

MONITORING THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND FISHERIES AND FORESTS

A CIVIL SOCIETY PERSPECTIVE



Philip Seufert
Sofía Monsalve Suárez

FIAN International

June 2012

MONITORING THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND FISHERIES AND FORESTS

A CIVIL SOCIETY PERSPECTIVE

Philip Seufert, Sofía Monsalve Suárez

FIAN International

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

Photography: Philip Seufert

List of abbreviations

AFRA	Association for Rural Advancement
AGFE	Advisory Group on Forced Evictions
AGTER	Améliorer la Gouvernance de la Terre, l'Eau et des Ressources Naturelles
CEDAW	Committee on the Elimination of Discrimination against Women
CEPES	Centro Peruano de Estudios Sociales
CERD	Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
CFFA	Coalition for Fair Fisheries Arrangements
CFS	Committee on World Food Security
CIEL	Centre for International Environmental Law
CINEP/PPP	Colombian Centre for Research and Popular Education/Peace Program
CPT	Comissão Pastoral da Terra
CSO	Civil society organization
FAO	Food and Agriculture Organization of the United Nations
FIAN	FoodFirst Information and Action Network
FIG	International Federation of Surveyors
FoE	Friends of the Earth
FPIC	free, prior, and informed consent
FPP	Forest Peoples Programme
HIC	Habitat International Coalition
HLRN	Housing and Land Rights Network
HRC	UN Human Right Council
ICARRD	International Conference on Agrarian Reform and Rural Development
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSF	International Collective in Support of Fishworkers
IFAD	International Fund for Agricultural Development
IGO	Intergovernmental Organization
IHCS	Indonesian Human Rights Committee for Social Justice
ILC	International Land Coalition
ILO	International Labour Organization
IPC	International Planning Committee for Food Sovereignty
LGAF	Land Government Assessment Framework
LWA	Land Watch Asia
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
PBAS	Performance Based Allocation System
REDD	Reducing Emissions from Deforestation and Degradation
RRI	Rights and Resources Initiative
SDTM	Social Tenure Domain Model
UN-HABITAT	United Nations Human Settlements Programme
UNDP	United Nations Development Programme
WRM	World Rainforest Movement

Table of Contents

1 Introduction	1
2 Mapping of monitoring initiatives related to land, fisheries and forests.....	3
2.1 Monitoring: a schematic categorization of monitoring initiatives of institutions and civil society	3
2.1.1 Focus of monitoring	4
2.1.2 Who monitors?	8
2.1.3 Objective	8
2.1.4 Methodology	11
2.1.5 Final user	14
2.1.6 Scale	17
2.2 Existing CSO monitoring initiatives on land, fisheries and forests – some illustrative examples	20
2.2.1 Monitoring conflicts over natural resources.....	20
2.2.2 Monitoring evictions	22
2.2.3 Monitoring land and resource grabs	23
2.2.4 Monitoring access to natural resources in the context of the Voluntary Guidelines on the Right to Food	26
2.2.5 Monitoring fishing rights	28
2.2.6 Monitoring policies and frameworks	29
2.3 Characteristics of CSO monitoring in the context of land, fisheries and forests	32
2.4 Gaps between institutional and civil society monitoring	33
3 Civil society perspectives on monitoring in the context of the Voluntary Guidelines	36
References	44
Annex: Overview of civil society monitoring initiatives on land, fisheries and forests	46

List of tables

Table 1	Examples of different objectives of monitoring initiatives/organizations
Table 2	Examples of different methodologies of monitoring initiatives/organizations
Table 3	Examples of different final users of monitoring initiatives
Table 4	Examples of different levels of monitoring initiatives/organizations
Table 5	Overview of criteria to categorise monitoring initiatives

1 Introduction

The lack of adequate and secure access to land and natural resources by the rural and urban poor is one of the main causes of hunger and poverty in the world.

According to the Hunger Task Force of the Millennium Project, about half the people suffering from hunger live in rural small-hold farming households, while another two-tenths are farming households that do not have land. A smaller group, perhaps a tenth, consists of herders, fishers and forest-dwellers. The rest, about two-tenths, live in urban areas.

In 2008, for the first time in history, the FAO registered that the number of hungry people in the world surpassed 1 billion. Eighty percent of these people are food producers and live in rural areas. In 2010, the FAO registered a small reduction in the number of hungry people, citing the figure of 925 million. The percentages of the groups most deeply affected, however, remain unchanged.

If peasants and small food producers undoubtedly have a vital role to play in feeding the world and producing adequate food, they are also the ones who suffer the most hunger and chronic malnutrition. The access to productive resources is crucial for these groups and for all strategies that aim at effectively combating hunger and poverty in the world.

The global context of hunger and poverty today is further characterized by conflicts over land and other natural resources that are often related to human rights violations. These conflicts are currently growing, in respect to both their number and their intensity. This situation is the result of a wide range of structural and contextual factors.

Land and resource grabbing, and the (re-)concentration of access to land, forests, fishing grounds, water sources (freshwater and sea/ocean) and other natural resources are accelerating as a result of the dominant development model that thrives on industrial monocrop agriculture (including crops for agrofuel production and planted forests), industrial tourism, fishing, and ranching; large scale mining and energy production, destructive industrial and infrastructure projects, rapid, unplanned urbanization and needless consumption. The most vulnerable groups to hunger and malnutrition are also those who are most affected by these processes.

In this context the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests becomes urgent. There are several ways of promoting this: First of all, awareness raising activities should disseminate information about the Guidelines and their provisions in order to make them known among different key actors, e.g. policy makers, judges, civil society organisations, etc. In order to promote the Guidelines as a tool, material on how to use them has to be elaborated. Another step toward implementation of the Guidelines consists of national dialogues to discuss priorities for implementation.

A particular way of promoting the implementation of the Guidelines consists in developing monitoring systems about the governance of tenure on the basis of the Guidelines. Since they set out principles and internationally accepted standards for

responsible practices, the Guidelines provide a framework that States can use when developing their own strategies, policies, legislation, programmes and activities. The Guidelines seek to improve the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources. They also seek to improve the capacities and operations of implementing agencies, courts and others concerned with tenure governance. Thus one of the first steps towards the implementation of the Guidelines consists of assessing whether the existing practices of the governance of land, fisheries and forest comply with the principles and best practices contained in the Guidelines. In order to do this, appropriate indicators and benchmarks for monitoring compliance of existing practices with the Voluntary Guidelines have to be identified and/or elaborated. This step should help to identify the need for action in respect of governance of tenure of natural resources. In this way, monitoring systems assist States in implementing the Voluntary Guidelines in the context of national policies. Going one step further, adequate monitoring mechanisms are also crucial in order to assess the progress of implementation of the Guidelines.

The developing of dynamic monitoring systems is thus a major contribution on the way of putting the Voluntary Guidelines and their provisions into practice. This study is intended to contribute to the effective implementation of the Voluntary Guidelines by exploring ways of monitoring the governance of tenure of land, fisheries and forests and providing a civil society perspective on monitoring in the context of the Guidelines. It provides an overview of existing and commonly used monitoring systems and practices in relation with tenure of land, fisheries and forests by civil society organisations and institutions. In order to do so, it will propose a schematic categorization of monitoring in the context of land, fisheries and forests. It will then present some illustrative examples of civil society monitoring initiatives and identify some characteristics of monitoring carried out by CSOs. Based on this, it will provide some recommendations for monitoring in the context of the Voluntary Guidelines. This particularly refers to issues that should be monitored and the way in which this monitoring should be carried out.

2 Mapping of monitoring initiatives related to land, fisheries and forests

2.1 Monitoring: a schematic categorization of monitoring initiatives of institutions and civil society

This first chapter will provide a very basic overview on monitoring, especially related to land, fisheries and forests. In order to do so, a set of criteria will be presented, along which monitoring mechanisms and initiatives can be analysed. This will serve as a basis to better link existing monitoring instruments to the Voluntary Guidelines.

Monitoring is a broad and extensive topic and many definitions can be found. Generally speaking, monitoring can be described as a continuous activity that systematically uses information in order to measure achievement of defined targets and objectives within a specified time frame. In doing so, it provides feedback on implementation processes and implementation problems. Monitoring also tracks resource acquisition, allocation and expenditures and the production of delivery of services.¹

From this very general definition it becomes clear that monitoring can include many different activities and instruments. In order to better understand, analyse and categorise different monitoring activities, the following criteria can be helpful:

- Subject or focus of monitoring (What?);
- Institution or body that carries out the monitoring (Who?);
- Objective (For what?);
- Type of data/information used and methodology (How?);
- Information users, i.e. who is supposed to use the results of the monitoring activity? (For whom?)
- Scale.

Along these basic criteria, monitoring initiatives can be analysed and schematically categorized. It should be clear, however, that the different categories are not independent from each other. For example, a certain institution that monitors for a defined purpose will do so with a specific methodology rather than another. In the same way, monitoring that focuses on one subject requires the use of a certain type of information and data. However, the proposed criteria might be useful in order to better understand the differences in monitoring approaches and practices. In order to better understand these approaches, we will now describe with more detail the proposed criteria.

¹ Valadez, Joseph and Bamberger, Michael (Eds.), 1994, Monitoring and Evaluating Social Programs in Developing Countries. A Handbook for Policy Makers. EDI Development Studies. The World Bank, Washington, D.C., quoted from: FAO, 2008, Methods to Monitor the Human Right to Adequate Food. Volume I: Making the Case for Rights-Focused and Rights-Based Monitoring, Rome, p. 53.

2.1.1 Focus of monitoring

Regarding monitoring of issues related to land, fisheries and forests, a first distinction can be made according to the specific focus of monitoring activities. Very generally speaking, monitoring initiatives can be divided into those who focus on the evaluation of the quality of the resources and those that focus on governance aspects.

The first group usually refers to a more technical monitoring exercise that aims at an assessment, an evaluation and a classification of resources, mostly in view of management and administration. The information that is collected is data on the different natural resources, such as spatial information, soil and/or water quality, performance, but can also include the use of natural resources. FAO has a well developed system of collecting and maintaining information that is organised in databases such as FAOSTAT, which includes statistics at country level on agriculture, fisheries and forests.

Regarding land, FAO collects and analyses data in various ways. Most of these initiatives aim at providing information on land resources and land use in order to be able to assess land performance and potential. In the course of this process, agro-ecological units (according to criteria such as climate, soil, landform etc.) or Land Utilization Types (LUT) are identified. Outputs are several different databases such as the Multilingual Soil Database (SDBm), the Land Use Database (LUB), or databases such as ECOCROP (to filter out suitable crops for defined environments), AQUASTAT (on freshwater and its availability, with special focus on irrigation and drainage) or CLIMWAT (climate).² Land evaluation usually aims at providing information and advice on land administration, including land management and land use planning. Other initiatives in this context include physiographic instruments such as the Global Soil and Terrain Database (SOTER) and the Land Degradation Assessment in Drylands (LADA). Information is often gathered and analysed with the help of automated tools, including satellite imagery and Geographical Information Systems. The information collected and compiled in databases and maps may then also be used by other monitoring initiatives.

FAO also monitors fisheries, mainly in order to support fisheries management and policy-making and sectoral planning. The aspects monitored include fishers, catches, prices and trade. Outputs are statistics that are accessible through FAO's website and statistical yearbooks. A special focus of monitoring is a review of the world's fishery resources through monitoring of catches.³ Data is made accessible through FISHSTAT and looks at marine fisheries and inland fisheries, especially fish production and trade. Together with other organisations, FAO has also put in place the Fisheries Resources Monitoring System (FIRMS) that aims at providing access to information on the global monitoring and management of fishery marine resources.⁴

Regarding forest, FAO mainly monitors annual production and trade of forest products, and mainly of wood products. ForesSTAT covers forest products production,

² Cf. FAO, 1999, Guidelines for Integrated Planning for Sustainable Management of Land Resources, Rome, p. 42-43.

³ <http://www.fao.org/fishery/topic/14771/en> (accessed on March 22, 2012).

⁴ <http://firms.fao.org/firms/en> (accessed on March 22, 2012).

import and export as well as forestry trade flows.⁵ FAO also conducts the Forestry Resources Assessment (FRA), based on data that countries provide to FAO in response to a common questionnaire. Initially started with a more limited scope, the assessment now aims at providing a holistic perspective on global forest resources, their management and uses, in order to provide information on the current status of the world's forest resources and their changes over time. The assessments address seven broad topics (extent of forest resources and their contribution to the global carbon cycle; forest health and vitality; forest biological diversity; productive functions of forests; protective functions of forests; socio-economic functions of forests; and legal, policy and institutional framework related to forests) and are conducted every ten years, with an update after five years. The reports, as well as data, maps and figures are made available on the FAO's website.⁶

In addition, FAO, together with other organisations, including the World Bank, has developed a Framework for Assessing and Monitoring Forest Governance. The framework aims at facilitating the description, diagnosis, monitoring, assessment and reporting on the state of governance in a country's forest sector and proposes a frame of reference for organizing governance-relevant information.⁷

While the FAO is the international leading institution with a global mandate in the context of agriculture, fisheries and forests, there are also other bodies and organisations that assess, evaluate and classify natural resources. At an international level, the International Federation of Surveyors (FIG), for example, collects spatial information and conducts hydrographic surveying. In addition, there exist research institutions in many countries that are active in this field at the national level. These institutions can be institutional or independent research institutes or universities.

While the described systems and tools are very much centred on the resources and their qualities and use, some initiatives exist that aim at recording people-resource relationships. As an example related to land, UN-HABITAT and the International Federation of Surveyors (FIG) have developed a Social Tenure Domain Model (SDTM) that aims at the recording of all types of tenure. Although SDTM is not primarily conceived as a monitoring tool, it documents actually existing tenure patterns by registering tenure rights, including those that are not full ownership rights. Satellite imagery serves as basis for data collection with the objective to improve land administration.⁸

A second big group of monitoring initiatives puts its focus on governance. FAO defines governance as "the way in which society is managed and how the competing priorities and interests of different groups are reconciled. It includes the formal institutions of government as well as informal arrangements. Governance is concerned with the processes by which citizens participate in decision-making, how government

⁵ <http://faostat.fao.org/site/630/default.aspx> (accessed March 25, 2012).

⁶ <http://www.fao.org/forestry/fra/en> (accessed on May 3, 2012).

⁷ <http://www.fao.org/forestry/governance/monitoring/71390/en> (accessed on May 3, 2012).

⁸ International Federation of Surveyors (FIG), 2010, The Social Tenure Domain Model. A Pro-Poor Land Tool, FIG Publication No. 52, March 2010.

is accountable to its citizens and how society obliges its members to observe its rules and laws.”⁹

Governance thus refers to institutions and processes, i.e. the rules and structures that govern and mediate relationships, decision-making and enforcement as well as the processes of how decisions are made and by whom, how decisions are implemented and how disputes are managed.¹⁰ However, governance is also intrinsically linked to the actual outcomes and results of policies, administration, programmes etc. Monitoring of governance should thus ideally cover all these aspects.

The use and development of indicators to monitor structures, processes and outcome of governance has been developed mainly in the context of human rights monitoring and has received increasing recognition within the international community in recent years. This typology – although the nomenclature is not always exactly the same – is used by an increasing number of national and international organisations and institutions, including FAO and the International Labour Organization (ILO).¹¹ The concepts of structures, process and outcomes help to conceptualise governance by referring to its different dimensions. They also provide a good framework to differentiate monitoring initiatives on governance. As we will see later on, monitoring systems that assess and evaluate governance can differ quite substantially, according to whether they focus on legal and administrative frameworks (structures), the way policies are developed and implemented (process) or the actual achievements in terms of the realities of security of tenure and access to resources (outcomes).

Whereas monitoring that focuses on evaluation and classification of land, fisheries and forests is genuinely focused on these resources, it is often only one aspect among others when it comes to monitoring that focuses on governance. This is so because monitoring of governance usually relates to governance in general, including governance of land and other natural resources only as one aspect. As an example, UNDP includes land indicators as one aspect for governance assessment.¹² This is also true for more specific monitoring initiatives related to governance, such as Transparency International’s Global Corruption Barometer, which includes the land sector as one among others.¹³

Besides monitoring systems for governance in general, there are also initiatives that focus on governance of natural resources. One example is the World Bank’s Land Government Assessment Framework (LGAF). It has been developed as a diagnostic tool for the evaluation of land governance at the national level and is intended to assess key issues in land administration and land policy formulation, by defining five

⁹ FAO, 2007, Good Governance in land tenure and administration. Land Tenure Series, No. 9. Rome, p. 5.

¹⁰ Cf. Palmer, David, Fricska, Szilard and Wehrmann, Babette, 2009, Towards Improved Land Governance. Land Tenure Working Paper 11, Rome, p. 9.

¹¹ Cf. Malhotra, Rajeev and Fasel, Nicolas, 2005, Quantitative Human Rights Indicators – A Survey of Major Initiatives, March 2005, p. 11 (<http://www.abo.fi/instit/imr/research/seminars/indicators/Background.doc>, accessed on March 10, 2012).

¹² <http://www.gaportal.org/areas-of-governance/land-governance> (accessed on March 14, 2012).

¹³ http://www.transparency.org/policy_research/surveys_indices/gcb (accessed on March 10, 2012).

thematic areas (legal and institutional framework; land use planning, management and taxation; management of public land; public provision of land information; dispute resolution and conflict management) and a set of corresponding indicators.¹⁴ The selected areas already indicate that this initiative is focused on structures and processes and do not include the actual outcomes of land governance, i.e. tenure security and actual access to natural resources by rural communities and small-scale food producers.

This is why some initiatives aim at developing monitoring systems and indicators that address more specifically the aspects of land tenure security¹⁵ and secure access to land.¹⁶ As we will see in more detail, monitoring initiatives of food producers' organizations and other civil society organizations are stronger in this respect and can provide valuable information on the actual patterns of tenure security and access to resources. They often provide very concrete information, gathered at the local level through the documentation of cases of conflicts over resources or loss of access to them. Monitoring these outcomes of governance of natural resources constitutes an important part of monitoring of governance that is not sufficiently taken into account. Moreover, CSO monitor actions and omissions of their own governments, of other governments having an impact on them; of the private sector and of international organizations.

To summarize, monitoring in the context of land, fisheries and forests can be roughly divided into two groups: governance on the one side and resource (quality) evaluation on the other. Both fields have to do with the other, e.g. information of one type of monitoring can be used for the other, but tend to coexist without always being linked. Indeed, the latter is carried out by specialized agencies and by using special techniques and tools and tends to remain very technical. Global initiatives to monitor governance, on the contrary, tend to be much larger, with tenure of land, fisheries and forests only as one aspect among others. In addition to this, they focus on structures and processes of governance and tend to neglect the outcomes of policies and programmes. However, some monitoring initiatives – especially led by civil society – focus on the outcomes and gather valuable information on the actual patterns of tenure and the security of access to land, fisheries and forests.

These gaps are recognized by some actors, and, as an example in the context of land, UN HABITAT's Global Land Tool Network aims at a more holistic approach to land issues and improved coordination, including monitoring.¹⁷

2.1.2 Who monitors?

Monitoring is carried out by a number of different actors. Among these, and especially regarding monitoring related to land, fisheries and forests, we can divide broadly into institutional and non-institutional monitors.

¹⁴ Burns, Tony, Deininger, Klaus, Selod, Harris, and Dalrymple, Kate, 2010, Implementing the Land Governance Assessment Framework, April 2010.

¹⁵ Laksa, Knut and El-Mikawy, Noha, 2009, Reflections on Land Tenure Security Indicators. UNDP Oslo Governance Centre, Discussion Paper 11, June 2009.

¹⁶ Bending, Tim, 2010, Monitoring Secure Access to Land: Progress and Prospects. ILC, 2010.

¹⁷ Cf. <http://www.unhabitat.org/categories.asp?catid=503> (accessed on March 10, 2012).

Institutional actors that monitor include governments, including specialised ministries or agencies (state authorities) and international and intergovernmental organisations. In this context, one should also mention the different institutions in the human rights system that cover different levels: national human rights commissions, regional commissions (e.g. the Inter-American Commission on Human Rights or the African Commission on Human and People's Rights), and international human rights institutions and treaty bodies, such as the Human Right Council (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR). Both play an important role in monitoring states' compliance to their obligations under international human rights law through reporting mechanisms. The Office of the United Nations High Commissioner for Human Rights (OHCHR) also carries out monitoring, including in its national offices.

Non-institutional actors in the context of monitoring cover a broad variety of actors, such as independent experts and civil society organisations (CSOs), including social movements, food producers' organizations, communities and non-governmental organizations (NGOs).

It should be clear that each of these actors monitors different aspects for different purposes and in different ways. Therefore the question of who carries out the monitoring is not neutral, and may have big repercussions for the results. This is important to keep in mind when analysing different monitoring initiatives and their results.

2.1.3 Objective

Very closely related to the question of who monitors is the purpose or objective of the monitoring exercise. This can be, among others: to compare countries' performances (e.g. by establishing rankings); decide on the allocation of funds; inform, design and evaluate policies; administration and management of natural resources, including land use planning; design and strengthen advocacy; facilitate an informed public debate; empower communities; hold decision makers accountable.

It should be quite clear that the different institutions or bodies that carry out monitoring do so for different purposes. Governments and authorities in most cases carry out data collection and monitoring in order to inform and design their policies (e.g. to identify priorities for action) and to evaluate the effectiveness of their administration. The results of these monitoring activities can then be used in order to design laws or for land use planning.

Donors, including international or intergovernmental organisations, in many cases use monitoring instruments to decide on the allocation of funds or in order to compare country performance in different fields. An example in this respect is International Fund for Agricultural Development's (IFAD) Performance Based Allocation System (PBAS)¹⁸, which includes, for example, indicators on land-related issues, such as legal frameworks, land titling and cadastres as well as land markets.

¹⁸ <http://www.ifad.org/operations/pbas> (accessed on February 15, 2012).

National and local authorities, but also intergovernmental organizations, might also use monitoring of land in the context of land evaluation, either for statistical reasons or, again, for advising governments in the design of policies.

CSOs, including NGOs, social movements and food producers' organisations, use monitoring instruments in order to create a solid basis for their advocacy work at different levels. Related to this, they also use the results of monitoring activities in order to increase public participation in decision making processes, by providing information for an informed debate. When the monitoring is carried out by affected groups themselves – i.e. by peasants' organisations or rural communities – the empowerment of these groups and their organisations is also an important objective of the monitoring process.

Finally, one of the main goals of monitoring is to hold decision makers accountable. This is relevant for CSOs, but also for international institutions. A good example is the monitoring of a state's compliance with its human rights obligations, carried out by regional or international human rights bodies, as well as by CSOs who use this process to present their own reports.

Table 1: Examples of different objectives of monitoring initiatives/organizations¹⁹

Objective	Monitoring initiative/organization	Country/Region
Assess Country performance	UNDP: Governance Assessment Programme	USA/International
	World Bank: Land Governance Assessment Framework	USA/International
	Transparency International: Global Corruption Barometer	Germany/International
International rankings	UNDP: Human Development Index	USA/International
	Transparency International: Global Corruption Barometer	Germany/International
	World Bank: Doing Business Survey	USA/International
Allocation of funds	IFAD Performance Based Allocation System	Italy/International
Inform, design, evaluate policies	National Governments/ Ministries	
	Indonesian Human Rights Committee for Social Justice	Indonesia

¹⁹ Some of the initiatives mentioned in this and the following tables are described in more detail in chapters 2.2.1 to 2.2.6.

Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

	Rights and Resources Initiative	USA
Effective administration	National Governments/ Ministries	
Advocacy	<p>CEPES: Tierra y Derechos</p> <p>FIAN</p> <p>Global Witness: Making the Forest Sector Transparent</p> <p>HIC – HLRN: Housing and Land Rights Violation Database</p> <p>National Land Rights Forum</p> <p>Transparency International: Global Corruption Barometer</p>	<p>Peru</p> <p>Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda</p> <p>United Kingdom/International</p> <p>Chile/International</p> <p>Nepal</p> <p>Germany/International</p>
Increase public participation/Create informed debate	<p>CINEP: Base de datos de luchas sociales</p> <p>Comissão Pastoral da Terra (CPT): Conflitos no campo Brasil</p> <p>Fundación Tierra: Observatorio Tierras Indígenas</p> <p>GRAIN: Food Crisis and the Global Land Grab</p> <p>International Land Coalition: Land Matrix</p> <p>Land Watch Asia</p>	<p>Colombia</p> <p>Brazil</p> <p>Bolivia</p> <p>Spain/International</p> <p>Italy/International</p> <p>Asia (Philippines, Nepal, Indonesia, Bangladesh, Cambodia, India and Pakistan)</p>
Empowerment of affected groups	<p>CEPES: Tierra y Derechos</p> <p>CINEP: Base de datos de luchas sociales</p> <p>Comissão Pastoral da Terra: Conflitos no campo Brasil</p> <p>National Land Rights Forum Nepal</p>	<p>Peru</p> <p>Colombia</p> <p>Brazil</p> <p>Nepal</p>

Hold decision makers accountable	African Commission for Human and Peoples' Rights	Africa
	CESCR	Switzerland/International
	FIAN	Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda
	HIC – HLRN: Housing and Land Rights Violation Database	Chile/International
	Inter-American Human Rights Commission	Americas

2.1.4 Methodology

The question of who monitors what and for what purpose is closely linked to the question of how the monitoring is done. In fact, this is a central question that is linked to all other categories. Monitoring can be carried out in many different ways. The methodology of a monitoring initiative contains the following interrelated aspects: the nature or kind of the information/data that is used; how and by whom this data is gathered; and how the information is analysed.

Very generally speaking, data and information used for monitoring can be quantitative (i.e. expressed in quantitative form, such as numbers, percentages or indices) or qualitative (e.g. appraisals, descriptions of content or nature, etc.). This information is gathered in different ways and by different people or institutions. States – through ministries and statistical units – collect quantitative data through all kinds of official records that is then compiled in statistics. Information – quantitative and qualitative – can also be gathered and produced through survey methods or through interviews.

States and local authorities are certainly important data and information gatherers. However, they are not the only ones. Many persons and institutions also create data and information, among them researchers or journalists. Civil society organisations also play an important role in the process of information gathering. They often do so in close cooperation with local communities or groups affected by conflicts over resources. In many cases, information is even collected by these groups themselves. Information gathered in this way can be quantitative, but very often is mainly of qualitative nature. Generally speaking, CSOs tend to document concrete cases of conflicts over resources or situations where rights of certain groups related to resources are violated.

In addition to the questions of how information is gathered and by whom, it is relevant how this information is used. The question of methodology of a monitoring activity refers mainly to this cycle of creation of information and its use. The choice of information or data is, of course, closely linked to the purpose of a monitoring activity

and on who carries it out. Institutions that gather information themselves will use this data, but might also use other sources of information. The results of the analysis of the primary data can also be used for further analysis by other bodies. The elaboration of statistics through statistical units within different ministries, for example, is a monitoring exercise in itself, but the statistics can also be used by others for different purposes. The same applies to media reports that are at the same time a result of information gathering, they can then be used as a source of information in monitoring initiatives. Also the qualitative information from case documentations by CSOs present evidence on their own, but can also be compiled and used in the context of monitoring initiatives.

While it is true that many monitoring initiatives take into account more than one kind of data and source of information, the selection of the used date, the way it is gathered and how it is analysed varies considerably in different monitoring initiatives.

Table 2: Examples of different methodologies of monitoring initiatives/organizations

Methodology	Monitoring initiative/organization	Country/Region
<u>Information/ Data:</u>		
Qualitative	Comissão Pastoral da Terra (CPT): Conflitos no campo Brasil FIAN GRAIN: Food Crisis and the Global Land Grab	Brazil Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda/International Spain/International
Quantitative	Comissão Pastoral da Terra (CPT): Conflitos no campo Brasil Statistical units/ministries World Bank Land Governance Assessment Framework	Brazil USA/International
<u>Information gatherers:</u>		
Authorities	Statistical units/ministries	
Researchers/Experts	AGTER GRAIN: Food Crisis and the Global Land Grab ILC: Land Matrix	France Spain/International Italy/International

Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

	Indonesian Human Rights Committee for Social Justice	Indonesia
	World Bank: Land Governance Assessment Framework	USA/International
Journalists	CINEP: Base de datos de luchas sociales	Colombia
	Comissão Pastoral da Terra (CPT): Conflitos no campo Brasil	Brazil
	GRAIN: Food Crisis and the Global Land Grab	Spain/International
	ICSF	India, Belgium/International
CSOs	CINEP: Base de datos de luchas sociales	Colombia
	Comissão Pastoral da Terra (CPT): Conflitos no campo Brasil	Brazil
	FIAN	Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda/International
	GRAIN: Food Crisis and the Global Land Grab	Spain/International
	HIC – HLRN: Housing and Land Rights Violation Database	Chile/International
	ICSF	India, Belgium/International
Communities	FIAN	Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda/International
	Forest Peoples Programme	England/International
	ICSF	India, Belgium/International
<u>Sources of information:</u>		
Official records	Statistical units/ministries	

	CEPES: Tierra y Derechos	Peru
	Rights and Resources Initiative	USA/International
	World Bank: Land Governance Assessment Frameworks	USA/International
Survey methods	Statistical units/ministries	
	UN-Habitat	Kenya/International
Interviews	Comissão Pastoral da Terra (CPT): Conflitos no campo Brasil	Brazil
	FIAN	Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda/International
	HIC – HLRN: Housing and Land Rights Violation Database	Chile/International
	ICSF	India, Belgium/International

2.1.5 Final user

Monitoring processes and initiatives can also be distinguished according to the final user of the information that is gathered and created through monitoring. While in general – provided that information is made available – the results of monitoring activities can be used by all groups and individuals that deem this useful, it is true that the groups or constituencies that are aimed at by a monitoring exercise are usually more limited. This is of course linked to the final purpose or function of the monitoring process. Final users of the findings are, among others: governments/public authorities; parliamentarians; Intergovernmental Organizations (IGOs); donors; CSOs; affected groups; general public/citizens; private sector, etc.

In many cases, the final users of the results of monitoring are government authorities or, to put it in a broader sense, decision makers at different levels. This is true for monitoring carried out by such authorities themselves, but also for monitoring done by IGOs or CSOs. This is due to the fact that, in many cases, the overall aim of monitoring is to provide guidance for policies and administration. In this sense, one has also to mention parliamentarians as final users of the information as parliaments have an important role in the process of the elaboration of laws and policies. Human rights monitoring is also mainly directed at states in order to make recommendations and give them guidance on how to better comply with their obligations.

Besides the decision makers at national and local levels, the results of monitoring are also used by IGOs. As already mentioned, some IGOs use information for the establishment of country rankings. In some cases, they do so as donors and the results of monitoring activities can decide on the allocation of funds or of identifying priorities and/or challenges. This is also true for other donors, such as foreign governments or aid agencies.

Another group that uses information coming from monitoring procedures are NGOs and CSOs. They use information gathered by themselves, but also information coming from the monitoring activities of others. The same is true for CSOs that represent affected groups or these groups themselves. If in most cases their monitoring activities aim at informing on certain developments and sway authorities towards certain policy measures, the information is also used by them, for example for their advocacy strategies or for the capacity building for affected groups and communities.

In a very general way, monitoring and its results can also be directed to the general public as citizens. In this sense, and as we already mentioned before, monitoring can help to establish an informed dialogue and contribute to increased participation in the designing of policies and laws.

Finally, monitoring can also be used by the final sector in the sense that private investors or companies might base decisions for their investments or business activities, at least partly, on the information provided by monitoring activities. The World Bank's Doing Business Survey is one example in this respect.²⁰

Questions of methodology and of objectives of monitoring are closely interlinked with the final information users, as different information users have different information needs.

Table 3: Examples of different final users of monitoring initiatives

Final user	Monitoring initiative/organization	Country/Region
Governments/authorities/ Parliamentarians	African Commission for Human and Peoples' Rights	Africa
	CESCR	Switzerland/International
	CEPES: Tierra y Derechos	Peru
	FIAN	Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda
	HIC – HLRN: Housing and Land Rights Violation Database	Chile/International

²⁰ <http://www.doingbusiness.org> (accessed on March 10, 2012).

Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

	Indonesian Human Rights Committee for Social Justice	Indonesia
Intergovernmental Organizations	CESCR FIAN HIC – HLRN: Housing and Land Rights Violation Database ILC: Land Matrix	Switzerland/International Germany/International Chile/International Italy/International
Donors	IFAD Performance Based Allocation System	Italy/International
CSOs	CINEP: Base de datos de luchas sociales FIAN GRAIN: Food Crisis and the Global Land Grab ICSF ILC: Land Matrix Indonesian Human Rights Committee for Social Justice Rights and Resources Initiative	Colombia Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda/International Spain/International India, Belgium/International Italy/International Indonesia USA
Affected groups	CEPES: Tierra y Derechos Comissão Pastoral da Terra: Conflitos no campo Brasil GRAIN: Food Crisis and the Global Land Grab FIAN Forest Peoples Programme	Peru Brazil Spain/International Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines, Uganda/International England/International

General Public	AGTER CEPES: Tierra y Derechos CINEP: Base de datos de luchas sociales Comissão Pastoral da Terra: Conflitos no campo Brasil Fundación Tierra: Observatorio Tierras Indígenas GRAIN: Food Crisis and the Global Land Grab International Land Coalition: Land Matrix Land Watch Asia Transparency International: Global Corruption Barometer	France Colombia Brazil Bolivia Spain/International Italy/International Asia (Philippines, Nepal, Indonesia, Bangladesh, Cambodia, India and Pakistan) Germany/International
Private sector	World Bank: Doing Business Survey	USA/International

2.1.6 Scale

A last criterion to analyse monitoring initiatives is the scale. Monitoring can take place at different scales, i.e. at local, national, regional and international level. The choice is clearly linked to all previous categories and depends on the questions of who monitors, what exactly is monitored, for what purpose, with which kind of data and who uses the results. Finally, the methodology is also closely linked to the scale, in the sense that not all kinds of data gathering and analysis are suited for all scales. Household surveys might not be the method chosen for monitoring at the international scale. At the same time, the data gathered in this way might flow into reports by CSOs or even into official government data and thus eventually become relevant for monitoring at the international level.

Closely related to this, it has to be stressed that the various levels may overlap in some cases. As an example, the documentation of a conflict over resources at community level can become part of a national report that is then used for a monitoring exercise at an international body, such as the Committee for Economic, Social and Cultural Rights (CESCR). More generally speaking, human rights monitoring covers different level through different bodies and institutions.

Scale is also closely linked to who is carrying out the monitoring: initiatives of global scope are rather led by Intergovernmental Organizations, whereas smaller initiatives at

local or national scale have rather been developed with civil society organizations playing a leading role.

Table 4: Examples of different levels of monitoring initiatives/organizations

Level	Monitoring initiative/organization	Country/Region
Local	Association for Rural Advancement CINEP: Base de datos de luchas sociales Comissão Pastoral da Terra: Conflitos no Campo Brasil HIC – HLRN: Housing and Land Rights Violation Database	South Africa Colombia Brazil Chile/International
National	Comissão Pastoral da Terra: Conflitos no Campo Brasil FIAN	Brazil National reports on the right to food in Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines and Uganda
Regional	African Commission for Human and Peoples' Rights Inter-American Human Rights Commission ICSF Land Watch Asia	Africa Americas Asia Asia
International	CESCR FIAN Global Witness GRAIN HIC-HLRN ILC: Land Matrix World Bank: Doing Business Survey	

Table 5: Overview of criteria to categorise monitoring initiatives

Focus/What?	Who?	Objectives	Methodology	Final users	Scale
<u>Quality of resources</u> <u>Governance</u> • Structures/frameworks • Processes • Outcomes	<u>Institutional actors:</u> • Government s/ministries • International /intergovernm ental organizations • Human Rights institutions • (national, regional, international) <u>Non-institutional actors:</u> • Independent experts • Academia • Civil society organizations • Communite s • Non-govern-mental organisations	Assess Country performance International rankings Allocation of funds Inform, design, evaluate policies Effective administration Advocacy Increase public participation/Create informed debate Empowerment of affected groups Hold decision	<u>Information/ Data:</u> • Qualitative • Quantitative <u>Information gatherers:</u> • Authorities • Researchers • Journalists • CSOs • Communite s <u>Sources of information:</u> • Official records • Survey methods • Interviews <u>Different analysis methods</u>	Governments/authorities Parliamentarians Intergovernme ntal Organizations Donors CSOs Affected groups General Public Private sector	Local National Regional International

		makers accountable			
--	--	--------------------	--	--	--

2.2 Existing CSO monitoring initiatives on land, fisheries and forests – some illustrative examples

In this chapter, we will look at some existing monitoring initiatives on land, fisheries and forests by civil society. CSOs are engaged in many monitoring activities. The described activities are thus only some examples and many more exist. In fact, monitoring by civil society, and especially by food producers' organizations and rural communities, is often carried out at a very local scale and with very modest tools. Some of them might not even claim to carry out monitoring, but do simply record and gather information that reflects their problems and experiences. The following chapter does thus not aim at providing a comprehensive enumeration of everything that is done by CSOs, but rather at providing some examples that give an impression of the variety of what civil society does in the context of monitoring of governance of tenure. The cited examples have been divided into broad “types” that, so we hope, reflect this variety. Whereas many more initiatives exist, especially at a very local level, and differences exist between them, it should then be possible to get a general idea of the main characteristics of civil society monitoring and the differences between other monitoring systems, especially institutionalized ones. This will be helpful in order to identify some gaps that exist in overarching monitoring activities and frameworks.

2.2.1 Monitoring conflicts over natural resources

One of the basic monitoring activities CSOs are involved in is the recording and documentation of conflicts over resources. One example in this respect is the Brazilian organization Comissão Pastoral da Terra (CPT).²¹ This organization has been systematically recording land conflicts and violence against rural communities since the 1970s. Since 1985, the collected information is compiled and published in annual reports called “Conflitos no Campo Brasil” (“Land Conflicts Brazil”).²²

The stated objective of the initiative is to document conflicts and cases of violence against the population and to analyse them. In addition to religious-ethical and scientific motivations, it is clearly stated that the documentation is intended to support rural communities in their struggles. The results are thus in great part aimed at peasants and rural workers, in order for them to use the information to strengthen their struggles.

²¹ <http://www.cptnacional.org.br> (accessed on March 12, 2012).

²² The most recent report is from 2010 and is available (in Portuguese) under http://www.cptnacional.org.br/index.php?option=com_jdownloads&Itemid=23&view=finish&cid=192&catid=4.

Regarding methodology, CPT gathers information on conflicts in different ways. First, data is collected in the field through local agents. In addition, secondary research is carried out by taking into account various sources of information, such as media reports in local and national media or news bulletins and publications by different institutions, including social movements, trade unions, parties, governmental institutions and churches. Wherever possible, first-hand information is favoured. The information is then compiled in a database and analysed. In order to do so, the recorded conflicts are classified in different groups and tables that contain information on conflict areas, number and nature of conflicts, acts of violence against the population, evictions, assassinations and threats to life, etc. Conflicts over resources are classified in the following types: conflicts over land; conflicts over water resources; conflicts regarding rural workers; conflicts due to drought; and conflicts in the context of mining projects. The principal output of this initiative is an annual report issued by CPT that consists of detailed tables and articles that describe and analyse the conflicts. The tables contain information on the different types of conflict in every State, their exact location, the date of their recording, the number of families affected, as well as their status (farmers, pastoralists, landless, landless occupying lands, indigenous peoples etc.). Articles analyse conflicts over resources and cases of violence. The reports thus combine qualitative and quantitative information.

The data and the reports by the CPT cover the state of Brazil. However, the gathering of information is mainly carried out at the local level and is then compiled and quantified in a second step.

While the CPT's initiative is quite elaborate in methodology and systematization of information, many CSOs, including small-scale food producers' organizations, are engaged in comparable activities without always having the means of collecting data in such a systematic way. Another example of a monitoring initiative that focuses on conflicts about resources is the data base on social struggles by the Colombian Centre for Research and Popular Education/Peace Program (CINEP/PPP).²³ The data base is divided into three categories: labour struggles, peasants' and indigenous peoples' struggles as well as civic struggles. These three data bases cover a time span from 1975 to the present. The data is taken from the organisation's press archive, which contains coverage of different media, interviews and reports by different CSOs. The data also contains information on location, time, main actors, and the type of conflict and/or struggle. The information is also visualised through graphs and figures, according to these criteria.

The stated objective of this initiative is to document and follow mobilisation of civil society in past and present and to identify the needs of actors of civil society through their mobilisation, especially in the context of conflicts about resources. The information is targeted at a very large public, but the organisation specifically emphasizes CSOs as target group for information purposes in order to build a joint consciousness about social actions, as well as for advocacy purposes. In addition, the database is also aimed at public and private entities, in order to put pressure on them by documenting collective actions and demands.

²³

http://www.cinep.org.co/index.php?option=com_content&view=section&layout=blog&id=39&Itemid=90&lang=en (accessed on April 28, 2012).

It should also be mentioned that the collection of information on conflicts about resources is not restricted to peasants, landless or indigenous peoples, but is also relevant for small-scale fishers and forest dwellers. One example in this context is the International Collective in Support of Fishworkers (ICSF) that also gathers information, documents and publishes on conflicts around fisheries and records notably arrests and detentions of fishers.²⁴ This information is based on different sources, including media reports. These records are important in the context of tenure and access to resources of fishing communities as many arrests are linked to transboundary matters. In this context, it is important to stress that the Guidelines acknowledge that fishers – together with pastoralists – are particularly affected by transboundary tenure issues because in many cases fishing grounds for small-scale fishers lie across international boundaries (paragraphs 22.2 and 22.3). Information about cases of detentions due to tenure rights that cross international boundaries is thus directly related to tenure of resources. In addition, the Guidelines clearly state that governance of tenure is not only about rights that are directly linked to access and use of resources, but about all rights of peasants, fishers, pastoralists etc., including political and civil rights (paragraph 4.8).

2.2.2 Monitoring evictions

Monitoring of conflicts can be general or have a more specific focus. One example of an initiative with a more specific focus is done by Habitat International Coalition (HIC) and its member group promoting the right to adequate housing and land, the Housing and Land Rights Network (HLRN). HIC-HLRN has set up a monitoring initiative that systematically collects and compiles information about evictions.

The primary objective of the “Housing and Land Rights Violation Database”²⁵ is to record cases of violations and land rights as they occur in order to supply researchers and human rights defenders with raw material on which to conduct cross-analyses, build cases, create reports and advocate the human right to adequate housing. The initiative is also aimed at improving the advocacy work of HIC-HLRN.

The information that is fed into the database is provided by HIC members in the respective countries. In order to allow local organizations and communities to report cases, the organisation has developed a simple and unified methodology and toolkit. In addition, secondary sources are taken into account. The information gathered through documentation of concrete cases at the local and national level is then compiled by country and fed into a global database. The information for each case includes information on the type of violation, the date of the violation, the exact location, the number of persons affected, the naming of the party responsible for the violation, and a narrative on the case. The violations of housing rights are categorized into the following types: forced eviction, demolition, confiscation and privatization of public goods and services. It also includes updates on recent developments and links to relevant documents and publications.

²⁴ See <http://arrest-fishers.icsf.net/icsf2006/jspFiles/arrest-fishers/home.jsp>, <http://rights.icsf.net> (accessed on March 15, 2012).

²⁵ <http://www.hlrn.org/welcomeViolation.php> (accessed on March 10, 2012).

Information is furthermore visualized in a world map in which countries are represented with different colours, according to the number of evicted persons. By clicking on one country, the user can access the data for each case in the country. An interface allows users to search the database for cases in different countries or regions and/or in a specified time frame.

As already said, the information is aimed at the members of HIC-HLRN as a basis for their advocacy work. In addition, the database is explicitly also meant to provide information to be used by other actors, such as journalists, researchers and other organizations.

Regarding the scale of the initiative, it is, in principle, global. However, information is initially gathered at the local and national level by members of the network, together with the affected groups and individuals themselves, through the network's methodology. This documentation of cases on the ground is then fed into a database that provides, at the same time, a global picture and detailed information at the country level and on each case. HIC-HLRN being a global network, its monitoring of evictions covers the global scale, with a methodology based on information gathering at a very grassroots level. Another initiative that monitors evictions at the local level is carried out by the Association for Rural Advancement (AFRA) in South Africa that records evictions of farm dwellers and assess tenure security.²⁶

Regarding monitoring of evictions, it is worth noting that the specialized UN agency for housing, UN-HABITAT, is also active in this field. The Advisory Group on Forced Evictions (AGFE) has been created with the mandate to monitor forced evictions. Members are individuals from CSOs, local authorities, central governmental professionals. The AGFE publishes biannual reports that contain the documentation of cases. In addition to this, AGFE also publishes mission reports.²⁷

2.2.3 Monitoring land and resource grabs

Since the emergence of the global phenomenon of land grabbing in 2007/2008, several CSOs have engaged in monitoring large-scale land transactions. In fact, it is largely due to civil society initiatives that the phenomenon has received the global attention it deserves. A special case to mention in this respect is the NGO GRAIN and its website "Food Crisis and the Global Land Grab."²⁸ The website is a database or archive with online material about the global rush to buy or lease farmland. It is intended to cover all available online material on land grabbing and contains mainly media reports, but also other kinds of reports on the subject. Originally set up by GRAIN, the website is an open project to which anybody interested can contribute by uploading content.

An observatory in its own right, the website also aims at serving as a resource for those monitoring or researching the issue of land grabbing and at providing information for relevant actors, particularly social activists, CSOs and journalists. Since its launch, the website has become an important reference and source of information in the context of global land grabbing.

²⁶ <http://www.afra.co.za> (accessed on April 25, 2012).

²⁷ <http://www.unhabitat.org/categories.asp?catid=674> (accessed on March 12, 2012).

²⁸ <http://www.farmlandgrab.org>.

The initiative does not systematically analyse the information provided but aims rather at making it available for monitoring and researching activities. The project is global in its scale but relies to a large extent on reports in national media. Organisations and individuals in various countries contribute to the archive by providing information from their countries.

Another project for monitoring in the context of land grabbing is the International Land Coalition's (ILC) Land Matrix Project.²⁹ The Land Matrix is part of the ILC's Commercial Pressures on Land Initiative and aims at monitoring land transactions by systematically collating and cross-referencing information on large-scale land acquisitions. Given that the ILC also has institutional members, such as IFAD, the Land Matrix is not entirely lead by CSOs. However, the large number of CSOs that have joined the coalition justifies its mentioning in this context.

In the Land Matrix, the ILC, together with its partners, records investment projects as of 2000 in order to provide reliable information on land acquisitions that imply a transformation of land use rights from communities and smallholders to commercial use. It does so in order to better understand the extent, trend and impacts of large-scale land acquisitions.

Aimed at making available reliable information on the phenomenon of land grabbing, the Land Matrix serves as a basis for an analysis of the phenomenon in reports by the ILC and its members. However, as the information is gradually made available it can be used by all actors and thus more generally aims at providing information for an informed debate and for a solid basis for advocacy work and the designing of policies and programmes.

Considering that media reports do not always represent a reliable source, the project collects information from a wider range of sources, but with stricter criteria. In order to do so, the ILC relies on organisations and individuals working in areas where land transactions are being made and that are able to provide details on such projects. Information of a different nature is thus provided by different actors through a wide range of sources, with the confirmation of organisations or individuals working on the ground being an important criterion. The transactions are recorded and categorised according to their nature along the following categories: food and agrofuel production, timber extraction, carbon trading, mineral extraction, conservation and tourism. The details of the transactions are classified in a global matrix and are cross-referenced.

While the information has in a first step only partly been accessible and has mainly been used for the ILC's own reports on land grabbing, the entire inventory is available through a public interface since the end of April 2012.³⁰ The information from this inventory is thus used by the ILC itself, but also targets a large group of individuals, journalists, CSOs and institutions in order to permit a more extensive monitoring and analysis of land investment projects.

²⁹ <http://www.landcoalition.org/global-initiatives/commercial-pressures-land/monitoring-land-transactions> (accessed on March 15, 2012).

³⁰ <http://landportal.info/landmatrix> (accessed on May 4, 2012).

The Land Matrix aims at a stocktaking of land deals worldwide and is thus global in scale. However, through partnerships with organizations and individuals working on the field, information gathering or verification of obtained information is made also on a local basis. The information is available classified by countries and in many cases also referenced by region.

The ILC land matrix database is hosted by the Land Portal, a platform intended to share information related to land.³¹ The Land Portal has been created by the ILC and Landtenure.info with the objective of creating an open platform for organisations, including CSOs, to share information, such as information about land deals and land rights violations.

The Land Matrix's inclusion of land grabs including timber extraction, conservation and carbon trading points out to the fact that land grabs also affect forest areas and thus the tenure rights and livelihoods of communities living in or close to forests, including especially indigenous peoples. While monitoring in the context of forests has traditionally been linked to the aspects of the protection and conservation of forests, (timber) production and climate aspects, there is an increasing number of CSOs that are assessing and analysing explicitly forest tenure and access rights of communities. So far, no overarching database exists, but an increasing number of initiatives. Many of these are carried out in light of increasing tenure insecurity due to agriculture, infrastructure projects, mining projects or plantations.

The Forest Peoples Programme (FPP), for example, works with forest communities that live in forests and depend on them for their livelihoods in order to secure their rights to access and control their forests.³² In order to do so, the FPP supports communities in mapping exercises that are aimed at taking stock of existing rights and territories, and to the promotion of tenure and carbon rights of communities.

The loss of access to forest resources of communities due to deforestation is also monitored by the World Rainforest Movement (WRM). This organisation monitors the loss of rights of communities due to commercial logging, the construction of dams, mining projects, plantations and shrimp farms.³³

Monitoring of forest tenure security for communities and indigenous peoples is also linked to UN-REDD (Reducing Emissions from Deforestation and Degradation). Friends of the Earth (FoE), for example, monitors the consequences of REDD in a context of insecure forest tenure and links the REDD scheme to tenure rights of forest communities.³⁴

The Rights and Resources Initiative (RRI) looks explicitly at forest tenure, as well as rights associated to forest resources. The Initiative publishes data on forest tenure on 42 of the world's most forested countries.³⁵ The data contains information on the surface of state administered public lands, public lands reserved for communities and

³¹ <http://www.landportal.info> (accessed on March 25, 2012).

³² <http://www.forestpeoples.org> (accessed on April 5, 2012).

³³ <http://www.wrm.org.uy> (accessed on April 5, 2012).

³⁴ <http://www.foei.org/en/what-we-do/forests-and-biodiversity> (accessed on April 5, 2012).

³⁵ http://www.rightsandresources.org/documents/country_data.php (accessed on April 28, 2012).

indigenous peoples as well as private lands owned by individuals, firms, communities and indigenous peoples. In addition, RRI and its partners issue reports on selected countries and analyses. Regarding methodology, RRI relies on expert analysis and, according to its own information, trains experts on tenure for this purpose. The data collected and used comes mainly from official sources (mainly governments) and thus focuses mainly on statutory tenure regimes. This choice is justified by the availability and the accessibility of official data and by the fact that this data shapes policy and its implementation. Stated objective of RRI's initiative is to inform and influence decision making that affects forest tenure regimes and tenure rights with the goal of strengthening communities' forest tenure rights. In order to do so, the research conducted by RRI also assesses forest and land legislation.

2.2.4 Monitoring access to natural resources in the context of the Voluntary Guidelines on the Right to Food

CSOs also monitor the access to natural resources of vulnerable and marginalized groups in the context of the right to food. The right to food is contained in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The UN Committee for Economic, Social and Cultural Rights (CESCR) gave an authoritative interpretation of the right to food in its General Comment No. 12 that establishes a close relationship between the right to adequate food and access to land and productive resources.³⁶ The close link imposes obligations upon state parties to the ICESCR to respect, protect and fulfil access to land and resources, especially for peasants, indigenous peoples, fishers and pastoralists.

The right to food and related obligations have also been defined by the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the 187 FAO member states at the 127th session of the Council of FAO in November 2004.³⁷ These guidelines provide guidance for States on how to define strategies and policies in order to achieve the realization of the right to food. Guideline 8 refers to the obligation for equitable access to land and productive resources. The Voluntary Guidelines on the right to food also represent an appropriate framework and basis of monitoring of the realization of the right to food, including the access to land and resources.

Based on the Voluntary Guidelines, FoodFirst Information and Action Network (FIAN) has developed a methodology and tool for CSOs to independently monitor the compliance of state policies with its obligations under the right to food.³⁸ This tool also

³⁶ UN Committee on Economic, Social and Cultural Rights, 1999, General Comment on the right to adequate food, General Comment 12, (Twentieth session, 1999), UN Doc. E/C.12/1999/5, Geneva (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G99/420/12/PDF/G9942012.pdf?OpenElement>, accessed on March 15, 2012).

³⁷ FAO, 2004, Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, Rome (http://www.fao.org/righttofood/publi_01_en.htm, accessed on March 12, 2012).

³⁸ FIAN, 2007, Screen state action against hunger! How to use the Voluntary Guidelines on the Right to Food to monitor public policies?, Heidelberg (<http://www.fian.org/resources/documents/others/screen-state-action-against-hunger/pdf>, accessed on April 11, 2012).

provides a list of proposed indicators. The methodology and tools have been used by national sections of FIAN and other CSOs³⁹ in order to write parallel reports on the right to food in the context of state reporting to the CESCR.⁴⁰

Rights based monitoring assesses the compliance of a state's policies with respect to its human rights obligations, including the access to land and resources in the context of the right to food. It has the following functions: identify marginalized and disadvantaged groups and the causes of the problems; monitor whether measures taken by states have the intended effects or not; evaluate if the process of implementation of policies and strategies is respecting human rights criteria; and hold governments accountable. Rights based monitoring thus looks at legal and institutional structures, the measures taken by states and the outcomes of these measures.

The objective of monitoring in the context of the right to food is to assess the compliance of a state's policies with respect to its human rights obligation, including the access to land and resources. CSOs engage in monitoring states' actions in order to demand policy changes vis-à-vis authorities with a clear reference of states' human rights obligations. In addition, the monitoring activities can be used in order to raise awareness among the public opinion and contribute to an informed debate. The identification of concrete cases of violations allows establishing specific demands related to these cases. As the documentation of cases of human rights violations is based on the close work with the affected communities themselves, the monitoring activity also aims at empowering these groups and local organizations. Finally, the immediate objective is often to present parallel reports to present to international human rights monitoring bodies, such as the CESCR.

According to the objectives named, the monitoring of the access to land and resources in the context of the right to food is addressed by a number of different actors. By providing information on problems to be assessed when making laws, the information obtained is directed to authorities, but also to administrative authorities in order to improve their work. The results are also intended to provide judges with information that they can use in order to analyse concrete violations. If used to write parallel reports to be presented to the CESCR, the results of the monitoring activities are fed into an international monitoring system. The concluding observations made by the Committee provide recommendations to states on how to better comply with their human rights obligations.

While human rights based monitoring in the context of the right to food also uses already existing data, it has specific information needs and therefore not all information that is needed can be derived from the information available. FIAN's methodology is largely based on the documentation of concrete cases of human rights violations. The information gathered in this way is thus mainly qualitative and is gathered by the organizations in close collaboration with the affected groups or by the

³⁹ Parallel reports have so far been written in the following countries: Colombia, Bolivia, Ecuador, Guatemala, India, Nepal, Philippines and Uganda.

⁴⁰ The Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. All States parties are obliged to submit reports every five years to the Committee on how the rights are being implemented.

affected groups themselves. Data gathering methods are mainly based on field research and interviews. The gathered information is then used for a human rights based analysis.

As the monitoring of access to land as part of the right to food is in most cases carried out in order to write parallel reports, it covers mainly the national level. However, case documentation is carried out at the local level. It is also fed into an international monitoring system.

Another organisation that supports communities in accessing regional and international human rights mechanisms, including through the monitoring of their rights, is the Centre for International Environmental Law (CIEL).⁴¹ CIEL's work includes foci on community-based property rights and the right to free, prior, and informed consent (FPIC), e.g. in the context of forest tenure.

2.2.5 Monitoring fishing rights

While many monitoring initiatives related to tenure issues are focused on land, these issues are also monitored in fisheries. So far there is not one big and comprehensive database, but rather smaller initiatives that aim at monitoring different aspects related to access and tenure from the perspective of small-scale fishers and fishworkers. Many of these issues are captured, for example, in the triannual SAMUDRA Report of the International Collective in Support of Fishworkers (ICSF).⁴² The report has been published since 1988.

Based on the articles in this report, ICSF edits dossiers on specific themes that aim at capturing the realities for fishing communities in different countries. Currently, there exist two dossiers dedicated to fishing rights and marine protected areas, that both have implications for access and tenure of small-scale fishing communities to fisheries resources.

The implications for small-scale fishing communities of the way fishing rights are being allocated under output-based systems, are being monitored through articles carried in, for example, the SAMUDRA Report. These articles capture the distributional inequities and other social consequences of the introduction of 'property rights' through Individual Transferable Quota (ITQ) and ITQ-like systems that valorise capital over labour and community interests.⁴³ Similarly, the social impact of top-down non-participatory approaches for establishing coastal and marine protected areas for purposes of conservation, associated *inter alia* with exclusion of fishing communities from fishing grounds and decision-making processes, and other human-rights violations, have been documented through articles and case studies that capture the situation in different countries.⁴⁴

⁴¹ http://www.ciel.org/Law_Communities/LAC_About.html (accessed on March 25, 2012).
⁴²

<http://icsf.net/icsf2006/ControllerServlet?handler=SAMUDRA&code=viewPubn&language=EN&subsiteId=2> (accessed on April 6, 2012).

⁴³ http://icsf.net/icsf2006/uploads/publications/dossier/pdf/english/issue_82/ALL.pdf (accessed on April 6, 2012).

⁴⁴ http://icsf.net/icsf2006/uploads/publications/dossier/pdf/english/issue_96/ALL.pdf,
<http://www.icsf.net/icsf2006/jspFiles/mpa/casestudies.jsp> (accessed on April 6, 2012).

Another aspect that is monitored related to tenure and access in the context of fisheries is foreign access agreements, which allow foreign fleets access to fisheries resources in domestic waters. The Coalition for Fair Fisheries Arrangements (CFFA) monitors, for example, the changing nature of fisheries arrangements between the EU and the African, Caribbean and Pacific (ACP) countries. Such arrangements often affect access of local small-scale fishing communities to fisheries resources they have traditionally accessed.⁴⁵

These examples of CSO monitoring of tenure issues in the context of fisheries show that there exist different initiatives with particular foci. Regarding objectives, they aim first of all at providing evidence of the realities encountered by fishing communities in order to advocate for better governance of fisheries. As we have seen, the way this information is gathered and made available is distinct to stocktaking initiatives that exist in the context of land. Rather than making available all information through databases, results are rather published in regular reports or special dossiers. The evidence is created in close cooperation with affected groups and individuals and based on a wide range of sources, including first hand information from communities, media reports and official statistics. The published articles cover in most cases the national level. However, issues related to access and tenure in the context of fisheries often go beyond national borders.

2.2.6 Monitoring policies and frameworks

Besides the monitoring of outcomes of governance of tenure of natural resources, CSOs also monitor the structures and process aspects of governance. There are several initiatives that aim at monitoring the legal and policy framework and analyse policies with respect to natural resources.

One example in this respect is the Peruvian Centre for Social Studies (Centro Peruano de Estudios Sociales, CEPES) and its Observatory on rights to land “Tierra y Derechos”.⁴⁶ The observatory aims at monitoring the land rights of small-scale farmers in Peru and includes a legal database with information on existing laws and law projects related to land. In addition to this, the project also contains a daily press review on subjects related to land.

The observatory provides information on the legislation on land, in order to support Peruvian peasant communities in their struggles for their rights in cases of violations. In order to do so, information is collected, systematized and made accessible through a website and different publications. The information gathered is thus in the first place aimed at the peasant communities, but also aims at a general public, and specifically journalists.

Regarding methodology, CEPES compiles information from official sources in a data base that is divided into four categories: law projects; recent legal norms; systematized agrarian legislation; and international treaties. Furthermore, the observatory offers a compilation of relevant press articles.

⁴⁵ <http://www.capecffa.org> (accessed on April 6, 2012).

⁴⁶ <http://www.observatoriotierras.info> (accessed on April 28, 2012).

The data base is accessible and searchable through an interface. Search criteria include the type of the legal norm (constitutional provision, law, (ministerial) resolution etc.), the state of approval, the outreach (local, regional or national) and different categories, such as the groups affected, the type of land, land use etc. The entries contain the title and number of the law, the date of the proposal or approval, a short summary, information on the status of the law and the process as well as a link to the original source and the text of the legal provision or proposal. An own database is dedicated to jurisprudence related to land.

In addition to the data base itself, the observatory website contains also several statistics and maps related to land. Statistics contained relate e.g. to land distribution, the number and geographical distribution of small-scale producers, the number of small-holders holding a land title etc. Maps visualize the number and location of mining, forest, conservation and other concessions. Information and data for these tables and maps is taken from various sources, in many cases official statistics.

Furthermore, CEPES issues various publications based on the data base, such as half-yearly reports on “Law in Action”. The observatory furthermore contains a collection of recent publications – national and international – related to land. As already said, the stated objective of CEPES’ observatory is to serve as a source of information for Peruvian peasants and their organizations in order to support them in their struggles. Consequently, it covers the national level, but also contains international treaties that are relevant to peasant communities.

A related initiative that monitors legal and policy frameworks in the context of land is lead by the Indonesian Human Rights Committee for Social Justice (IHCS).⁴⁷ IHCS’ activities also include monitoring of laws and judicial review. The organisation also aims at bringing forward a legal reform through advocacy work and the initiating of new laws.

Land Watch Asia (LWA), a loose coalition of organizations in the Philippines, Nepal, Indonesia, Bangladesh, Cambodia, India and Pakistan, also puts a focus on monitoring national land-related laws and policies.⁴⁸ So far, LWA has facilitated eight country studies that review the policy and legal environment on the access to land and tenure security. These monitoring activities are aimed at providing basic information for civil society organizations, authorities and the general public and are part of a broader objective of the member organisations to advocate for improved access to land and agrarian reform.

In the same line, Fundación Tierra in Bolivia aims at monitoring the progress of Bolivia’s land reform through the gathering and dissemination of evidence-based information. Since 2012, the organisation focuses more specifically on the access to land of indigenous communities through its Observatorio Tierras Indígenas.⁴⁹ The objective of this new initiative is to systematize and make accessible all available information on indigenous territories in the country. In addition to general information,

⁴⁷ <http://en.ihcs.or.id> (accessed on April 30, 2012).

⁴⁸ <http://landwatchasia.wordpress.com> (accessed on April 23).

⁴⁹ <http://www.territorios.ftierra.org> (accessed on April 27, 2012).

such as information on the size of indigenous lands, it also aims at documenting different types of tenure, carrying out case studies and documenting best practices.

Another organisation that monitors governance in the context of natural resources is AGTER (Améliorer la Gouvernance de la Terre, l'Eau et des Ressources Naturelles) from France.⁵⁰ This organisation focuses on general analysis of governance with respect to natural resources, including references to best practices in this sector. Besides a more general reflection and analysis of governance of natural resources, AGTER also elaborates detailed country analyses on the legal frameworks and policies related to governance of natural resources. AGTER's publications are based on expert assessments. The organisation is currently building up an online knowledge base "Natural Resources around the World", which aims at offering to a large public information on natural resources management.⁵¹

A monitoring initiative focusing on governance and policies in the specific context of forests is lead by the NGO Global Witness, along with partner organisations in several countries. Stating that one of the causes for degradation and successive disappearing of forests is poor governance, the organisation is conducting monitoring of forests, and especially of the governance of these resources. More specifically, Global Witness is working with other civil society groups in forest-rich countries in the programme "Making the Forest Sector Transparent".⁵²

The stated objective of this programme is to support CSOs in their advocacy work for greater transparency and for good governance, with a specific focus on forests. In order to do so, it assesses and compares information critical to forest use and management in different countries, with the objective of enhancing transparency and participation in decision making, as well as holding duty bearers accountable. An important step in this context is to identify information needs of forest-depending communities.

One of the main outputs of the programme are annual report cards to monitor the forest sector. The report cards follow a set of indicators on important provisions of the legal and regulatory framework that applies to the forest sector governance, including general legislation; sector specific legislation; procedures included in laws; regulations or other norms and information that laws, regulations or norms stipulate needs to be produced. The information is presented by country on the programme's website. In addition, the project partners in the countries produce country-specific reports that incorporate additional fieldwork and data gathering. Finally, an overview report is published that builds on the country studies.

While the record cards and country reports provide an overview at the national level, the programme aims also at a larger scale through the publication of global report that aims at comparing countries' performance in this specific sector.

⁵⁰ <http://agter.asso.fr> (accessed on April 30, 2012).

⁵¹ <http://www.agter.org/bdf/en/index.html> (accessed on May 3, 2012).

⁵² <http://www.foresttransparency.info> (accessed on April 28, 2012). In 2011, the programme covered the following seven countries: Cameroon, Democratic Republic of Congo, Ecuador, Ghana, Guatemala, Liberia, and Peru.

2.3 Characteristics of CSO monitoring in the context of land, fisheries and forests

Based on these examples, we can draw some more general observations on the characteristics of civil society monitoring in the context of land, fisheries and forests.

The first observation pertains to the focus of the monitoring initiatives. The presented examples show that CSOs focus more on governance-related issues than on technical aspects related to resources. In addition, many CSO-led monitoring activities particularly look at the outcomes of governance, i.e. the actual situation of the vulnerable and marginal groups, rather than focusing on institutional and legal frameworks. CSO monitoring in many cases focuses on concrete situations in the field and problems encountered by rural communities, such as conflicts over resources, evictions, the loss of access to land and other resources or violations of the right to food due to the lack of access to these resources. In doing so, monitoring of civil society provides important information on the actual patterns of tenure and access to resources.

Regarding objectives of monitoring, and based on the examples that we have seen, it can be said that the information gathered is, in almost every case, used as a basis for advocacy work at different levels. In addition, CSOs seek to disseminate findings among a broad public in order to provide information for an informed debate and increase participation in decision making processes. It is further important to note that many monitoring initiatives of CSOs are led at a grassroots level and carried out with strong participation of the affected groups and their organizations. In this sense, monitoring also contributes to empowering the affected groups and building their capacity to monitor public policies, programmes and projects. If monitoring is explicitly rights based, it furthermore aims at holding states accountable in respect of their existing human rights obligations.

Regarding methodology, civil society monitoring in many cases puts a focus on the documentation of concrete cases and situations of conflict and loss of access to resources. The information gathered is thus foremost qualitative, although it is then sometimes compiled and transformed into quantitative data and/or represented in maps. This information is in many cases gathered at the local level by CSOs or even the affected groups themselves. It is then analysed by CSOs themselves or made available for other users, such as researchers, journalists etc. Sometimes, information is compiled to give a broader picture at the national or regional or even international level, according to the organization or network's scope or strength. The information received can also be fed into other monitoring systems, as in the case of parallel reporting to the CESCR in the context of the right to food.

In accordance with the objectives of the monitoring activities, final users of the gathered information are often CSOs themselves. However, they usually aim at feeding the information into the decision making processes. As in the case of parallel reporting, the information is initially gathered for CSOs that will write a report that will then – among others – be fed into other international monitoring processes. Being often, at least partly, e.g. for the gathering of information, led by the rural communities or at least in close cooperation with them, the affected groups are also beneficiaries of the monitoring process. This refers to their empowerment through the process itself, as

we have seen, but also to the fact that a more detailed understanding of the problems and the underlying causes also helps them to organise their struggles more effectively.

As already mentioned in the context of methodology, monitoring is often carried out at a very local level. However, many initiatives aim at providing information at the national level, at least if the organizations have the capacities to do so. Depending on the size and strength of an organization and/or network, monitoring initiatives might even aim at covering the regional or even international level. It is important to mention that this is not only true for NGOs but also for small-scale food producers' organizations that are organized at regional or international levels.

2.4 Gaps between institutional and civil society monitoring

The described examples, as well as the more general characteristics of civil society monitoring, allows to identify some gaps with respect to monitoring activities by institutions in the context of tenure of land, fisheries and forests.

First of all, there is a gap between technical monitoring and monitoring activities focused on governance. In fact, it seems that both fields coexist without actually being linked or brought together. Civil society rarely applies technical approaches when monitoring aspects related to tenure of land, fisheries and forests. However, this seems not only to be a problem between monitoring by institutions and civil society, but also refers to a “silo thinking” within institutions.⁵³

Then, there seems to be a gap between activities led by civil society and mainstream monitoring of governance. This gap is twofold: it refers, firstly, to different aspects of governance that are assessed; and secondly, to methodological questions, regarding especially different types of data and indicators that are used.

Regarding the first aspect, even where institutional and civil society monitoring both focus on governance, one can observe that institutionalized monitoring tends to focus mainly on structures and processes, and especially on institutional and legal frameworks as well as administration processes. Judicial authorities and jurisdiction are not always covered in a systematic and sufficient way and the monitoring systems fall short of taking into account actual outcomes of policies and programmes. On the contrary, CSOs focus more on the outcomes of governance and thus look at the reality regarding tenure security and access to resources by the rural poor. This information gives indispensable input and information in order to assess governance of tenure. It is thus highly desirable that this information is also taken into account by institutional monitors. This refers particularly to qualitative information obtained through the documentation of violations of the rights of the rural poor.

⁵³ Clarissa Augustinus, chief of the Land and Tenure section at UN-HABITAT relates the existence of these silos to different sets of people according to their different backgrounds: social and political scientists, geographers etc. on the one side, and players from a land surveying, computer science, planning, valuation, engineering type background on the other (cf. Augustinus, Clarissa, 2004, An Overview of Land Tools in Sub-Saharan Africa: Past, Present and Future, UN HABITAT, November 2004, http://www.unhabitat.org/downloads/docs/10789_1_594344.pdf).

However, even where civil society and institutional monitoring have the same focus on governance, i.e. structures and processes, there are differences. These differences refer to what is actually looked at, and what kind of information is taken into account. If one compares, for example, the indicators in the World Bank's LGAF⁵⁴ and the indicators developed by the International Planning Committee for Food Sovereignty (IPC) in the context of the ICARRD declaration⁵⁵, this difference becomes visible: Whereas in both cases indicators are proposed to evaluate institutional and legal frameworks, they do not exactly look at the same thing. Generally speaking, the LGAF looks at the existence of clear rules and procedures and asks for the efficiency of administration and management from an organizational point of view. IPC's indicators, in contrast, rather look at the content of the existing rules and try to assess whether these are sufficient. Some of the proposed indicators ask, for example, explicitly for the share of total and sectorial budget allocated to policies and programmes for tenure security and access to resources, in order to quantify states' commitment. The proposed indicators are thus more interested in the effectiveness of the frameworks and processes from a right holder's point of view, by asking who actually benefits and to what extent.

As one example to illustrate this, we can look at what the LGAF refers to as "Dispute resolutions and conflict management:" LGAF indicators in this field look at the clear assignment of responsibilities of conflict management and ask whether the level of pending conflicts is low. IPC's indicators on the same aspect ask more generally on which mechanisms are accessible to rural communities and looks at the actual access to these by quantifying the number of rural people benefitting from such mechanisms, the concrete number of complaints received, investigated and adjudicated, as well as the actual number of court sentences protecting communities' rights to natural and productive resources effectively implemented in a given time frame.

This is just one example to illustrate the fact that even where institutional monitoring and CSO monitoring focus on the same access, there are fundamental differences. This refers mainly to the perspective – efficiency from an organizational point of view vs. effectiveness from the right holder's point of view – and has impacts on the data/information that is gathered and taken into account. To put it more blankly, there are certain aspects and data that institutions do not collect, although they provide important input in order to assess governance. It would thus be highly desirable that these gaps are closed and the respective data be gathered in order to monitor in a more comprehensive way.

Finally, there exists a general gap in monitoring of the different aspects contained in the Voluntary Guidelines. In fact, monitoring in the context of tenure and secure access to land is much more developed than monitoring of fisheries and forests. This relates to the sheer number of monitoring initiatives that are focused on tenure and, consequently, to the quantity (and quality) of data gathered. While institutions monitor fisheries and forest tenure, the focus is in most cases put on other aspects, such as catches (for fisheries), trade, deforestation (for forests) etc. As we have seen, there

⁵⁴ Burns et al. 2010, op. cit., p. 17-21.

⁵⁵ Monsalve Suárez, Sofia and Ratjen, Sandra, 2006, Reporting Guidelines to Monitor the Implementation of the Final Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD), Working paper by the International Planning Committee for Food Sovereignty (IPC), Rome, October 2006, p. 12-14.

exist a number of civil society initiatives that aim at monitoring more specifically the link between policies and programmes concerning fisheries and forests and their implications for the tenure rights and the access of communities to these resources. These initiatives can certainly still be further developed but show how the gap between monitoring of tenure in the context of land, on the one side, and tenure of fisheries and forests on the other, should be bridged.

3 Civil society perspectives on monitoring in the context of the Voluntary Guidelines

According to their preface, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests are intended to “contribute to the global and national efforts towards the eradication of hunger and poverty” and pursue “the overarching goal of achieving food security and the progressive realization of the right to adequate food in the context of national food security.” The Guidelines further recognize that, in order to achieve this goal, secure tenure rights and equitable access to land, fisheries and forests are crucial, especially for those whose livelihoods depend on the access to and control of these resources. The stated objective of the Guidelines is to support this through “improved governance of tenure of these resources, for the benefit of all, with an emphasis on vulnerable and marginalized people [...].” (Paragraph 1.1) Concretely, they are intended to serve as a reference and to provide guidance to improve governance of tenure of land, fisheries and forests. They do so by referring to existing obligations and commitments, especially the universal Declaration of Human Rights and other human rights instruments, and by establishing provisions on how to interpret these in the context of tenure of land and natural resources.

In this paper, we have referred to monitoring as a continuous activity that systematically uses information in order to measure achievement of defined targets and objectives within a specified time frame. We have further used governance as a concept that refers to structures (the rules and structures that govern and mediate relationships, decision-making and enforcement) processes (the processes of how decisions are made and by whom, how decisions are implemented and how disputes are managed) and outcomes and results of policies, administration, programmes etc. (i.e., in our context, the actual patterns of tenure and access to land, fisheries and forests).

Monitoring the Voluntary Guidelines thus means to assess and measure the improvement of the governance of tenure of land, fisheries and forests. In order to do so, benchmarks and indicators are needed and reliable and relevant information has to be available.

Benchmarks should set specific goals of implementation to be achieved in the short, medium and long term. They should directly refer to the different levels of the responsible governance of tenure and should relate directly to the concepts of responsible governance and tenure as well as to poverty and hunger reduction targets. These benchmarks are dependent on the context and can vary from one country to another.

Indicators define how the progress, i.e. improvement of governance of tenure, is to be measured. As governance refers to structures, processes and outcomes, improvement has to be measured regarding all three elements. Indicators have thus to be designed in order to allow to monitor structures, processes and outcomes.

Finally, monitoring requires and uses information in order to assess progress (or regress). As we have seen, this information can come from different sources and be qualitative or quantitative. Monitoring should take into account multiple sources of

information and both quantitative and qualitative data. It is clear that information has to be relevant for the respective indicators.

From these very general remarks, we can establish a set of criteria for monitoring the Voluntary Guidelines.

Monitoring should be human rights based

The Voluntary Guidelines state that all programmes, policies and technical assistance to improve governance of tenure through the implementation of the guidelines should be consistent with States' existing obligations under international human rights law (paragraph 1.1). Monitoring the Guidelines should thus be human rights based, i.e. not only assess whether the actions of relevant actors are in line with the Guidelines, but also to assess whether they comply with their human rights obligations and follows human rights principles.

The relationship between governance and human rights has been underlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR), by stating that governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights. The true test of good or responsible governance is thus the degree to which it delivers on the promise of human rights: civil, cultural, economic and social rights.⁵⁶ The Commission on Human Rights recognized that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people is the foundation on which good governance rests, and that such a foundation is sine qua non for the promotion of human rights.⁵⁷ In this sense, full respect, protection and promotion of human rights is not only a result of truly responsible governance but should also be a constitutive part of it.

Monitoring is a precondition for accountability. However, the good governance agenda tends to focus on horizontal accountability, i.e. a system of intra-state controls. Human rights based monitoring, in contrast, stresses vertical accountability, i.e. that governments and other institutions are accountable to rights holders, such as the rural poor.

Monitoring should cover the national, regional and international levels

In order to monitor the implementation of the Voluntary Guidelines, it is necessary that monitoring activities cover different levels. Monitoring at the national level should assess structures, processes and outcomes. This means that the legal and institutional framework has to be analysed in order to assess if they comply with the principles of the Voluntary Guidelines. Secondly, the processes of policies, activities and projects that affect the tenure of local users of land, fisheries and forests, as well as their elaboration and implementation, has to be monitored. Here, it is of particular importance that these processes are carried out with the participation of relevant and interested constituencies. Monitoring also has to include the processes and decisions of

⁵⁶ <http://www2.ohchr.org/english/issues/development/governance> (accessed on March 24, 2012).

⁵⁷ Resolution 2000/64 on the role of good governance in the promotion of human rights.

judicial authorities and bodies. Finally, it is of crucial importance that monitoring does not only cover the framework, administration and judicial authorities, but that it puts special attention to the outcomes and results of governance of tenure. In short, this means that monitoring has to put a strong focus on the realities on the ground, i.e. the actual tenure security and access to resources by rural communities, small-scale food producers and other marginalized and vulnerable groups. This follows from the stated objectives and the overarching goals of the Voluntary Guidelines.

Although provisions of the Voluntary Guidelines are primarily addressed to States, monitoring should not be limited to the national level, but should also include the regional and international levels. This refers to all regional and international institutions and organizations whose activities and projects could affect the tenure of local users of land, fisheries and forests. Monitoring should assess whether these institutions have incorporated the Voluntary Guidelines in their operational policies and directives and whether the policies, private and public projects, programmes or measures comply with the provisions of these guidelines. This refers, for example, to regional development banks and International Financial Institutions (IFIs) as well as specialized UN agencies. Monitoring should also cover development cooperation agencies.

Monitoring requires the establishment of relevant structural, process and outcome indicators and benchmarks

As we have said, monitoring the implementation of the Voluntary Guidelines should be focused on the governance of tenure of land, fisheries and forests and cover the aspects of structures, processes and outcomes. In order to monitor the improvement of governance of tenure, indicators have to be created that allow for the monitoring of these three aspects. Benchmarks should establish specific goals and timeframes for delivering improvements.

The Voluntary Guidelines explicitly refer to the aim of contributing “to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over [...] resources.” This refers more to the aspects of structures and processes. At the same time, they stress the importance of secure tenure rights and equitable access to land, fisheries and forests as outcomes of governance of tenure.

As we have seen, until now, most monitoring mechanisms on governance have been more centred on the structures and processes of governance and a number of corresponding structural and process indicators have been proposed, also by civil society.⁵⁸ These indicators could be adapted and further developed according to the content of the Voluntary Guidelines in order to monitor their implementation. The Guidelines provide a number of concrete recommendations, whose realization could be assessed through monitoring.

Information on structures and processes is mainly taken from official sources or expert assessments. Such indicators and data on structures and processes should be taken into

⁵⁸ See, for example a number of indicators proposed in the context of the monitoring of the implementation of the ICARRD Declaration: Monsalve Suárez and Ratjen 2006, p. 11-15.

account when monitoring the implementation of the Voluntary Guidelines. However, it is crucial that the actual outcomes of governance of tenure are emphasized, i.e. the tenure security and secure access to resources of vulnerable and marginalized groups. In accordance to what we said before, this means, firstly, that monitoring has to include strong outcome indicators. Secondly, and in order to effectively monitor outcomes of governance of tenure of land, fisheries and forests, specific information has to be gathered and taken into account.

Regarding outcome indicators, there exist some initiatives that have already developed such indicators or aim at doing so. The International Land Coalition's Land Reporting Initiative includes the development of global land indicators. In a paper, the ILC has made the exercise to take stock of indicator development and data collection with respect to land, including outcome indicators.⁵⁹ Outcome indicators relate to the criteria of access to land; tenure security; and land market functionality. Proposed indicators for the access to land cover the issues of distribution or concentration of land ownership; other forms of access to land (including secondary use rights; land grabbing and displacement of smallholders; affordability of land and housing; and landlessness, homelessness and squatting). Proposed indicators on tenure security are the frequency, severity and nature of disputes; frequency of evictions; and the perception of security. Finally, the functionality of land markets is proposed as an element to monitor outcomes of land governance, with the following indicators: number and volumes of transactions; level of informal land transactions; availability of information on land prices.⁶⁰

Indicators to evaluate access to resources have also been developed and proposed in the context of the ICARRD declaration.⁶¹ Among the proposed indicators related to tenure and access to resources are: the number of landless and near landless households; the number of certain rural groups without or with insufficient access to and control over land and related resources; the degree of concentration of land ownership; the number of persons evicted from rural land; the percentage of rural people involved in conflict over resources; the loss of land suitable for agriculture, of fisheries and forests due to the change of use of these resources for other purposes.

The different indicators that have been proposed can serve as a basis for developing indicators to measure outcomes of the governance of tenure in the context of monitoring of the Voluntary Guidelines. The set of indicators for the monitoring of the ICARRD declaration follows a clear methodology of developing indicators directly from the provisions of the document. Another example of how indicators for monitoring could be developed from the text of the Voluntary Guidelines are the tools developed in the context of the Voluntary Guidelines on the Right to Food.⁶² It is also worth noting that in a recent publication some indicators have been proposed with respect to the implementation principles of the Voluntary Guidelines on the Governance of Tenure.⁶³

⁵⁹ Bending, Tim, 2010, Monitoring Secure Access to Land: Progress and Prospects, ILC.

⁶⁰ Ibid., p. 26-29.

⁶¹ Monsalve Suárez and Ratjen 2006, op. cit.

⁶² Cf. FAO, 2008, Methods to Monitor the Human Right to Adequate Food. Volume I+II, Rome, and FIAN, 2007, op. cit.

⁶³ ACTUAR, 2012, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security – Interconnections and

In this context, it is important to stress that some members of the CESCR and other legal experts have also developed a methodology, including indicators in order to assess states' compliance with their obligations under the right to food that refers directly to the Voluntary Guidelines on the Right to Food. This methodology contains indicators on the access to land and resources and covers the aspects of structures, processes and outcomes.⁶⁴

This initiative has developed in parallel and in close cooperation to two other projects aiming at applying rights based monitoring and at developing indicators on the right to adequate food, namely a FAO/Oslo University project⁶⁵ and a project of the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁶⁶

As the actual patterns of tenure and the security of access to land, fisheries and forests of the rural poor reflect the realities of marginalized and vulnerable groups, the monitoring of outcomes of governance of tenure is an important precondition for vertical accountability.

Finally, the process of monitoring and evaluation should also be assessed and monitored. In this context, the Voluntary Guidelines make concrete recommendations, such as the setting up of national multi-stakeholder platforms in order to monitor and evaluate the implementation of the Guidelines in states' jurisdictions and to evaluate the impact of improved governance of tenure of land, fisheries and forests (paragraph 26.2). Monitoring the Voluntary Guidelines should thus also ask whether such platforms exist and how effective they are in order to assess the process of implementation and monitoring.

Monitoring should take into account qualitative as well as quantitative information

In order to monitor the outcomes of governance of tenure of land, fisheries and forests, it is furthermore crucial to take into account all relevant information. This information should be taken from various sources.

In the same way that most existing monitoring mechanisms privilege structural and process indicators, they mainly rely on information that relates to policy and legal frameworks, administration, programmes and projects, etc. In many cases, this information comes from official sources or expert assessments. Where information on outcomes is taken into account, it is often limited to quantitative data and statistics, e.g. on the number of people suffering of malnutrition, the number of households living in extreme poverty etc. However, until now, such socio-economic data is not, or not sufficiently, collected by institutionalized monitoring. Given its importance, it is necessary that this kind of data is more systematically collected and disaggregated according to the selected indicators. Information that should be gathered should be

Reciprocity Between the Right to Food and Land Tenure Rights, ACTUAR, IFSN, REDSAN-PALOP, January 2012, p. 15-18.

⁶⁴ A Handbook on the IBSA-Methodology, developed by FIAN and the University of Mannheim will be published soon (IBSA stands for Indicators, Benchmarks, Scoping, Assessment).

⁶⁵ The project resulted in the elaboration of a methodology published by FAO, cf. FAO, 2008, op. cit.

⁶⁶ Cf. Malhotra and Fasel 2005, op. cit.

inter alia: the number of forced evictions, the number of landless people or people without sufficient land, the degree of concentration of resources etc.

While this quantitative information is relevant, it cannot alone show gaps in governance of tenure. In order to really assess the quality of governance of tenure of land, fisheries and forests and the implementation of the Voluntary Guidelines, it is necessary to take into account qualitative information from the ground, such as the documentation of conflicts about these resources. Only by taking into account this kind of concrete, event-based information can we assess the reality in respect to secure tenure and access to resources of the vulnerable and marginalized that are at the centre of these Guidelines. This data provides information on where people lose access to resources, the reasons for that loss and thus allows understanding what the realities regarding secure tenure rights are and where the problems lie.

Just as outcome indicators have been proposed that could be included into a monitoring mechanism in the context of the Guidelines, qualitative information on conflicts around resources already exists in many cases. However, this information, which is mainly provided by social movements and CSOs at the local to national level, is rarely taken into account in institutionalized monitoring. It is thus crucial for the monitoring of the Voluntary Guidelines to gather and take into account this information. For this, it might be necessary for the bodies responsible for the reporting on the progress of implementation to compile such qualitative information where it already exists, for example in the context of a Global Observatory. The gathering of such information should furthermore be encouraged and supported where it does not yet exist.

Monitoring should be inclusive and participatory

As the rural poor, small-scale food producers and vulnerable and marginalized groups are the main beneficiaries of the Voluntary Guidelines, these groups, along with civil society organizations should play a strong role in monitoring activities. The participation of civil society in monitoring should be two-fold: firstly, civil society should be included through the creation of national multi-actor platforms, as recommended by the Guidelines. In addition, civil society should be enabled to carry out independent monitoring of the implementation of the Voluntary Guidelines.

In paragraph 26.2, the Voluntary Guidelines encourage states “to set up multi-stakeholder platforms and frameworks at local, national and regional levels or use such existing platforms and frameworks to collaborate on the implementation of these Guidelines; to monitor and evaluate the implementation in their jurisdictions; and to evaluate the impact on improved governance of tenure of land, fisheries and forests, and on improving food security and the progressive realization of the right to adequate food in the context of national food security, and sustainable development.”

This means that civil society should be included in all phases of implementation and monitoring of the Guidelines, including the identification of priorities and the evaluation of the implementation. Concretely, this means that indicators and benchmarks for monitoring implementation of the guidelines should be elaborated with the participation of civil society. As we have already said, indicators and benchmarks should focus on the actual tenure security and access to land, fisheries and forests of

vulnerable and marginalized groups. The information about the actual security of tenure and access to these resources that is gathered by CSOs and communities themselves should be taken into account for any monitoring system in the context of the Voluntary Guidelines. As we have said, this applies especially to qualitative information on conflicts about resources, as only this information allows for identification of gaps related to governance of tenure. In this sense, CSOs can provide the evidence from the ground that is needed for a true assessment and evaluation of policies, programmes and projects.

In addition to this, civil society should have independent monitoring capacities in order to conduct independent assessments of the implementation of the Voluntary Guidelines. This independent monitoring should also be fed into official or institutional monitoring systems. In order to be able to monitor independently, states, international organizations, aid agencies, etc., should make available adequate, full and timely information about all policies, activities and projects that could affect the tenure of land, fisheries and forests of local users. In addition, it is of utmost importance to strengthen the capacity of social movements and CSOs to document cases, to collect and analyse data that is not easily accessible, and to further develop indicators and methodologies to assess the situation of peasant, fishing, indigenous and other rural communities in a way that is autonomous and adequate to their needs and circumstances.

Monitoring the Voluntary Guidelines should be linked to human rights reporting mechanisms

The Voluntary Guidelines refer directly to human rights obligations, and specifically mention the right to food. It is therefore clear that a link exists between the monitoring of the Voluntary Guidelines and human rights monitoring. Any new monitoring system or reporting mechanism in the context of the guidelines should thus be seen as complementary to existing human rights monitoring.

The Voluntary Guidelines should be taken into consideration by human rights institutions at national, regional and international levels and serve as a reference for different human rights monitoring mechanisms. At the international level, this means to include them as a reference into the periodic reporting of states to different treaty bodies. This refers especially to the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW). The experiences with the Voluntary Guidelines on the Right to Food can serve as an important reference in this respect.

At the same time, relevant parts of the reports for human rights monitoring should be taken into account by a specific monitoring mechanism or system in the context of the Voluntary Guidelines. This refers also to the parallel reports by civil society and the concluding observations of the monitoring bodies. In order to do so, a systematic compilation of this information might be required. This could be done by the bodies responsible for the reporting on the progress of implementation of the guidelines, i.e. the Secretariat and/or the Advisory Group.

Monitoring of the Voluntary Guidelines should be included into a monitoring mechanism at the Committee on World Food Security (CFS)

While the monitoring of the Voluntary Guidelines should be used in the context of human rights monitoring, it should also be included in a CFS monitoring and accountability mechanism, which may be established. As an agreed standard adopted by the CFS, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests should be included into the scope of monitoring at the CFS level.

References

ACTUAR, 2012, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security – Interconnections and Reciprocity Between the Right to Food and Land Tenure Rights, ACTUAR, IFSN, REDSAN-PALOP, January 2012.

Augustinus, Clarissa, 2004, An Overview of Land Tools in Sub-Saharan Africa: Past, Present and Future, UN HABITAT, November 2004.

Bending, Tim, 2010, Monitoring Secure Access to Land: Progress and Prospects. ILC, 2010.

Burns, Tony, Deininger, Klaus, Selod, Harris, and Dalrymple, Kate, 2010, Implementing the Land Governance Assessment Framework, April 2010.

FAO, 2008, Methods to Monitor the Human Right to Adequate Food. Volume I: Making the Case for Rights-Focused and Rights-Based Monitoring. Volume II: An Overview of Approaches and Tools, Rome.

FAO, 2007, Good Governance in land tenure and administration. Land Tenure Series, No. 9. Rome.

FAO, 2004, Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, Rome.

FAO, 1999, Guidelines for Integrated Planning for Sustainable Management of Land Resources, Rome.

FIAN, 2007, Screen state action against hunger! How to use the Voluntary Guidelines on the Right to Food to monitor public policies?, Heidelberg.

International Federation of Surveyors (FIG), 2010, The Social Tenure Domain Model. A Pro-Poor Land Tool, FIG Publication No. 52, March 2010.

Laksa, Knut and El-Mikawy, Noha, 2009, Reflections on Land Tenure Security Indicators. UNDP Oslo Governance Centre, Discussion Paper 11, June 2009.

Malhotra, Rajeev and Fasel, Nicolas, 2005, Quantitative Human Rights Indicators – A Survey of Major Initiatives, March 2005.

Monsalve Suárez, Sofia and Ratjen, Sandra, 2006, Reporting Guidelines to Monitor the Implementation of the Final Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD), Working paper by the International Planning Committee for Food Sovereignty (IPC), Rome, October 2006

Palmer, David, Fricska, Szilard and Wehrmann, Babette, 2009, Towards Improved Land Governance. Land Tenure Working Paper 11, Rome.

UN Committee on Economic, Social and Cultural Rights, 1999, General Comment on the right to adequate food, General Comment 12, (Twentieth session, 1999), UN Doc. E/C.12/1999/5, Geneva.

Annex: Overview of civil society monitoring initiatives on land, fisheries and forests

Please note that this list is not comprehensive, but is intended to provide an overview of existing monitoring initiatives in the context of land, fisheries and forests. As pointed out before, many grassroots and food producers' organizations carry out monitoring without always having an elaborated framework for these activities, but simply record and gather information that reflects their problems and experiences.

Monitoring initiative/organisation	Country/Region	Sector
Association pour l'Amélioration de la Gouvernance de la Terre, de l'Eau et des Ressources Naturelles (AGTER)	France/International	Governance, Natural Resources
Association for Rural Advancement (AFRA)	South Africa	Land
Centro Peruano de Estudios Sociales (CEPES): Tierra y Derechos	Peru	Land
Coalition for Fair Fisheries Arrangements (CFFA)	Belgium	Fisheries
Collectif pour la Défense des Terres Malgaches	Madagascar	Land
Comissão Pastoral da Terra (CPT): Conflitos no Campo Brasil	Brazil	Land
Colombian Centre for Research and Popular Education/Peace Program (CINEP/PPP): Base de datos de luchas sociales	Colombia	Land, Indigenous peoples
FoodFirst Information and Action Network (FIAN)	Germany/International	Natural Resources
Forest Peoples Programme (FPP)	England/International	Forests, indigenous peoples
Friends of the Earth	International	Natural Resources
Fundación Tierra	Bolivia	Land, Forests
Global Witness: Making the Forest Sector Transparent	United Kingdom/International	Forests
GRAIN et al.: Food Crisis and the Global Land Grab	International	Land, Natural resources
Habitat International Coalition – Housing and	Chile/International	Land

Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

Land Rights Network (HIC-HLRN): Housing and Land Rights Violation Database		
Indonesian Human Rights Committee for Social Justice (IHCS)	Indonesia	Land
International Collective in Support of Fishworkers (ICSF)	India, Belgium/International	Fisheries
International Land Coalition (ILC): Land Matrix	Italy/International	Natural Resources
Kenya Land Alliance	Kenya	Land
La Via Campesina	International	Land
Land Observatory Uganda	Uganda	Land
Land Watch Asia (LWA)	Asia	Land
Le Hub Rural	Senegal/West Africa	Natural Resources
National Land Rights Forum Nepal	Nepal	Land
Oakland Institute	USA/International	Natural Resources
Observatoire du Foncier	Madagascar	Land, Forests
Rights and Resources Initiative (RRI)	USA/International	Forests
Synergie Paysanne	Bénin	Land
Transparency International (TI): Corruption Barometer	Germany/International	Governance, Land
World Forum of Fish Harvesters and Fishworkers (WFF)	Uganda/International	Fisheries
World Forum of Fisher Peoples (WFFP)	India/International	Fisheries
World Rainforest Movement (WRM)	Uruguay/International	Forests
Zamana	Pakistan	Land