a general pattern of agreement on the relative importance of different land governance issues. The only very clear exception concerns the politicization of land issues and whether this makes involvement difficult (by country offices and CSOs, respectively). Comparing responses on a country-by-country basis shows that this exception is largely due to a number of African countries where the importance of this issue was rated low by UNDP country offices and high by CSOs.

This finding suggests that, in the African context particularly, there may be a need for members of UN country teams and national CSOs to share their understandings of the nature of the land reform processes in their countries in order to facilitate collaboration.

Figure 4



In summary, one can say that the similar prioritizing of land governance issues by UNDP country offices and CSOs should provide a good basis for collaboration that seeks to address those issues.

2.4.2 What form should UN-CSO collaboration take?

In each country, the exact role that UN agencies can play will depend on an assessment of national context and on experimentation with what works. It is often about looking for windows of opportunity.

This chapter has already hinted at many different entry points for UN agencies to facilitate the work of CSOs. An e-discussion by the UNDP Democratic Governance and Energy and Environment Groups identified the following as possible key roles for the UNDP:

- Mediator of land disputes and convenor or facilitator of debates about land issues;
- Custodian, champion and manager of processes of consultation with stakeholders;
- Catalyst, providing ideas about ways forward at local and national levels;
- Implementer of development projects connected to land;
- Provider of strategic direction and technical expertise; and
- Upholder of internationally-recognized human rights standards and instruments.

Land governance is a critical development, human rights and security issue. The involvement of civil society in the land governance reform process is needed because this is one of the ways of making sure that, in both the planning and the implementation, these reforms are really pro-poor.

UN agencies, because of their unique position as impartial interlocutors within national processes, are in a position to make a difference in enabling civil society involvement. There is therefore a need for UN-CSO collaboration. But what form should this take? The results of the UNDP e-discussion point to a range of possible roles that UN agencies could play. This range of opportunities will be assessed in the following chapters.

3. A broader understanding of what CSOs do reveals many valuable entry points for UN agencies

The CPI survey of UNDP country offices shows that there is a recognized need to increase the involvement of poor stakeholders in policy dialogue on land governance. However, the ideas about how to do this are rather vague. Moreover, they are focused on promoting formal public processes of consultation and participation.

The ILC survey confirms the importance of such consultation events, but also suggests that the process of 'stakeholder involvement' is being understood too narrowly. It shows that the public advocacy role of civil society is in some ways the tip of the iceberg. Effective involvement by poor stakeholders, or their effective representation, depends on the existence of a well-organized and broad-based movement for change. When affected people are organized and well informed they are able to contribute effectively to debates and to ensure that civil society organizations such as NGOs are able to work well on their behalf.

The ILC survey also highlighted the importance of 'backstage' CSO roles, such as carrying out research, awareness-raising, community-organizing, and coalition-building. Supporting these different roles is just as important as creating formal space for CSO advocacy. Often, when a window of opportunity for dialogue and reform opens, the effective involvement of stakeholders in that reform process depends on the fact that CSOs have being doing their 'backstage' work for some time and a vibrant civil society is already in place, able to make the most of the opportunity

This broader view of CSO roles also offers many more practical entry points for the involvement of UN agencies. They include support to areas such as civic education and legal empowerment, research, and strengthening community organizations. Depending on the political context,these may be more viable entry points than direct consultation. Understanding the range of CSO roles may help country offices identify an opportunity for collaboration even where the sensitivity of land governance makes most forms of collaboration impossible.

Case Study 1

UNDP Country Offices: Realizing opportunities for collaboration in different areas of civil society activity

The CPI survey asked UNDP country offices the question, "How can UNDP help create an enabling environment for the participation of the affected people in land governance reform?" Most country office responses were very focused on formal processes of consultation and policy dialogue. The most common responses suggested capacity-building for administrators and promoting change in government policy as ways to encourage greater consultation of stakeholders. Smaller numbers recommended involving CSOs or convening public fora.

This focus on the formal process of dialogue leaves several unanswered questions: How are the participants in consultation processes to be selected? How are they to be informed about policy issues and options so they can contribute effectively? How can reliable, not just anecdotal, evidence be obtained?

A number of UNDP country offices reported in the survey about interesting opportunities to support CSOs in some of their 'backstage' roles. These are exemplary in giving a broader vision of the role UN country teams can play in supporting CSOs. A few examples are presented here:

Sudan: Promoting legal awareness and stronger civil society networks

The Reduction of Resource-Based Conflicts Project used human security as an entry point to strengthen civil society capacity to manage land-based conflicts and advocate for reform on systems of land tenure and the adjudication of land access disputes. The project worked with CSOs to conduct legal awareness-raising for land commissions, leaving them with capacity to carry on this work. Local workshops were held, bringing together representatives from local and national levels, to improve the linkages between community organizations and national farmers' and pastoralists' unions. A training visit to Kenya to witness a functioning conflict management system strengthened the capacity of pastoralist organizations to advocate for the reform of tenure systems.

Philippines: Supporting community organization for reform implementation

UNDP Philippines has worked to strengthen the capacity of community-level organizations of indigenous peoples to demand their rights to communal land tenure under the Indigenous Rights Act, promoting its implementation.

Brazil: Indirectly strengthening CSO capacity for advocacy

Through the small grants programme of the Global Environment Facility (GEF), UNDP Brazil helped to strengthen an organization of women babaçu nut collectors. Although the focus was on biodiversity and income generation, the intervention nonetheless helped this group achieve legislation to protect their harvesting rights in privately-owned forests.

Sri Lanka: Building confidence for local government-CSO dialogue

UNDP Sri Lanka played a catalytic role in securing access agreements between local Forest Department offices, CSOs and communities, in the context of a small grants programme. Mistrust and a lack of experience in collaboration between community organizations and the local officials stood in the way of securing access rights for local communities to non-timber forest products in state-owned forests. Mediating with the Forest Department at both national and local levels, the Country Office was able to achieve access agreements that may have wider importance as pilots for larger-scale interventions or reforms (see also Case Study 4).

These cases suggest that country offices often understand the role of CSOs too narrowly, thus overlooking opportunities for collaboration. They show that a broader understanding of the roles of civil society in awareness-raising and research, organization and networking, reveals many more openings for support by UN agencies. They show land governance being approached through entry points such as the environment and natural resource management, conflict mitigation, poverty reduction and indigenous peoples' rights. Through these approaches, pro-poor land governance is being promoted, not simply through formal participation of affected people, but by fostering a broad-based movement for change.

3.1 How CSOs promote pro-poor land governance

The ILC survey provides a window onto the process of pro-poor land governance reform. It sheds light onto the roles CSOs play in that process. In the survey, respondents were asked to assess the importance of various types of activity in the work of their organizations. The differences in emphasis are interesting, as shown in Figure 5:

Figure 5: CSO Activities:

CSOs regard lobbying and dialogue with decision-makers at the national level as their most important activity. But notably, of almost equal significance are awareness-raising activities, both as regards land governance issues and existing legal rights. The first of these relates to advocacy for policy reform, the second to promoting the implementation of existing policy, making the law work for the poor.

Research and monitoring are key activities. However, the reporting of research findings upwards, as an input into policy debates, and downwards, as part of raising the awareness of communities, in fact, receives a marginally-higher rating. Other activities that often contribute to land policy implementation are not quite so important. These include supporting access to legal services, conflict resolution and community mapping. These are specialized activities that are very important in the work of some CSOs but are not done by others.

These responses suggest the following break-down of key CSO roles:

i Generating information (research, monitoring, evaluation).
ii Sharing information for empowerment (raising awareness of rights and issues, making information available, civic education in general).
iii Providing information for policy makers (doing evidence-based advocacy).
iv Representing affected people (giving local people a voice at regional, national and international levels).
v Organizing collective action (organizing protests, assisting claimants for legal processes, engaging participants for implementation activities, conducting coalition-building).
vi Providing technical support (legal advice, conflict mediation, mapping services).

Each of these areas presents opportunities for collaboration between UN agencies and CSOs. Below is a description of these potential opportunities.

3.2 Generating information – Research, monitoring and evaluation

Researching land and natural resource issues, conflicts, monitoring and evaluation of land policy implementation form part of the work of 23 per cent of respondent CSOs. Carrying out research was expressed as an aspiration for their organization by a further 11 per cent. Examples of generating information include:

- Monitoring the performance of asset reforms in the Philippines to provide alternative statistical information to both policy-makers and affected people – PhilDHRRA.
- Researching the background to land conflicts in support of conflict resolution processes – JADE, Guatemala.
- Researching customary tenure practices, the assumptions of land market policies, and the affects of their interaction – LEMU, Uganda.

CSO that do research see it as critical to their work, both to advocacy and to the empowerment of the poor for informed participation in advocating for land governance reform.

Text Box 4

UN-CSO collaboration – Research and monitoring

A third of CSOs suggested that UN agencies could in some way assist CSOs in the area of research and monitoring:

Fund research by CSOs: Nineteen (19) per cent of CSOs called for UN funding of CSO research.

Support CSOs in monitoring implementation: A small number of respondents called for support specifically for the monitoring of reform processes, although monitoring may also often be implied by the term 'research'.

Joint collaborative research: Some CSOs mentioned the possibility of conducting joint research, citing the additional effect of strengthening the CSOs concerned. Collaborative research may not only be mutually beneficial, but could also draw on the comparative advantages of CSOs and UN agencies. CSOs provide a presence on the ground and credibility with local people; UN agencies could lend credibility and visibility to the findings.

Promote the dissemination of CSOs research findings: Disseminating research outputs can be difficult to afford for CSOs and support in this area was requested. UN assistance in dissemination can also help endorse the value of the research.

Capacity-building for research: Some CSOs expressed a wish to take on a research role in the future, and 11 per cent requested capacity-building in this area.

"Research focused on land issues must promote a legitimate, participatory dynamic within communities and civil society. Otherwise one runs the risk of generating findings of an 'academic' or 'scientific' nature that, although they may be important, do not necessarily result in the empowerment and transformation of the communities and of society in general."

– Cecilia Balderrama Vargas, CIPRODEC, Bolivia

3.3 Sharing information for empowerment – Civic education and legal empowerment

Thirty-nine (39) per cent of CSOs specifically mentioned their involvement in some kind of awareness-raising or civic education for affected people. These activities were done in connection with advocacy campaigns, or to push for the implementation of reforms, or in connection with legal processes, or simply to make people aware of their legal entitlements. Examples include:

- Simplification, repackaging and distribution of legal and policy documents to facilitate the participation of pastoralist communities in the National Land Policy Formulation Process in Kenya – Anon, Kenya.
- Keeping communities constantly informed on the treatment of land rights cases, to help local people and organizations working to resolve land conflict and insecurity of access – CONCAD, Guatemala.
- Using posters, audiovisual aids, theatre to raise awareness and stimulate debate on land-grabbing by political leaders – Anon, India.

- Training community-based organizations to petition for information on land encroachments and land available for distribution under the Freedom of Information Act – SARRA, India.

This sharing of information may be important for empowering people to join advocacy movements and participate in decision-making processes, and it may equally be important for empowering people to be active in asserting and defending their legal and fundamental rights. It is thus key both to processes of civic education and to the concept of legal empowerment.

Text Box 5

UN-CSO collaboration – Information-sharing for empowerment
Forty (40) per cent of CSOs in the ILC survey called for some kind of UN assistance in the area of civic education, awareness raising, promoting 'land literacy', access to information and legal empowerment.

"People need to be empowered with the information they need to understand the processes and to articulate their issues. This information may need to be translated… Accordingly, UN and other multilateral organizations can support civil society to generate, produce and disseminate this information across all media to all people to empower them with the information that they need to participate in influencing land policy and the implementation of land tenure reform."
– Rose Mbweza, ULA, Uganda

CSOs mentioned specific opportunities for collaboration:
- **Materials in local languages**: UN agencies could support both video (because of illiteracy rates) and printed materials for awareness-raising.
- **Popular versions of documents**: Supporting the production of simplified versions of legal and policy documents allows broader participation in policy dialogue.
- **Fund the dissemination of research findings**: Not only 'policy-makers' but also grassroots communities need access to the information created by research.
- **Sponsor public hearings and workshops**: These can be important means of raising awareness, sharing information and encouraging participation, particularly if they are accessible from the local level.
- **Support CSOs' access to policy documents**: Even national-level CSOs can have difficulty accessing information.

"Financial support should always emphasize the development of popular versions of documents on [research] findings and related interventions (laws and related documents) for community consumption, continued debate and action."
– Karangathi Njoroge, MACOFA, Kenya

3.4 Advocacy - Providing evidence and enabling representation

Advocacy is a key activity for most respondent CSOs. But what does advocacy entail? A critical aspect is the presentation of evidence generated through research, monitoring and evaluation, as in the following examples:

- Substantial research on asset reform issues being used to enhance the credibility and effectiveness of the campaign against the Farmland as Collateral Bill – ARNow! The Philippines.

- Getting the Vested Property Act revoked in Bangladesh, using research on the discrimination suffered by Hindus under the act – ALRD, Bangladesh.
- Using studies to identify vacant land that falls under state jurisdiction to claim the redistribution of that land to local families – CONCAD, Guatemala.

Another key advocacy role of CSOs is to make sure that affected peoples' views and experiences are represented to policy makers. CSOs do this in two ways: They act as representatives themselves; and they facilitate the participation of individuals or grassroots organizations. Eleven (11) per cent of CSOs explicitly mentioned facilitating the involvement of grassroots groups in policy dialogue. Examples include:

- Advocating for a new Forest Act in Kenya, based on dialogue within communities and organizing community delegations to elected representatives – MACOFA.
- Conducting regional workshops with indigenous and peasant organizations on their members' situations, and presenting the findings in a campaign before congress members for a law on land tenure security – CNA, Peru.
- Holding local workshops with Indigenous peoples and farmers on conflicting claims to land, feeding into national policy dialogue on the issue involving representative CSOs and relevant ministries – ANGOC, The Philippines

Text Box 6

UN-CSO collaboration – Enabling advocacy

It was suggested that UN agencies can play many important roles in facilitating the advocacy roles of CSOs. These include:

Create an enabling environment: Uphold universally-recognized human rights and civil liberties norms, and lobby for more participatory policy processes.

Sponsor dialogue: Create various public fora for dialogue between government and civil society and advocate to make them as inclusive as possible.

Build bridges: Help identify and bring into contact potential allies within government and civil society.

Put land on the public agenda: Raise the public profile of land governance issues to create openings for land advocacy CSOs.

This is an area which will be covered in much greater detail in Chapter 5.

3.5 Organizing collective action

Helping affected people to organize themselves for advocacy campaigns, policy implementation or legal processes is a key activity for many CSOs, mentioned by 27 per cent. Ten (10) per cent specifically mentioned organizing different forms of protest. Many also described the building of networks and coalitions as particularly important to success (24 per cent). Building links between communities and local government was also mentioned as an important activity by seven CSOs. Examples include the following:

- Sensitizing and organizing communities for a process of participatory mapping/ cadastre – SIF, Madagascar.

- Building a coalition including District Forest Service staff and Forest Users Associations to secure communal forest tenure – TWA, Albania.
- Organizing a campaign by landless farmers in Nepal to extend the deadline for claims under the Land Reform Act,, linking national-level dialogue to grassroots protests – CRSC.

Text Box 7

UN-CSO collaboration – Organizing for reform

In this area CSOs called for UN support in two different types of activities:

Organize and strengthen community level groups: Community organizations or CBOs such as women's groups, natural resource management associations, and self-help groups, often form the basis of civil society coalitions and can be a key link between affected people and higher-level CSOs.

Support networking and coalition-building: Fostering collaborative linkages between organizations at different levels and in different locations is central to CSO effectiveness in national reform processes.

One opportunity for UN involvement is through programme activities which include community-organizing activities. If linkages to wider coalitions of membership-based organizations of the poor are fostered, such activities may leave behind communities with strengthened capacities to promote and defend their interests. They may thus take an active role in promoting pro-poor land governance, even if this was not an explicit objective of the original intervention. This is will be addressed more fully in Chapter 6.

3.6 Providing technical support

CSOs also provide various kinds of technical support. This means using technical expertise and capacity to provide services to communities. Twenty-six (26) per cent of the respondent CSOs work in the area of legal support and empowerment, and for many this includes providing legal services, or pursuing cases on behalf of affected people. Others provide services of mediation for conflict resolution or expertise on mapping technologies. Still others are engaged in agricultural development projects, seen as complementing their work on land access. Examples include:

- Pursuing a legal case against the Ugandan government on behalf of an indigenous community, to restore communal land rights – ULA.
- Providing legal, surveying and mediation services in a multidisciplinary team, to resolve land conflicts in Guatemala – JADE.

Text Box 8

UN-CSO collaboration – Technical assistance

This is an area in which CSOs rely on their own expertise and capacity, and there are obvious opportunities for UN assistance in further building the capacity of these CSOs to carry their work:

Conflict resolution: Eleven (11) per cent of CSOs called for capacity-building on skills and techniques of conflict resolution and mediation between disputing parties.

Paralegal services: Eight (8) per cent called for training on legal issues and paralegal support to communities and marginalized people.

3.7 Opportunities and entry points for collaboration

The activities described above show that CSOs can play a vital role in promoting pro-poor land governance. They illustrate instances where CSOs are playing such roles. They also reveal opportunities for UN agencies to assist CSOs in their work – opportunities for collaboration.

These opportunities lie in areas of research and monitoring, civic education and legal empowerment, creating an enabling environment for policy dialogue, community organizing, coalition-building, and technical assistance. Collaboration in these areas means supporting the 'backstage' roles of CSOs as well as just focusing on formal dialogue. It means fostering a broad-based movement for change in systems of land governance; it is about empowerment.

Direct dialogue between government institutions and civil society organizations on sensitive land governance issues is often impossible to achieve. But this broader understanding of the role of civil society reveals other entry points. Civic education, research, legal empowerment and the promotion of democratic governance may all lend themselves as relatively neutral entry points in sensitive contexts. Areas such as community organizing and coalition-building may provide entry points for building the capacity of poor and marginalized groups to demand a voice in the policy arena, and to make best use of openings as they arise.

The explicit focus of UN activity may not be land governance. Impartiality may demand that UN interventions focus on the process of empowerment and governance, rather than on the result of pro-poor reforms. But, in many instances, empowerment of poor men and women will mean that they themselves bring land governance issues to the fore.

4. The UN's role in upholding human rights standards and instruments facilitates and complements the work of CSOs

The CSOs responding to the ILC survey see a key role for UN organizations as candid advisors and advocates to government on land governance issues. They look to the UN as a normative standard setter on issues ranging from human rights abuses against land activists, through democratic governance standards and land resources policy, to the inclusion of affected people in policy dialogue.

In this context, the role of UN organizations as upholders of universally-recognized human rights standards, as well as promoters and custodians of other international conventions, agreements and norms, was repeatedly mentioned. CSOs called for:

a. More emphasis on compliance with existing norms and agreements;
b. Monitoring of compliance; and
c. New norms or document on land governance.

Text Box 9

> "Impart the political will and technical support for putting into action the numerous agreements, treaties and conventions signed by governments (like Convention 169 on the rights of Indigenous peoples, the [International Covenant on] Economic, Social and Cultural Rights, and the Convention on the Rights of Women). Up to now, much has been agreed and signed, but much has remained as dead words and the rhetoric of speeches."
>
> – Cecilia Balderrama Vargas, CIPRODEC, Bolivia

These international standards facilitate the work of CSOs because they give them a legitimizing and 'above politics' point of reference from which to engage in land governance debates. Where treaties and conventions are ratified, they may give CSOs a basis for legal challenges to anti-poor policies or the failure of policy implementation. Particularly if they are linked to indicators, they give CSOs benchmarks against which to judge policy performance and national situations.

As some of the case studies in these document also show, human rights norms and international conventions also offer a good 'above politics' entry point for UN agencies to engage with land governance issues in national contexts. They can provide an excellent basis for UN-CSO collaboration. This is particularly the case because the role of the UN as international upholder of human rights norms, and of CSOs as monitors and whistle-blowers within national contexts, are complementary and mutually supporting.

Case Study 2

Promoting and monitoring the right to food: FAO's role in facilitating human rights monitoring by civil society

The collaboration between the Food and Agriculture Organization (FAO) and Food First International Action Network (FIAN) is an example that indicates how UN agencies can adopt a rights-based approach to promoting pro-poor land governance. It also shows how this approach can be complemented through strengthening the capacity of CSOs to monitor and advocate for national compliance with these international norms.

A rights-based approach to promoting pro-poor land governance

Since 2002, FAO has played an international standard-setting role through its promotion of the right to food. In order to promote the implementation of the right to food, FAO has developed the ***Voluntary Document to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security***. These document are not legally binding but provide guidance on the implementation of existing obligations under international law. They are directed towards States Parties to the International Covenant on Economic, Social and Cultural Rights, and to States that still have to ratify it.

The Voluntary Document describe the best practices and policy instruments which, depending on national context, need to be implemented to ensure that the right to food is realized in practice. A significant section in the Voluntary Document therefore deals with what states need to do to ensure secure access to land and natural resources for the rural poor.

Facilitating a complementary monitoring role by civil society

As a complement to this approach of advocating and providing advice to governments, FAO has also sought to facilitate the role of civil society in monitoring and promoting the national implementation of the Voluntary Document.

As an example of this, FAO has collaborated with FIAN to produce a series of manuals for CSOs on the right to food, including, ***How to Use the Voluntary Document on the Right to Food***, and ***The Right to Food Document as a Human Rights-Based Monitoring Tool***. The manuals are intended to help CSOs in different national contexts to hold governments accountable to their commitments in implementing the Voluntary Document.

FIAN and the FAO Right to Food Unit have collaborated further in building the capacity of CSOs in Uganda for monitoring the implementation of the Voluntary Document in their country. FIAN has organized workshops attended by Ugandan CSOs to share information on the Voluntary Document, to present the FIAN-developed monitoring tool, to identify key obstacles and trends in the Ugandan context, and to facilitate the development of a strategy for parallel reporting on Right to Food implementation in Uganda by CSOs. FAO support included the provision of materials and presentations by FAO staff. The workshops helped CSOs to share experiences and network, and generated an initial commitment by CSOs to work together to produce a report on Ugandan progress towards implementing the right to food.

http://www.fao.org/righttofood/index_en.htm
http://www.fian.org/

4.1 Land governance reform and human rights

UN agencies can adopt a rights-based approach to facilitating pro-poor land governance reform. It is necessary to understand what rights and norms are involved. In essence, UN agencies need to promote respect for both fundamental rights through appropriate land and resources policies and rights of individuals and organizations working on land and resource access issues.

4.1.1 Land governance realities can directly infringe human rights

Land governance policies and realities that are not pro-poor may be regarded as directly infringing a certain right or rights. These include the right to adequate housing, the right to freedom from discrimination (e.g. by land administrators), the rights of women, the right to freedom from eviction and the rights of indigenous peoples (e.g. UN Declaration on the Rights of Indigenous Peoples, 2007). Such an infringement can be the basis of both UN and CSO engagement.

4.1.2 Land access rights can be derived from fundamental rights

Rights of access to land and natural resources are not usually considered fundamental human rights, but they can be seen as derivative of fundamental rights. The right to food is a good example (see Case Study 2). The FAO Voluntary Document on the Right to Food make clear that the right to food is a fundamental right which must be respected. The right to food is not a right to food handouts, however, but is respected by the implementation of a range of policies that allow people to feed themselves with dignity. These policies vary according to context. But even though the necessary policies vary, the set of policies appropriate in a given context can be seen as mandatory because, without them, the right to food will be infringed. The governance of land resources is one of the policy areas explicitly covered by the Voluntary Document.

In this way, pro-poor land governance policies can be promoted and defended as mandatory conditions for the fulfilment of fundamental rights, not just to food but also to adequate housing, and other economic, social and cultural rights.

4.1.3 CSO roles in pro-poor land governance reform can be enabled by promoting respect for human rights and civil liberties

Infringements of fundamental rights and civil liberties can hinder CSO engagement on land governance issues and make the achievement of pro-poor reforms much less likely. Promoting respect for these rights is one way UN agencies can assist CSOs in their work. It is a form of UN-CSO collaboration for improving land governance.

Most of the CSOs that responded to the ILC survey are not directly affected by gross abuses of human rights. For a small number, however, violence and intimidation against activists and supporters, including politically-motivated killings, are a real threat.

The work of CSOs is also dependent on respect for various political rights or civil liberties, including, for example, the right to freedom of expression and freedom of association. Effective advocacy can also be dependent on access to information. This was mentioned as important by a small number of CSOs. Access to information can be affected by the right to information legislation and also by the capacity of CSOs to use it. Other aspects of the regulatory environment may also affect CSOs, including rules on the registration of organizations, the conditions attached to such registration, and registration processes that are expensive or time-consuming.

Text Box 9

Drawing attention to the human rights of CSO activists

A number of CSOs suggested UN interventions aimed at directing a national and international spotlight on human rights issues in their countries. The visit to the Philippines of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions was mentioned as an example of such intervention having a useful impact. The Special Rapporteur urged presidential action on the issue of military involvement in political killings, something seen as a real threat by grassroots Filipino land activists.

4.1.4 Promoting democratic governance

Democratic governance, if not explicitly a human rights issue, is another area where UN agencies can promote compliance with international standards, engaging in national contexts on the basis of universal principles. Democratic governance is also closely connected with civil liberties and freedom from discrimination.

Corruption and obstructive judicial systems were mentioned as obstacles faced by CSOs. Not surprisingly, therefore, 14 per cent of CSOs suggested that UN agencies could usefully be engaged in providing capacity-building for state administrators on accountability, combating corruption, and other areas of democratic governance.

4.2 A rights-based approach to promoting pro-poor land governance

4.2.1 Set standards and show how they can be met

A key role of UN agencies is the codifying of international standards and facilitation of negotiations on international agreements. UN agencies' role is also to support the implementation of such agreements by states, which includes the production of document on how fundamental rights are to be respected through land governance policy. This too is an important form of standard setting. It provides CSOs with powerful arguments about the need for pro-poor land governance reforms in national contexts.

UN agencies can also assist governments in reviewing land policy and developing national policies appropriate to meeting international standards and respecting fundamental rights. Sixteen (16) per cent of CSOs called for such assistance from the UN. Two CSOs noted the need for harmonization of policies related to land, but another cautioned that policy harmonization seems often to be abused as a vehicle for watering down hard-won

social reforms. The need to resolve contradictory International Government Organization (IGO) positions on land policy was also mentioned. Any such assistance is an important opportunity for UN agencies to help bring CSOs into policy dialogue. This may be essential if appropriate policies are really to be selected.

Text Box 10

Creating document and indicators for pro-poor land governance – A key role for the UN at the global level

Creating document on land governance reform – document that suggest how governments can meet their obligations according to international standards – is a task for which the involvement of specialized UN bodies at the global level is needed. Such document would also be valuable advocacy tools for civil society. The value of document on pro-poor land governance can also be enhanced by the production of indicators and other monitoring tools that can be used by governments and civil society alike to guide the process of land governance reform.

"UN agencies can facilitate the formulation of indicators to access the compliance of countries in assisting their citizens to access land and natural resources. An international commitment should be sought to make countries treat land matters as a priority. Long-term investment on land matters is needed, as are key guiding principles that would ensure fairness in access to and use of land and related resources."

– Karangathi Njoroge, MACOFA, Kenya

4.2.2 Advocate for the respect of rights

UN agencies have a key role to play in promoting compliance with international norms and conventions, both through direct advocacy to governments, and through helping to create space for advocacy by CSOs. This is an area that is examined in more detail in Chapter 5.

4.2.3 Make sure people know their rights: Support civic education

Human rights need to be used. People need to know what their rights are so they can use them and defend them. Otherwise, international conventions and other standards may have no real effect.

Making sure citizens understand, demand, use and defend their rights is one of the key tasks of civic education. Implementing such civic education is a key role that CSOs can play, and one that complements the UN's standard-setting role. Civic education, on rights, conventions and actions to take to gain respect, is a good area for UN-CSO collaboration. An entry point could be the work that agencies such as UNDP already conduct under the practice area of governance.

Text Box 11

"To begin with, the international agreements signed by states are little known, whether by the governments themselves, by affected people, or by public opinion. Very often these agreements carry, formally, the same legal weight within signatory countries as national laws. CSOs usually turn to these accords in their strategies for defending the rights of the rural poor. In this sense, UN organizations could be more affirmative in publicizing the necessity that these agreements are respected and, finally, in emphasizing that the role CSOs have in relation to this should be real and not simply declared."

– Fernando Eguren, CEPES, Perú

4.2.4 Give civil society the tools to monitor compliance with international standards

International standards and conventions are also of little use if compliance with them is not monitored. This is another area in which UN agencies may have authority for engagement. CSOs, for example, have the complementary comparative advantage of experienced human resources in the field, as well as supporters and members among affected communities.

One way in which UN agencies can facilitate the monitoring role of CSOs is through the development of indicators that could help CSOs produce relatively objective and comparable assessments of national situations. A good example of this is the handbook on The Right to Food Document as a Human Rights-Based Monitoring Tool produced for CSOs by FIAN in conjunction with FAO (see Case Study 2).

Text Box 12

"There are lots of conflicts in relation to land and natural resources. Some are related with the national policy, in particularly due to the lack of implementation and monitoring of that policy. But in relation to ethnic minorities and indigenous peoples, deliberate state non-compliance to the international human rights conventions, covenants and treaties is playing a pivotal role in creating this conflict. In this regard, we think the UN should effectively monitor the treaties that the state has ratified."

– Nurul Anowar, Bangladesh Sramajibi Kendra

4.2.5 Assist affected people to realize their rights

Another area of potential UN-CSO collaboration is assisting CSOs and communities to turn rights on paper into rights on the ground. Because this is about enabling and empowering people to use their rights, it is closely linked to civic education; but it may also, for example, involve assisting with community organizing in order to register communal land claims. A good example of such work is the International Labour Organization's (ILO) Pro 169 project in Cambodia

Case Study 3

Building local capacity to exercise rights: ILO and Indigenous Peoples' rights in Cambodia
Promoting international standards on Indigenous Peoples' rights

The ILO project Pro 169 works with a number of governments and CSOs to implement national legislation that recognizes the Indigenous Peoples' collective rights to land, while promoting awareness of the principles of ILO Convention No. 169 (The Indigenous and Tribal People's Convention, 1989), which covers a wide range of issues affecting indigenous peoples, including land rights and access to natural resources (see also Case Study 7). As a global approach, Pro 169 shows:

- **The value of a human rights–based approach**: Added value is seen to come from the standards and principles of the Convention. Even in non-ratifying countries, these function as aspirational targets and document for national efforts.
- **The value of pragmatic entry points**: Both indigenous and land issues are sensitive in many countries, but Pro 169 has found other entry points, e.g. Poverty Reduction Strategy Paper (PRSP) processes, MDGs, and existing laws with the potential to protect, rather than always using a head-on approach.
- **The value of looking for opportunities**: Rather than just assume that Convention 169-related issues are 'too sensitive', Pro 169 has made tentative interventions in many countries and then focused its efforts where openings have been found.

Pro 169 in Cambodia:

Indigenous Peoples in Cambodia suffer from marginalization with national development and land-grabbing by powerful individuals and companies that exploit indigenous communities' lack of knowledge about their rights. In this context, Pro 169 has found that support for the effective implementation of the 2001 Land Law has been a productive way to promote the principles embodied in Convention No. 169. The project supports capacity-building for both government administrators and indigenous communities and organizations. The aim is that indigenous communities should be able to organize themselves as legal entities to claim communal rights to land under the Land Law, while indigenous organizations should be able to defend their concerns and conduct training for communities. The process of registering communities as legal entities was chosen as a strategic entry point because it was holding up the entire land titling process. The project has also supported indigenous representation to provincial and national workshops to highlight and discuss issues of indigenous land rights.

The project has resulted in several communities being registered as legal entities, while there are signs that new awareness of legal entitlements is leading to increased organization by indigenous communities. From this experience, the following key lessons have been identified:

- **Build capacity for implementation:** There is a need to increase the capacity of both government and indigenous institutions as partners for the successful implementation of land law.
- **UN and CSO roles can be complementary:** CSOs can provide UN agencies with the capacity to work with communities, particularly in scaling-up approaches, while the CSOs can gain from the standard-setting mandate of UN agencies.
- **The need for accountability to communities:** There is a risk of strengthening NGOs rather than the organizations of the poor themselves. There is a need to develop mechanisms for project monitoring by target communities, and for accountability and the dissemination of information to them.
- **The need for a long-term perspective**: Ensuring genuine, effective and informed participation of the poor in policy processes requires a long-term process of empowerment. UN agency support, even if time-limited and project-bound, can nonetheless seek to lay the groundwork for such a process.

http://www.ilo.org/public/english/indigenous/assistance/index.htm

4.3 Using UN and CSO comparative advantages to the full

There are good reasons for approaching the issue of land governance reform from a human rights and governance perspective. A human rights-based approach to promoting pro-poor land governance fits well with the comparative advantage of UN agencies as organizations that are politically impartial but nevertheless have a strong mandate for promoting respect to certain universal principles.

A rights-based approach also plays to the comparative advantages of civil society. CSOs have the capacity and credibility with affected people at the local level for conducting awareness-raising and other forms of civic education, and for collecting the information needed for effective human rights and land governance monitoring. These roles are complementary: CSOs gain from the moral authority of the UN and the UN gains from CSO capacity and credibility on the ground.

But a rights-based approach is about more than setting aspirational international standards. The experiences of CSO and UN agencies uncovered in the production of this document reveal a kind of checklist for a rights-based approach to promoting land-governance reform:

- What fundamental rights are being infringed by land governance realities?
- Is there a need for clear guidance on how land governance reform can help meet these obligations?
- Can UN agencies help by advocating for such reform? How can they assist the advocacy role of civil society?
- Is there a need for civic education so that rights are demanded, used and defended from below?
- Would CSOs benefit from tools for monitoring national performance on rights and land governance?
- Do CSOs need assistance with organizing communities to assert and realize their rights under land-related laws and policies?

The answers to these questions in the specific context of each country provide a starting point for UN agencies and CSOs to work together for pro-poor land governance reform in a way that builds upon each sector's comparative advantages.

5. UN agencies are in a strategic position to bridge the gap between government and civil society

The value many CSOs place on a constructive relationship with government was

made clear in the ILC survey. The reasons include not surrendering their independence or viewpoint, but being able to communicate openly with politicians and officials, seeking common ground where it exists. This was evidenced particularly by the value they place on having allies within government. Where such a nuanced approach is possible, it can be much more productive than simply adopting adversarial positions.

However, even where constructive engagement is possible in principle, it can be difficult for individuals within government institutions or CSOs to achieve. Potential allies may not be able to identify each other and, even if they do, they may not want to be seen to initiate contact. Even where government-CSO dialogue is institutionalized, the nature of public consultative fora may lock both sides into adversarial positions.

The status of UN agencies as impartial actors within the national context means that they may be uniquely able to overcome some of these barriers. They may be able to use their moral authority to convene dialogue between governments and CSOs, and just as importantly, to make sure that that dialogue includes meaningful representation of the poor and marginalized. They may be in a position to mediate between government and CSOs in order to break out of a cycle of confrontation. Likewise, UN agencies may be able to use their relatively-privileged access to identify potential allies that would otherwise have difficulty finding each other.

Text Box 13

> "UN and multilateral organizations are in a strategic position to bring national governments, civil society organizations, the NGO sector and community-based organizations across the table for negotiations on critical issues related to land reform policies and the status of implementation and existing gaps. UN agencies have a very good function as facilitating organizations and catalysts for obtaining a greater democratic space for negotiations."
>
> – Rohini Reddy, South Asian Rural Reconstruction Association

Creating an enabling environment

In relation to CSO advocacy, the key role for UN agencies is creating an enabling environment. This means not engaging in seemingly partial support, but working to create an environment that gives all sides a fair and equal chance to engage in policy dialogue and to raise their concerns. This can be approached from many entry points, including human rights, governance, ensuring good policy development and mitigating underlying causes of conflict as well as, where appropriate, land and natural resources governance itself.

The survey responses illuminated three main opportunities for UN agencies to facilitate an enabling environment for CSO advocacy:

a. Convene dialogue between government and civil society;
b. Build bridges and informal links between government and civil society; and
c. Put land on the public agenda.

These are very general strategies. Many much more specific recommendations were put forward by CSOs, while others were suggested by certain UN organization experiences.

Case Study 4

UNDP Sri Lanka: Acting as a catalyst for dialogue between community organizations and forest administrators

In the context of the Small Grants Programme to Promote Tropical Forests in Southeast Asia (SGP-PTF), UNDP Sri Lanka played a critical role in facilitating land and resource access agreements between Forest Department officials and CSOs representing local communities. This intervention demonstrates the potential of UN agencies as confidence builders and mediators of civil society-government relations at the local level. It also shows how the local level can offer openings for dialogue and finding practical local solutions, even when national policy reform is still an ambitious goal. Such local solutions can be a foundation for later reform processes.

Context: The policy environment for community forestry in Sri Lanka

As part of the SGP-PTF, UNDP Sri Lanka has coordinated a series of projects based on partnerships between local government departments and grassroots organizations. The aim has been both to improve incomes and conserve forests. The policy environment for this community forestry approach is only partially enabling, however. The National Forest Policy of Sri Lanka endorses this approach in principle, but in practice the Forest Department does not have a clear mandate on how to implement it. The issue remains contentious. Carrying out the SGP-PTF projects has therefore meant negotiating land and resource access agreements on a case-by-case basis.

The role of UNDP

UNDP Sri Lanka was able to use its position as a UN agency to get national-level Forest Department clearances for pursuing agreements at the local level. This was necessary as a blanket national agreement for the projects proved impossible to obtain. At the local level, the UNDP was instrumental in acting as a go-between, consulting with both grassroots organizations and local Forest Department officials and bringing these two groups into contact. It helped to build trust between the two sides, overcoming Forest Department scepticism. It was not always possible to reach agreement, but successes included the resolution of boundary issues, tenure agreements for the multiple use of forest lands, and access permits for non-timber forest products, all contributing to more secure access to land and resources for local communities. Some key lessons were drawn from these experiences:

UN agencies can facilitate government-CSO engagement: Leverage at the national level can be used to overcome mistrust at the local level. Where UNDP Sri Lanka has been successful in facilitating engagement between grassroots CSOs and the Forest Department, this has created ongoing support for partnership.

The local level can offer openings for intervention: In Sri Lanka, achieving national-level policy changes to improve the security of community access to resources in state forests has not as yet been possible. Nonetheless, openings could be found for policy changes at the local level. Success depended on local situations and personalities.

Local level achievements can be a pilot for national changes: Scaling-up of the local solutions adopted will require national policy changes. It is strongly felt that the experiences generated by these small-scale interventions can provide a foundation for national policy dialogue and reform.

http://www.undp.lk/
http://www.sgpptf.org/home.asp

5.1 Convene dialogue between government and civil society

Creating an enabling environment for civil society, first, means promoting respect for the human rights and civil liberties of people active on issues such as land governance, and ensuring that the legislative environment is not a hindrance to CSO operations. These are basic conditions of civil society activity that were examined in more detail in Chapter 4.

Second, creating an enabling environment means encouraging the meaningful involvement of CSOs in decision-making processes. Because UN agencies commonly act as convenors of policy-related debates, this is one of the key areas in which they can facilitate the role of CSOs.

Text Box 14

> "There must also exist institutionalized mechanisms for public participation in decision-making. Accordingly, the UN and multilateral organizations can assist governments to establish institutions for public participation in decision-making generally, but also more specifically for the land sector. Then, they should also support civil society organizations with the capacity they need to effectively utilize the spaces that have been created for public participation".
>
> – Rose Mbweza, Uganda Land Alliance

The predominant response of CSOs (39 per cent) to the question of how to encourage governments to listen to civil society was to suggest that UN agencies sponsor various types of fora to bring together policy-makers and government officials, CSOs and representatives of grassroots communities. Some types of fora were mentioned, including workshops and policy review processes, but often this was not specified. The type of event is perhaps less important and problematic than the issue of getting the committed involvement of the relevant departments of government. It is probably also less important than getting the right kind of civil society involvement, that which includes organizations and individuals really able to give voice to the concerns and realities of affected people.

CSO recommendations on convening, designing and managing fora for policy dialogue:

Support the involvement of land-focused CSOs in country strategy papers: PRSPs and other multilaterally-sponsored policy review processes offer a good opportunity for CSOs to put land governance issues on the national agenda.

Support decentralization: Decentralizing governance and decision-making processes, particularly on land and natural resource management, creates more opportunities for civil society-government dialogue.

Build CSO capacity for dialogue: Twenty-one (21) per cent of CSOs saw capacity-building as an important accompaniment to engagement in policy dialogue. This refers, on the one hand, to training on advocacy techniques and skills, including working with the media. On the other hand, it refers to training on issues and policy-making processes, including producing policy proposals, as a preparation to participation in policy dialogue, in order to enhance the effectiveness of that participation. Another example is raising the capacity of CSOs to include land issues in poverty and social impact analysis. A number of CSOs called for more financial support of their advocacy work.

Encourage inclusivity: Even where dialogue processes exist, their purpose can be subverted by inviting only 'safe' organizations and delegates to attend. UN agencies can have a role in lobbying for processes and meetings to be as inclusive as possible of different civil society viewpoints.

Ensure effective grassroots participation and representation: It was suggested that policy dialogue needs to include not only national-level organizers but also representatives from communities of affected people in order to be more effective. Ensuring the participation of the poor, and of membership-based organizations of the poor, is likely to necessitate financial support. Ensuring fair access to policy-making processes requires support for poor and marginalized groups that are least able to finance their own involvement.

"Government has found a way around this [involving CSOs]...by talking to 'their' CSOs/NGOs. By 'their' I mean either those they directly organized or those that have collaborated with them. International groups must 'learn' the dynamics of local CSOs and know who the different groups are to be able to get a clearer picture of the situation and determine who to talk to."

– Anonymous, CSO, Southern Africa

5.2 Build bridges across the government-civil society divide

It is very noteworthy that 19 per cent of CSOs chose to mention in the survey that having allies at some level within government structures has been one of the keys to the success of their activities. This fact suggests a number of key points. These are also illustrated by ILC experiences in facilitating dialogue in Indonesia and Guatemala (see Case Study 5):

- **Governments are not monolithic:** Different elected representatives, departments and officials may have very different mandates and perspectives on land governance issues. Governments have to balance many competing interests. Sectors within government may in fact welcome pressure from poor and marginalized groups with whom they may be sympathetic, as a counterweight to other interest groups and factions.

Text Box 15

"Within the Government administration, there are officials who want to help the poor. It is necessary to take their support."

– Rohini Reddy, South Asian Rural Reconstruction Association

- **The need for a mediator:** A factor keeping potential allies apart may be the public rhetoric on both sides. Confrontational stances may still be adopted in the context of public fora, and this may prevent each side from identifying the other as a potential ally. UN agencies can therefore play a role as mediators, allowing an indirect private dialogue that may be more constructive and may lead to the building of trust.
- **The need for a matchmaker:** CSOs may face difficulties in identifying potential allies and in getting access to them. Figures within government may have a need for legitimate ways to get in contact with CSOs. These individuals may privately welcome a chance for dialogue with civil society, but may not wish to be seen to initiate it.
- **A role for which the UN is uniquely positioned:** As an impartial third party outside of both government and civil society, yet with good access to both, UN organizations are uniquely well- placed to help identify and bring together potential allies and to mediate and convene dialogue.

Case Study 5

Bridging the government-CSO divide: ILC experiences in promoting Land Alliances for National Development

Land Alliances for National Development (LAND) is an initiative developed by the ILC and its members to promote country-level collaboration between government institutions and civil society in order to debate and take action on key areas of land governance.

Guatemala

A highly unequal land distribution has been one of the underlying causes of armed conflict in Guatemala. The landed elite retains strong influence, creating an environment hostile to policy dialogue on land issues. Through actively seeking allies within the government, the ILC was able to obtain the backing of the Vice President for an international conference on land issues to be held in the country. In the end, however, the Vice President focused on a parallel process for developing a comprehensive rural development policy, while the ILC supported a regional conference on land issues organized by CSOs. The ILC was instrumental in making this an event attended also by representatives from government departments and key IGOs. The conference was thus successful as a venue for informal discussions between government and CSO representatives, for forging better links between farmers, indigenous peoples and church organizations, and for putting land reform back on the national agenda as a 'legitimate topic' of discussion. Key lessons included:

Identifying allies: UN agencies can be well placed to identify potential allies in an otherwise adversarial environment. Within both government and civil society, there are different interests and viewpoints, and thus potential allies. It is important for a UN agency to respect the national process and pace of change, and to add to, not try to replace, the work of national civil society actors.

Putting land on the agenda: Even where political conditions are not conducive to direct policy dialogue, events and processes can be convened that can help CSOs put land on the national agenda, build confidence between CSOs and government, and support the development of civil society coalitions.

Indonesia

In Indonesia, the International Conference on Agrarian Reform and Rural Development (ICARRD), convened by FAO in Brazil in 2006, provided a window of opportunity for convening policy dialogue. Drawing on its affiliation with FAO and other UN agencies within the ILC, the Consortium for Agrarian Reform (KPA), a national CSO network, worked with the ILC to convene a national forum for government departments, farmers' organizations and other CSOs to discuss strategy for Indonesia's participation at the ICARRD.

A national conference of farmers' unions and other peoples' organizations before the forum increased their leverage in the national forum, as they were able to bring common points before government counterparts. Through the national forum which followed, CSO participants influenced the contents of the Indonesian report to the ICARRD, although not to the extent they had hoped. Other important outcomes were improved contacts and working relationships between CSOs and government counterparts, and greater awareness of the ICARRD process among NGOs and farmers organizations. Key lessons included:

Convening dialogue: Events convened by the UN for the discussion of land governance issues can provide an important opportunity and catalyst for improving contacts and dialogue between civil society and government.

Promoting informed participation: Helping civil society organizations and networks to prepare for dialogue with government can add to the value of such processes.

Link: http://www.landcoalition.org/pdf/LANDe.pdf

5.3 Put land on the public agenda

Land governance reform may sometimes be so controversial that direct civil society-government contact is more or less impossible. It may also be the case that land governance is simply too low on the national government's agenda to warrant serious attention.

In the survey, many CSOs saw an opportunity for UN organizations, in their normative standard-setting role, to raise the profile of land issues. A mission by a UN Special Rapporteur on adequate housing was mentioned as an example; and the publicity given to the issue of illegal evictions in South Africa was judged very useful for civil society advocacy efforts.

In contexts where mistrust is too great for direct contact, several CSOs suggested that UN agencies could have a role in sponsoring public hearings or policy workshops to bring together various stakeholders. An example is the regional forum supported by the ILC in Guatemala (see Case Study 5). Such fora can raise land as an issue on the public agenda, help build coalitions, and assist CSOs to develop policy proposals and a common platform, thus supporting their advocacy work.

Text Box 16

> "Initiate or support public hearings on land reform issues to promote transparency and accountability among law implementers. This is similar to the peoples' court hearings and citizens' councils which civil society groups initiated to probe into extrajudicial killings and other human rights violations since they doubted the credibility of government's efforts to curb violence. While findings of such hearings are not legally binding, they stir public opinion to compel government to listen to peoples' organizations."
>
> – Armando Jarilla, TFM, The Philippines

UN agencies and other intergovernmental organizations also have an important role to play in putting land on the agenda of the public dialogue processes that they convene and promote. An important example is national PRSP processes. It may not always be government that chooses to keep land off the policy dialogue agenda. A joint report by ActionAid USA and ActionAid Uganda concludes that land reform is one of several 'forbidden debates' in PRSP processes, and that this is a case where intergovernmental organizations reduce the room for manoeuvre enjoyed by governments.[8] This is an important opportunity for UN agencies to work for greater prominence for land governance in national level debates. It is also an opportunity to create more enabling national environments for CSO advocacy for pro-poor land governance reform.

8 Rethinking Participation: Questions for Civil Society about the Limits of Participation in PRSPs: Discussion Paper. ActionAid USA/ActionAid Uganda, 2004. http://www.actionaidusa.org/pdf/rethinking_participation_april04.pdf

5.4 The UN as catalyst for dialogue

Advocacy is not always an easy area for UN-CSO collaboration. UN organizations must maintain a difficult stance of being pro-poor, pro-development and pro-human rights, yet still respect the internal politics of member states. CSOs and their constituencies among the poor may often be very partial on highly contested issues of access to land and natural resources.

Yet, in this area, UN agencies can still intervene in ways that may be very important to the ability of CSOs to promote pro-poor land governance. UN agencies are in a strategic position to convene fora for government-civil society dialogue and to advocate that these fora be as fair, open and inclusive as possible of civil society positions, and yet still be taken seriously by figures within government.

UN agencies are also in a strategic position to bridge the gap between civil society and government, identifying allies and bringing them together, and mediating relations to set them on a constructive footing.

Lastly, UN agencies are in a strategic position to make land governance an allowed topic for public debate, creating space on the public agenda for poor men and women, and the organizations that represent them, to raise land governance where it is an issue of vital concern.

6. The UN can play a key role in strengthening organizations of the poor for engagement in the reform process

For effective policy dialogue at both national and local levels, it is necessary that poor and marginalized groups be aware, mobilized and organized through organizations or coalitions. Forty–four (44) per cent of respondents to the ILC survey chose to mention the importance of having a strong grassroots base for their organization, or of having strong connections to the grassroots as part of a broader coalition or movement.

This suggests another complementary role for the UN, that of assisting the engagement of the poor in policy dialogue, not from the top, but from the bottom. This means, first, assisting in the formation and strengthening of local-level organizations of the poor. Second, it means assisting organizations of the poor in forming and maintaining networks and coalitions that are their vehicle for engagement at the national level.

Strengthening of community-level organizations is important in the work of many UN agencies. This occurs both through small grants programmes and through large-scale rural development programmes. These are unlikely to have an explicit focus on land, but rather on such topics as natural resource management, agricultural productivity improvement, and microfinance.

CSO responses and the case study below show that such programmes can be an important vehicle for strengthening the general purpose capacity of communities and marginalized groups to promote their interests, whether on land governance issues or not. This is a valuable entry point because an explicit focus on sensitive issues may be avoided, allowing communities to set their own priorities. A vital factor is the sustainability of organizations beyond the life of the project. For this, fostering their linkages to wider civil society coalitions may be critical.

Case Study 6

IFAD experiences of strengthening rural poor organizations in the Philippines

Creating and strengthening organizations of the rural poor is a key aspect in many of the International Fund for Agricultural Development's (IFAD) programmes. IFAD experiences show that, by working together, the poor can empower themselves to claim better access to credit, services and markets, and also to land and natural resources. Supporting community organizing as part of such programmes can thus be part of facilitating the creation of a broad-based movement on land issues.

However, past experience has shown that the sustainability of rural poor organizations beyond the time limits of donor programmes is often weak. Therefore, IFAD is seeking to implement better 'exit strategies', including more capacity-building for independent management and support to the formation of wider coalitions. The explicit focus of this approach may often not be land issues, but it is critical to leave poor communities with enhanced capacity to promote their own interests.

Strengthening communities to pursue their own initiatives

The Western Mindanao Community Initiatives Project (WMCIP) had a particularly strong focus on creating and strengthening community organizations so that they are able to identify their own needs and access the services and resources to meet them. WMCIP did not contain specific provisions for helping community organizations form coalitions to further advance their claims. Nonetheless, one of the NGOs involved in the project, the Muslim-Christian Agency for Advocacy and Rural Development (MUCAARD) was active in fostering links between community-level organizations, as well as with representatives of local government. Successes of this approach included:

- Advocacy by communities persuaded the local chief executive to implement a clause of the 'Fishery Law' banning deep sea fishing within the 15-kilometre limit of municipal waters, thus securing exclusive access rights for fishers from the communities.
- Community organizations also persuaded local authorities to take possession of abandoned fish ponds for rehabilitation as mangrove forests as part of the community's management plan to improve local fisheries.

The need to invest in sustainable organizations and coalitions

The WMCIP was one of the projects covered by the IFAD-funded research, 'Strengthening Capacities of Organizations of the Poor: Experiences in Asia' (SCOPE), conducted by the Asian NGO Coalition (ANGOC) and the Centre on Integrated Rural Development for Asia and the Pacific (CIRDAP). A key issue identified by SCOPE was the need to focus on making community-level organizations self-sustaining. Key recommendations for this purpose included:

Build organizational capacities: Introduce incentives for partner NGOs to build the capacity of community organizations and coalitions for independent management, including resource mobilization. Support organizational costs.

Support in the transition period: Support social mobilizers from within the community to continue giving assistance to groups and coalitions when the rest of the project comes to an end.

Advocate for an enabling environment: Assess government policies which may affect the sustainability of community organizations and their coalitions. Promote policy reforms, if necessary.

Foster linkages: Seek to involve many government agencies and CSOs in the project, to enable communities to build links to potential partners and donors.

Plan for coalition-building: Enhance success by building specific provisions for federating community organizations into project design, to foster advocacy and the pooling of resources.

IFAD is now seeking to act on these lessons in ongoing projects. In the Northern Mindanao Community Initiatives and Resource Management Project in the Philippines, for example, extra support is being given to provincial 'core groups' that will help coordinate community organizations and continue working with them and other stakeholders after the project ends.

http://www.ifad.org/english/operations/pi/phl/i474ph/index.htm

6.1 The importance of grassroots organizations

The ability of CSOs to represent poor and marginalized groups effectively is central to their role in promoting pro-poor land governance. Having a strong basis of grassroots supporters and partners is also essential for many CSOs. When asked about key factors in the success of their organizations, almost half mentioned the importance of the active involvement of grassroots supporters or members, or their links to grassroots CSOs through civil society coalitions.

More specific keys to success were described as:

- Being accountable and transparent to the communities with which the CSO works;
- Organizing at the community level;
- Linking national-level policy dialogue with local campaigns;
- Receiving support from grassroots protests and other civil actions;
- Collaborating with grassroots organizations as a national-level CSO;
- Being able to raise some funds from grassroots supporters; and
- Sourcing information from the grassroots for evidence-based advocacy.

Text Box 17

How UN agencies can support community organizations

Grassroots support does not happen on its own, however, nor does it necessarily simply sustain itself. Where civil society organizations above the grassroots level have access to external funding, they risk becoming detached from the grassroots, thus diminishing some of their unique ability to contribute to decision-making processes. This is perhaps why 20 per cent of CSOs suggested that UN agencies could play a role in supporting the establishment of organizations at the community level and in supporting membership-based organizations of the poor, such as farmer's organizations.

Support to grassroots mobilizations may take a variety of forms, including financial support, capacity-building, coalition-building, and any activities that come under the headings of civic education and legal empowerment. Because the capacity of UN agencies to work at the local level is limited, however, this support is most likely to be embodied within partnerships with organizations that have a national-level presence.

As the Case Study from IFAD in the Philippines shows, a useful and important entry point may be UN programmes that work through NGOs to form and strengthen community organizations for a variety of purposes – often priorities set by the communities themselves. Such work can be seen as important to improving the medium and long-term capacity of poor and marginalized groups to participate in a process of land governance reform.

6.2 The importance of coalitions and networks

The Philippines case study indicates that a critical factor in the sustainability of community-level organizations of the poor may be their ability to link with other organizations as part of coalitions. The existence of such coalitions and networks can also be critical in bridging

the gap between poor men and women at the local level, and policy dialogue occurring at the national level. Building the capacity of poor communities to participate in land governance reform processes should thus not neglect the need for coalition-building.

Building coalitions and networks means creating linkages that are both horizontal – at international, national, and sub-national levels – and vertical – connecting the local to the national and the international. These linkages are important for organizing coordinated strategies and collective action. They are also important for sharing knowledge, including technical expertise, knowledge of policy-making process and experience of local realities.

Text Box 18

How UN agencies can support coalition-building

Twenty-nine (29) per cent of CSOs mentioned coalition-building as a key to success in their work. This was reflected in the fact that 26 per cent suggested that UN organizations could support the building of national CSO coalitions and networks on land issues, while 10 per cent requested support for the development of international alliances. Comments on this subject included: the need to work with existing alliances, where they exist, rather than always creating new ones; the need to build links between CSOs and the media; and the possibility of the UN sponsoring civil society meetings to develop a common platform on land issues.

"Our partner portfolio in Tanzania includes partners at local, regional and national levels. Linking their work on land rights at different levels has proven to be fruitful as the lobbyists at the national level can draw from local experience, thus ensuring that local CBOs are brought closer to the decision-making circles."

-- Anonymous, INGO

An important element in support for coalitions is simply identifying potential allies and bringing them together. Organizing workshops that bring civil society actors together can be very effective in initiating links, particularly for community-level organizations that may not have been able to forge such links on their own. Creating networks can be a lot easier than sustaining them, however, as shown in Case Study 7 on creating a network of pastoralist and hunter-gatherer groups in Kenya. Coalitions and networks have to be constantly maintained, involving costs of transport, meetings and other communications that may be difficult for organizations of the poor to afford.

6.3 Enhancing the organizational capacity of the poor

Working directly with communities and their organizations is difficult for UN agencies. Yet, support to the formation and strengthening of community-based organizations is an important element in the programming of some UN agencies such as IFAD. The purpose of such activities is to strengthen the ability of poor communities, and marginalized groups within those communities, to promote their interests. The idea is that they become more effective in accessing markets, raising capital, demanding government services, demanding the recognition of their rights and the full implementation of policies that can benefit them, and finally in promoting reforms that respond to their needs.

Such interventions by UN agencies thus have the potential for an indirect, but nonetheless significant, impact in promoting the involvement of the poor in land governance reforms. They can help create the organized grassroots base needed by a civil society coalition or movement for land governance reform. Multi-purpose community organizing can be a valuable indirect entry point where direct engagement in land issues is difficult. Facilitating the formation of links between community organizations and with larger CSOs and coalitions is a key element in ensuring sustainability.

7. Funding should promote a broad-based movement for reform

The case studies of UN-CSO collaboration in this document show instances of funding relationships. Whatever the activity, a fundamental aspect is often the transferral of financial resources to a CSO, through a variety of funding mechanisms.

This is important because, when it comes to funding, CSOs representing the poor are at an inherent disadvantage. They are the least able to finance all the activities that go towards participation in a reform process. Respondents to the ILC survey were thus unanimous on the value of UN agencies as donors to civil society.

But funding relationships could still be more effective. External funding can sometimes weaken the role of the poor within civil society, thus reducing the ability of CSOs to give effective and representative voice to their concerns and experiences. There is a tension between the need to strengthen grassroots-based movements, and the institutional need of UN agencies to support more formal and easy-to-fund organizations.

From the ILC survey and case studies, the following key recommendations emerged:

- Prioritize the grassroots: Professional and large NGOs are administratively easier to fund than community-level organizations, but it should be ensured that funds get through to communities, if necessary using larger organizations as intermediaries.
- Fund longer-term activities: Short-term funding and shifting donor priorities disadvantage gradual processes of community empowerment and policy engagement. Donors should be willing to invest in longer-term activities.
- Fund core costs: Project-bound funding can make administrative costs difficult to cover and can inhibit key processes such as coalition-building. Donors should also support the core costs of CSOs.
- Harmonize and simplify procedures: CSOs find proposal, accounting and reporting procedures excessively bureaucratic impediments that fall most heavily on grassroots organizations. Where possible, funders should streamline their administrative procedures, especially for small local CSOs.
- Ensure effective accountability: Bureaucracy notwithstanding, corruption is seen as a problem and as one reason why funding may not reach organizations of the poor. The goal must be to evaluate results, not formalities.
- Foster a sense of grassroots ownership: True or not, the perception that a CSO has become 'donor-driven', and the loss of faith this entails, can be disastrous for the ability of that organization to mobilize and represent grassroots supporters. To counter this, joint decision-making and democratic structures that foster a sense of grassroots ownership should be encouraged.

Case Study 7

Funding CSO networks to support grassroots participation in policy dialogue: ILO experiences in Kenya

The ILO has supported the participation of ethnic minority organizations in Kenya in the country's constitutional review process, including support for capacity and network building. This example shows how UN agencies can enable even the most marginalized to participate in and influence a reform process. However, it also shows how donors need to foster a sense of grassroots ownership over networks by encouraging clear democratic procedures, to avoid creating the impression that the upper levels of an organization or network have become 'donor-driven'.

Support for a network for coordinated and informed participation

The Constitutional Reform Process has presented a window of opportunity for UN-civil society engagement on land governance issues. The ILO supported a workshop in November 2001 with the aim of identifying and facilitating an effective common strategy for involvement of pastoralist and hunter-gatherer organizations in the constitutional review process. This was done through the ILO's Pro 169 project to promote the principles of ILO Convention No. 169 on the rights of indigenous and tribal peoples (see Case Study 3). As a consequence, Pro 169 supported networking, capacity-building and involvement in the review process by pastoralist and hunter-gatherer organizations until 2003. A review workshop involving these organizations in 2005 identified the following successes:

A catalyst for network creation: The 2001 workshop led to the creation of the Pastoralist Hunter-Gatherers' Ethnic Minority Network (PHGEMN). Simply enabling different organizations to meet had a catalytic effect. ILO support was also important in maintaining these links.

Impact on the constitutional review: Through PHGEMN, 15 different organizations were able to produce a common position paper and succeeded in getting their main concerns reflected in the draft constitution.

The fact that grassroots pastoralist and hunter-gatherer organizations already existed was essential in enabling the ILO to engage in direct project collaboration. However, it was still difficult to handle the many micro-scale project proposals from PHGEMN member organizations. The 2005 review also identified the following problems:

UN administrative procedures hindered direct support to the grassroots: Because of complicated procedures, limited staff resources and poor donor coordination, the ILO and other donors decided to use the network member with the greatest capacity, which was hosting the network secretariat, as an intermediary.

Grassroots ownership of the network was weakened: Within the network, roles and responsibilities were not clearly defined but rather emerged. Some members felt that the network had been 'hijacked' by the host organization and was trying to compete with the activities of the members.

Identification of measures for making the network more grassroots-driven

In another workshop in 2005, funded by the ILO and UNDP, the network was re-invented by network member organizations with the aim of conducting only activities, such as information-sharing and joint advocacy, that add value to their existing work. They instigated clear democratic procedures (a coordinating committee representing all members) and clearly defined roles for the new secretariat.

ILO's support to pastoralist and hunter-gatherer organizations in Kenya demonstrates how funding by UN agencies can be effective in facilitating the involvement of poor and marginalized groups in policy dialogue on land governance and other issues. It also demonstrates how such support can become more effective through measures to foster accountability to the grassroots in civil society networks and coalitions.

http://www.ilo.org/public/english/indigenous/assistance/index.htm

7.1 Who to fund?

Which CSOs should receive funding? A number of CSO comments were concerned with whether some organizations can be trusted to represent the interests of the poor. Some complained that large NGOs intimately connected to political elites are able to capture funding intended for the poor. It was suggested that donors need to know and understand the range of organizations within civil society and to be selective in their support.

"Support struggles for social transformation in the communities through reliable organizations – because there are also organizations that work with the poor, but just in order to get hold of funds."– Mauro Vay Gonón, CODECA, Guatemala

Text Box 19

Deciding whom to fund: Prioritizing the grassroots

The majority of comments on this issue suggested that there should be a greater emphasis on funding of local-level organizations and affected people. Similarly, it was suggested that funding should prioritize organizations that are well connected with affected people and in which affected people participate, as opposed to those that are well connected with political elites.

This means community-level organizations, but also all membership-based organizations of the poor, including unions and producer organizations, as well as broad-based social movements and organizations that have the support of a broad-based coalition. All of these may be said to have strong connections to the poor. Well-funded grassroots organizations without appropriate capacity at national and regional levels will also inhibit the effectiveness of civil society.

"Provide technical and financial support to community-based programs on policy research and advocacy, land tenure campaigns, media advocacy, paralegal development, and organizational development. It is best to prioritize peoples' organizations or community-based organizations since their members – the farmers and other marginalized sectors – are at the forefront of the campaigns. They also best provide what are known as 'experience-based' reforms because they arise from their actual problems, issues and insights in fighting for genuine land reform."

– Armando Jarilla, TFM, The Philippines

7.2 What to fund?

Who should decide thematic priorities for promoting pro-poor land governance? Twenty-seven (27) per cent of CSOs commented that funding priorities must be based on the needs of affected people and/or decided by CSOs. CSOs may quite commonly feel that UN organizations and other donors tend to impose their own priorities. Indeed, donor staff must often rely on their judgement. They can listen to CSOs, but they may have to decide which ones.

Frustration was also expressed at the tendency of donor priorities to shift rapidly from one thematic area to another. It is felt that shifting funding priorities make it more difficult to follow through longer-term processes of empowerment, advocacy and policy reform.

Text Box 20

Deciding what to fund: Shared prioritizing

The best approach to these dilemmas may be represented by something suggested by a number of CSOs -- shared prioritizing. CSOs and UN agencies both have to decide their own priorities and be responsible for their decisions. Yet, both bring different types of experience and expertise to the decision-making process and can learn from each other. CSOs, in particular, may be able to represent the views of potentially-affected people. The more donors and CSOs can engage in processes of joint strategic planning and prioritizing, the better their decisions are likely to become, even if the objectives they decide to collaborate on remain a pragmatic compromise.

"The issue is when donors dictate what needs to be done – thematically and operationally. I think donors should avoid 'flavour of the month' modes of funding. I mean, for this year we fund IPs, next year agri-trade issues, next women, next environment. Donors must identify their 'issue' and stick with it until it's adequately addressed."

– Anonymous, CSO, Southern Africa

7.3 How to fund?

The way in which projects are designed and grants are administered is another area where UN agencies and CSOs have different needs. The problems CSOs identify in this area are problems that can contribute to marginalizing the voice of the poor within civil society.

In the ILC survey, CSOs made the following recommendations:

- Provide longer-term funding: The majority of comments concerning funding modalities focused on duration. Developing longer-term funding relationships was seen as important to being able to realize gradual empowerment processes and to follow through reform processes that are often very drawn out. A lack of long-term funding was also blamed for difficulty in holding on to committed and experience staff.
- Allow short-term flexibility: Timely funding that allows a swift response to events in a policy-reform process was credited as a key to the success of a campaign. Similarly, it was suggested that short-term flexibility in the use of funds would make them more effective.
- Support core costs: Core funding that covers administrative and other ongoing costs involved in maintaining an organization or a coalition was called for by a number of CSOs. Project-bound funding typically does not cover these costs.
- Allow more freedom of operation: It was suggested that there should be more devolution of control over aspects of project planning and implementation.
- Funding through intermediaries: International Non-Governmental Organizations (INGOS), land alliances and national-level NGOs were all suggested as

appropriate mediators of funding to local-level organizations. Although there were concerns about the trustworthiness and accountability of some NGOs (particularly those that might be linked to political elites), this was not seen to be a problem with NGOs in general. By contrast, a number of CSOs asserted that funding does not 'trickle down' through government departments and that keeping civil society independent of government should be an objective.

There is some scope to address many of these concerns within the funding instruments currently managed by UN country teams. For UN agencies and other multilateral institutions at the global level, opportunities may arise to go further in making the design of such funding instruments as small grants programmes better fit the needs of CSOs working to promote pro-poor land governance.

Text Box 21

"Usually financial resources provided to CSOs are short-term and force CSOs to work hastily to comply with donor conditions, thus compromising internalization of processes and translation of key interventions into reality on the ground."

– Karangathi Njoroge, MACOFA, Kenya

7.4 Accountability, yes; Bureaucracy, no

A further concern with funding modalities are the twin issues of financial accountability and bureaucracy.

7.4.1 Bureaucracy is an impediment to CSO effectiveness

Many CSO respondents suggested that the complex and bureaucratic nature of the proposal, accounting and reporting procedures of donors need to be remedied. CSOs seem particularly frustrated with this bureaucratic workload because they see it as ineffective, especially when falsification of facts and receipts is so easy..

Text Box 22

"Whereas donor requirements in terms of financial transparency and proper spending should be maintained, it would be crucial to give more freedom in terms of project planning and implementation. Three-year plans, log frames, evaluation and monitoring processes, and so on, often prevent activities that correspond to the actual needs of the people. Proposal and report schemes should be much easier. Donor harmonization must be realized!"

– Anne Ernst, Star Kampuchea, Cambodia

7.4.2 Corruption is a problem and accountability is needed

It should not be concluded, however, that CSOs are simply against accountability. None said that all accountability measures should be lifted. Indeed, a significant number suggested that donor requirements on financial transparency and monitoring need to be maintained.

Text Box 23

"In a country where there is corruption, this is a difficult area for both CSOs and donors. For donors, trusting CSOs, and for CSOs, spending too much time answering queries of donors and accounting for each penny ... may not mean anything. .. Time should be spent to build the 'trustworthiness' of an organization's management before money is given to it, after which money should be given for a longer period of time (five years) with quarterly accountability.'

– Judy Adoko, Land and Equity Movement in Uganda

7.4.3 Evaluate results, not formalities

This was suggested by a number of CSOs, but it is easier said than done. Longer-term funding may help. The longer donors are prepared to invest in processes of empowerment and dialogue, the more likely there are to be demonstrable outcomes, and the more meaningful evaluation procedures can become.

Text Box 24

"There have been many cases of corruption with this type of financial assistance from external donors to CSOs, which means that the money offered as financial assistance has to be monitored, with the objective of really seeing tangible results and not simply reports with facts that in various cases are fictitious."

– Cecilia Gonzalez, CEDEM, Bolivia

7.5 Needing to be accountable to the poor

Concerns about the effects of external funding on civil society are not new. A World Bank study on engaging with CSOs in Conflict-Affected and Fragile States concludes that "competition over scarce resources has led CSOs to become donor-driven with their accountability focused upward to donors rather than downward to citizens".[9] Another recent study on membership-based organizations of the poor suggests that external funding can be a key factor in their success, but only so long as it does not "subvert internal democratic procedures and the objectives of the organization".[10]

7.5.1 The danger of being seen to be 'donor-driven'

When CSOs receive external funding, grassroots supporters and members sometimes feel that their organization or coalition is now more answerable to donors than to them. This loss of a sense of ownership – justified or otherwise – can be very damaging to a CSO's ability to organize and represent poor men and women. It may be felt as a breach of trust that disempowers and discourages participation,which is very hard to remedy.

This problem is illustrated by Case Study 7 where funding a network, although in many

9 World Bank, Engaging Civil Society Organizations in Conflict-Affected and Fragile States, 2005. http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/EngagingCivilSocietyOrganizationsinConflict-Affected and FragileStatesThreeAfricanCountryCaseStudies/ FILE/Engaging+CSOs+in+Conflict-Affected+and+Fragile+States+Final.pdf

10 Martha Chen et al., Membership-based Organizations of the Poor, Routledge, 2006. http://www.arts.cornell.edu/poverty/kanbur/MBOPVolumeOverview.pdf

respects effective and successful, had the side effect of creating division between grassroots organizations and the organization acting as the secretariat and the mediator of funds. This problem was also described by the Community Self Reliance Centre (CSRC), a Nepali CSO. They found that as they received increased funding, supporters started to perceive the organization as donor-driven, causing grassroots support to decline.

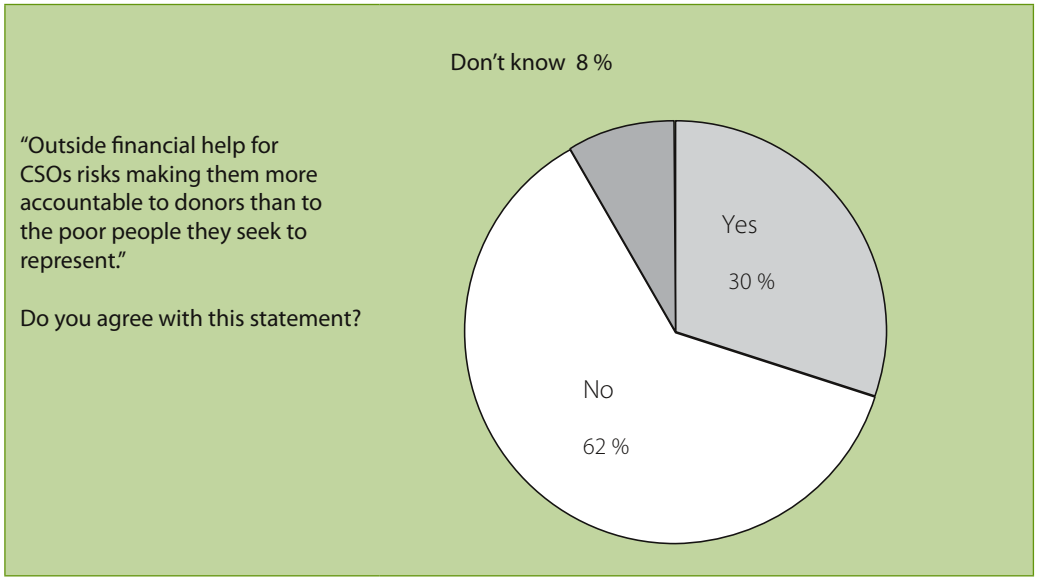
Text Box 25

> "The major learning generated by the campaign is to develop a wide base of local leaders and activists from the rights-holder communities that ensure ownership and sustainability of the land rights campaign… It has also been learnt that campaign ownership can only be sustained when the rights-holders themselves have the ability to raise financial resources from within their organization and also from local sources. When the campaign becomes donor-driven, the energy of the people will evaporate. But without funding too, the poor people cannot afford a sustained campaign. The balance between the two is crucial."
>
> – Jagat Basnat, CSRC, Nepal.

In the ILC survey, the statement, "Outside financial help for CSOs risks making them more accountable to donors than to the poor people they seek to represent", was put to respondents. When asked it they agreed with the statement, 30 per cent agreed, while 62 per cent disagreed (see Figure 6).

A significant minority of CSOs therefore feel that external funding creates a real risk of making an organization more accountable to donors than to the poor. It is probably also true to say that a majority recognizes the risk of being seen to be 'donor driven'. This is a sensitive issue which touches on a question of legitimacy in the eyes of both donors and grassroots supporters.

Figure 6: Financial Help for CSOs



7.5.2 Maintaining ownership by the grassroots

Encouraging co-funding from grassroots members and supporters may be a useful tool, as the experience of CSRC in Nepal shows. However, member contributions have not proven to be able to sustain organizations beyond the limit of project funding. A sense of ownership is probably not dependent on the origin of funds per se. What matters is the perception by grassroots members and supporters that they play a meaningful role in decision-making. Ideally, they must feel that their views are listened to and given the same weight in considering a decision as others' views. This is reflected in the issue of joint prioritizing identified in Section 7.2. Reaching decisions together means not only better decisions (because they benefit from the experience of both sides) but also the maintenance of a sense of ownership over those decisions, whatever the outcome.

The following practices may help foster grassroots ownership:

- Invest in joint decision-making with CSOs: Involving CSOs in deciding funding priorities and the content of programmes requires extra work but can pay off in maintaining and fostering grassroots support. It makes it less likely that the CSO or its leadership will be seen to be simply following a donor's agenda.
- Prioritize CSOs and coalitions with strong democratic structures and culture: When organizations exercise a high capacity to involve members and supporters in decision-making, their leadership is less susceptible to being seen as donor-driven.
- Build real decision-making involvement into projects: Democratic linkages between CSOs and their actual or potential constituencies should be encouraged. Projects do this when community members and community

organizations are meaningfully involved in deciding on objectives and actions. This does not mean UN agencies, through CSOs, will fund whatever people want. The aim is for an open-minded discussion and a jointly-owned decision about what is possible and desirable for both sides.

7.6 Funding for Empowerment

Organizations representing the poor face the greatest challenges in obtaining funding. This funding can occur through a great range of effective vehicles, from budget support, through community development projects, and supporting participation in capacity-building or policy workshops, to financing the production of awareness-raising materials.

Funding of civil society initiatives could be more effective, however. UN agencies can seek to increase the attention given to grassroots organizations; to increase the duration of funding relationships to encourage CSO involvement in longer-term processes of empowerment, advocacy and policy dialogue; to assist more in covering core organizational costs; and to lighten bureaucratic demands on CSOs.

The maintenance of grassroots ownership of a movement – thus fostering empowerment – can be promoted through an investment in joint and open decision-making with CSO partners, through seeking out and encouraging CSOs and coalitions with strong democratic structures, and by building meaningful grassroots participation in decision-making into the design of projects.

8. Conclusions

This document has drawn on the experiences of UNDP country offices, other international organizations and many of the International Land Coalition's civil society member and partner organizations. It outlines some of the opportunities that exist for UN agencies to work with civil society organizations at the national and sub-national levels to promote pro-poor governance of land and land-related resources.

Issues of land governance have a far-reaching impact on the achievement of human, economic and sustainable development. Pro-poor land governance frameworks and practices are important for:

- Combating poverty and vulnerability: The access that poor women and men have to land and land-related natural resources is crucial to their food security and livelihood strategies. The security of that access is a prerequisite for investments that improve livelihoods and housing and that reduce vulnerability.

- Sustainability: Security of access to natural resources is a prerequisite also for resource management strategies that are sustainable and long-term in outlook.

- Inclusion and dignity: Recognition of land rights is also an important foundation for the social and political inclusion of vulnerable and marginalized groups within society; for many groups, it is central to cultural identity and dignity.

- Security: Governance that is unclear, ineffective or unfair is a contributory cause of civil conflict. Effective land conflict resolution, alongside programmes to ensure access to land resources by the poor, is often central to ensuring peace and security.

- Respect for human rights: International human rights norms, such as the right to food, to adequate housing and to freedom from forced evictions, create obligations for states to put in place and to implement land governance frameworks that facilitate the enjoyment of these rights by all citizens.

There is no single blueprint for pro-poor land governance. Instead, policies need to be tailored to national contexts, following certain principles. Emerging consensus focuses, for example, on the need for land governance frameworks that are sensitive to multiple forms of tenure, including customary and common property systems, over-lapping use rights, and the territorial rights of indigenous peoples. It also emphasizes the need for administration of land resources that is transparent, non-corrupt, and accessible for all, including the poorest, women and other vulnerable groups. It also recognizes the importance of alternative conflict resolution mechanisms and decentralized management

and administration of resources, and the continuing importance of programmes to extend the access to land enjoyed by the poor.

The role of civil society in promoting pro-poor land governance

The relationship between UN agencies and civil society organizations is often focused on the role CSOs can play as stakeholders to be consulted in policy development processes. Indeed, the CPI survey of UNDP country offices revealed a focus on facilitating different types of consultative process as the main way of working with civil society in the area of land governance. But, while this is a key role that UN agencies can play, it ignores the breadth of important civil society roles and the variety of UN-civil society collaboration that can take place.

Civil society plays vital roles in all stages of the land governance policy cycle. It contributes to evaluation through evidence-gathering on the diverse situations, needs and views of affected people; to decision-making processes through presenting evidence and facilitating the input of affected people, by raising awareness and facilitating political participation; and to policy implementation through monitoring, raising awareness of rights and supporting affected people in claiming their rights. In order for these roles to be performed, poor and vulnerable groups need to be well-informed, organized, and able to represent themselves through networks and umbrella organizations at the national and international level. Their organizations need to have capacity in such areas as research, media and para-legal services.

In practice, land governance is most likely to be pro-poor when the reform process includes the poor and their organizations. Such inclusivity is integral to the concept of good governance. Land resources are key economic assets and therefore land governance is often highly politicized. The active civic engagement of poor and vulnerable groups, through their organizations within civil society, is necessary to create the conditions for pro-poor policies to be adopted and effectively implemented.

The role of UN agencies in working with CSOs on land governance

This document has presented a range of ways in which UN agencies can work with CSOs on land governance issues at the national level. It has presented examples where UNDP country offices and other UN agencies have identified and made use of opportunities to make a difference in this area. But, because of the contested nature of land governance issues, working with CSOs on these issues is by no means always easy for UN agencies that work principally in partnership with government institutions.

Direct CSO-government dialogue on sensitive land governance issues will often be very difficult to achieve, particularly if such dialogue is about more than just appearances. But seeking to facilitate such dialogue is not the only way in which UN agencies can engage in this area. The range of roles played by CSOs creates a range of possible opportunities and roles for UN agencies. Agencies at the country level can seek to complement the

work of CSOs, to strengthen the organizations and networks of the poor and vulnerable, and to facilitate their involvement in policy processes.

A rights-based approach complements the work of CSOs: One way in which UN agencies can complement the work of CSOs is through a rights-based approach to land governance. Surveyed CSOs felt that the UN could usefully be more active in monitoring the implementation of existing agreements and conventions, in promoting their implementation by governments, and by setting new international standards for land governance. A rights-based approach can help provide legitimacy to the land-related activities of both UN agencies and CSOs. A focus on rights can also mean a focus on the civil and political rights of civil society activists and the poor and vulnerable in general when they seek to engage in the policy-making process. UN agencies can also seek to complement the work of CSOs by developing tools and building capacity for the monitoring of human rights conventions and other international agreements.
Strengthening organizations and networks: UN agencies can strengthen civil society's ability to engage in land governance issues in a number of ways. They can seek to partner with CSOs in activities such as research and monitoring or civic education, seeking to enhance civil society capacity to carry out these roles. They can also seek to support grassroots community organizing, even if not directly related to land governance issues. The concept is to empower communities to engage on the issues that they identify as important, issues that will very often be concerned with the governance of land resources. Further, it may be possible to support the networks of civil society organizations, enhancing their capacity to bring the views of poor and vulnerable groups to bear in dialogue and advocacy at national and international levels. Even where direct engagement with advocacy organizations on sensitive land governance issues is impossible, the breadth of roles played by civil society, and the fact that many of these are 'backstage' roles, may offer opportunities for UN agencies.

Where UN agencies seek to strengthen the organizational capacity of the poor, some kind of financial support is likely to be involved. Indeed, some of the main barriers to the poor having a say in land governance policy-making are clearly economic. Yet, there is a need to avoid external funding that can make partner CSOs seem donor-driven and less responsive to their grassroots constituents. In the ILC survey, CSOs expressed the need for funding models more suited to long-term processes of community empowerment and policy dialogue, and for harmonized procedures that lessen their administrative burden. They also suggested that grassroots ownership can be fostered through meaningful shared decision-making between donors and CSOs, and through a preference for organizations and coalitions with democratic structures and grassroots participation.

Facilitating CSO-government engagement: Where conditions are right, UN agencies may be able to play a catalytic role in facilitating dialogue between civil society and government institutions. CSOs value having allies within government and UN agencies may be in a unique position to identify and bring potential allies together. Bridging the gap

between civil society and government can also involve convening workshops, working groups, and other types of fora for dialogue, thus creating spaces for CSO advocacy. It can mean encouraging the inclusion of civil society representatives within existing fora and raising issues of land governance to help put them on the national policy agenda.

Annex: Web-based Resources

Key portals on land governance issues and organizations

AGTER - Association pour contribuer à Améliorer la Gouvernance de la Terre, de l'Eau et des Ressources Naturelles
http://www.agter.asso.fr/spip.phprubrique68&lang=en

Foncier et développement – portal on land tenure issues
http://www.foncier-developpement.org/welcome-to-the-portal-on-land-tenure-issues-in-developing-countries/viewset_language=en

Global Land Tools Network
http://www.gltn.net/

IFAD – Rural Poverty Portal, Land and Rural Poverty pages
http://www.ruralpovertyportal.org/english/topics/land/index.htm

Land Tenure Centre – University of Wisconsin-Madison
http://www.ies.wisc.edu/ltc/

Programme for Land And Agrarian Studies, University of Western Cape (PLAAS)
http://www.plaas.org.za/

International human rights instruments and summit declarations relevant to land governance reform issues

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
http://www.un.org/womenwatch/daw/cedaw/

Indigenous and Tribal Peoples Convention, 1989 (No. 169)
http://www.ilo.org/public/english/indigenous/

International Conference on Agrarian Reform and Rural Development
http://www.icarrd.org/index.html

International Covenant on Civil and Political Rights
http://www2.ohchr.org/english/bodies/hrc/index.htm

International Covenant on Economic, Social and Cultural Rights

http://www2.ohchr.org/english/bodies/cescr/index.htm

International Network for Economic, Social and Cultural Rights
http://www.escr-net.org/
UN Declaration on the Rights of Indigenous Peoples
http://www.iwgia.org/sw153.asp

Voluntary Document on the Right to Food
http://www.fao.org/righttofood/
http://www.fian.org/programs-and-campaigns/working-tools-1

World Summit in Sustainable Development/Commission for Sustainable Development
http://www.un.org/esa/sustdev/sdissues/land/land.htm

Land governance-related programmes and resource pages of international organizations

FAO – Land Tenure and Management Unit
http://www.fao.org/nr/dep/nrla/nrla_en.htm

International Labour Organization – Indigenous and Tribal Peoples
http://www.ilo.org/public/english/indigenous/

UN Economic Commission for Africa – Sustainable development Division
http://www.uneca.org/eca_programmes/sdd/default.htm

UN-Habitat
http://www.unhabitat.org/

UNDP Drylands Development Centre – land tenure priority area
http://www.undp.org/drylands/gov-ltenure.html

UNDP Oslo Governance Centre – land governance
http://www.undp.org/oslocentre/overview/governance_poverty_eradication.html

World Bank – Land Policy and Administration
http://go.worldbank.org/2S3OYC6NS0

Other key research bodies

CGIAR System-wide Programme on Collective Action and Property Rights (CAPRi)
http://www.capri.cgiar.org/

International Association for the Study of the Commons
http://www.iascp.org/

International Institute for Environment and Development (IIED)
http://www.iied.org/

Selected civil society organizations active on land governance issues

International:

Agriterra
http://www.agriterra.org/

Centre on Housing Rights and Evictions
http://www.cohre.org/

Development Gateway: Civil society and civic engagement
http://topics.developmentgateway.org/civilsociety

FIAN – Food First International Action Network
http://www.fian.org/

International Federation of Agricultural Producers (IFAP)
http://www.ifap.org/en/index.html

IUF – International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
http://www.iuf.org/www/en/

La Via Campesina
http://www.viacampesina.org/

Land Research Action Network
http://www.landaction.org/spip/?lang=en

SDI – Shack/Slum-Dwellers International

http://www.sdinet.org/

World Alliance of Mobile Indigenous Peoples
http://www.iucn.org/themes/ceesp/WAMIP/WAMIP.htm

Africa:

Association for Rural Advancement – South Africa
http://www.afra.co.za/

Indigenous Information Network
http://www.indigenous-info-kenya.org/index.htm

Kenya Land Alliance
http://www.pambazuka.org/en/category/land/

LandNet Africa
http://www.ossrea.net/projects/landnet.htm

Pambazuka News
http://www.pambazuka.org/en/category/land/

Southern African Regional Poverty Network
http://www.sarpn.org/rpp/land.php

Zambia Land Alliance
http://www.zla.org.zm/

Asia-Pacific:

Asian Development Bank: Civil society Information Sources in Asia
http://www.adb.org/ngos/cso-sources.asp

Asian NGO Coalition
http://www.angoc.ngo.ph/

Konsorsium Pembaruan Agraria – Indonesia
http://www.kpa.or.id/

Social Development Foundation - India
http://www.thesdf.org/index.html

Star Kampuchea - Cambodia
http://www.starkampuchea.org.kh/

Latin America and Caribbean:

Assocación Latinoamericana de Organizaciones de Promoción
http://www.alop.or.cr/

Centro Peruano de Estudios Sociales
http://www.cepes.org.pe/

Coordinadora Nacional de Organizaciones Campesinas – Guatemala
http://www.cnoc.org.gt/

Coordinación de ONG y Cooperativas – Guatemala
http://www.congcoop.org.gt/

El Grupo ALLPA - Comunidades y Desarrollo – Peru
http://www.allpa.org.pe/

Fondo Ecuatoriano Populorum Progressio – PROTIERRAS
http://www.fepp.org.ec/

Fundación TIERRA
http://www.ftierra.org/

Indigenous Information Network
http://www.redindigena.net/ing/

Movimento dos Trabalhadores Rurais sem Terra – Brazil
http://www.mst.org.br/mst/home.php

Key documents on land governance

Actionaid – Cultivating Women's Rights for Access to Land
http://www.icarrd.org/en/proposals/CultivatingWomen.pdf

Camilla Toumlin, IIED; Securing land rights for the poor in Africa —
Key to growth, peace and sustainable development
http://legalempowerment.undp.org/pdf/Africa_land_2.pdf

Cotula, L., et al., IIED; Land Tenure and Administration in Africa: Lessons of experience and emerging issues

http://www.iied.org/pubs/display.php/Cotula&x=Y

FAO Land Tenure Studies
http://www.fao.org/sd/LTdirect/ltstudies_en.htm

FAO Land Tenure Studies 9; Good governance in land tenure and administration
http://www.fao.org/NR/lten/abst/lten_071101_en.htm

Klaus Deininger, World Bank; Land policies for growth and poverty reduction
http://econ.worldbank.org/external/default/main?pagePK=64165259&piPK=64165421&theSitePK=469382&menuPK=64216926&entityID=000020439_20070126152021

Oxfam Resources Pages
http://www.oxfam.org.uk/resources/learning/index.html

UNDP/Institute of Social Studies papers on land reform:
http://www.iss.nl/cross_cutting_themes/land/iss_undp_policy_papers

UNDP Drylands Development Centre; Land Rights Reform and Governance in Africa: How to make it work in the 21st Century?
http://www.energyandenvironment.undp.org/undp/index.cfmmodule=Library&page=Document&DocumentID=6150

UNDP Drylands Development Centre; Decentralized Governance of Natural Resources
http://www.energyandenvironment.undp.org/undp/index.cfm?module=Library&page=Document&DocumentID=6121

UNDP International Poverty Centre Research Brief; The Unresolved Land Reform Debate: Beyond State-Led or Market-Led Models
http://www.undp.org/povertycentre/pub/IPCPolicyResearchBrief002.pdf

UNECA; Land Policy in Africa: A Framework of Action to Secure Land Rights, Enhance Productivity and Secure Livelihoods
http://www.uneca.org/eca_programmes/sdd/meetings/LandPolicy/IssuesPaper.pdf

UNDP resources on engagement with civil society

Oslo Governance Centre – Practical Guidance Notes
http://www.undp.org/oslocentre/resources/publications.html

UNDP and Civil Society Organizations: A Practice Note on Engagement
http://www.undp.org/partners/cso/publications/UNDPCSOPolicy.doc

UNDP; Integrating Human Rights into Energy and Environment Programming: A Reference Paper
http://www.undp.org/governance/docs/HR_Pub_environmentprog.pdf

UNDP; Essentials – Civic Engagement
http://www.undp.org/eo/documents/essentials/CivicEngagement-Final31October2002.pdf

UNDP; Sourcebook on Building Partnerships with Civil Society Organizations
http://www.undp.org/partners/cso/publications/Sourcebook_on_Building_Partnerships_with_CSOs.pdf

UNDP and Civil Society Organizations: a Toolkit for Strengthening Partnerships UNECA; Land Policy in Africa: A Framework of Action to Secure Land Rights, Enhance Productivity and Secure Livelihoods
http://www.uneca.org/eca_programmes/sdd/meetings/LandPolicy/IssuesPaper.pdf

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Drylands Development Centre
United Nations Avenue, Gigiri
Nairobi 00100, Kenya
Email:ddc@undp.org
www.undp.org/drylands

INTERNATIONAL
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