



Monitoring Guideline Compliance and Implementation

CAN BE USED FOR:

- Strengthening advocacy on legal and policy reforms
- Holding governments to account on implementation of existing land governance regulations
- Raising community awareness of relevant industry/business rules and standards
- Assisting or advising communities through investigation of specific cases
- Identifying grounds for filing formal complaints or grievances

► Overview

Civil society, together with local communities, can play a vital role in highlighting deficiencies in existing land governance policies and practices, in lobbying for policy change, and in pushing for the proper implementation and enforcement of good policies and laws.

TOOL #1

Monitoring existing policies & guidelines

Assessments of existing land policies that highlight their strengths and weaknesses can serve as a strong advocacy tool, and legal analysis can help to determine whether or not current regulations align with international laws and guidelines.

Developing standardised indicators that reference international standards or best practice can help to frame these assessments and to monitor progress over time. For example, the Land Watch Asia (**LWA**) campaign facilitated by the Asian NGO Coalition for Agrarian Reform and Rural Development (**ANGOC**) has developed a set of indicators against which CSO partners assess the land laws in their respective countries. This analysis is portrayed in country reports, which track progress and serve as a powerful tool in identifying issues and challenges and in pushing for improvements.

Working together with coalitions that also include government institutions can help to transform the results of monitoring assessments into legal reform. For example, the Network Movement for Justice and Development (**NMJD**), in its role as lead partner in the Land for Life initiative, has sought to construct multi-actor partnerships in Sierra Leone to bring laws in line with international standards on responsible agricultural investment, with a particular focus on the human right to food. Through these platforms, the country's Agricultural Investment Approval Process has now been revamped to align with the Voluntary Guidelines on the Responsible Governance of Tenure (**VGGTs**)¹⁸.

“CSOs have to be present, accessible & relevant. People may find it difficult to get to you, so you have to be proactive!”

BERNS LEBBIE (NMJD, SIERRA LEONE)



Monitoring implementation

Sometimes existing legislation or guidelines are already well formulated on paper, but the real problem lies in implementation. This can stem from a lack of political will, but also from a lack of capacity or knowledge on the part of state authorities or private actors. Empowering local communities to engage with authorities themselves by building community capacities and knowledge, for example about their rights and government regulations, can be an effective strategy in mobilising implementing agencies to hold government actors, companies and/or investors to account.

“We try to step back and play a role in guiding communities to speak up independently and engage with ministers themselves. This has far more legitimacy.”

FLAIDA MACHEZE (NATIONAL PEASANT UNION (UNAC), MOZAMBIQUE)

Experience shows that community training is more effective when information can be presented in a clear and understandable way that reflects the needs and concerns of local community members. In its advocacy on palm oil developments in Indonesia, Lembaga Studi dan Advokasi Masyarakat (**ELSAM**) trains both community members and local NGOs on human rights, relevant national legislation and industry standards (like the Roundtable on Sustainable Palm Oil’s ‘Principles and Criteria’ and similar national standards) using relatable case studies from across Indonesia to illustrate key points. They



also explain the various mechanisms that are available to local communities in the case of violations of their rights or non-compliance with these standards, including how they work and where to go to lodge complaints.

“Those experiencing the issues directly are going to be the driving force behind any successful on-the-ground monitoring activities.”

ANDI MUTTAQIEN (ELSAM, INDONESIA)

Generating clear evidence of gaps or failures in implementation or enforcement can support advocacy demands. For example, LWA partners have now started to gather data on policy and program implementation; this involves collecting and verifying government data, but also going beyond public information to investigate how things work in practice on the ground (known as ‘ground-truthing’). LWA members have found that the number of land titles issued to community members is a common statistic presented by government agencies to demonstrate fair allocation of control over land, but ground-truthing often shows that private or state entities can still control land despite farmers holding official titles

to it. Further information from the field is therefore necessary to demonstrate whether or not these titles are working as they should. Monitoring land conflicts has proven difficult in the past due to the lack of a standard definition, so the LWA partners came together to develop a common understanding and methodology.

“By having a common framework, our advocacy work is much more consistent and coordinated, and therefore more effective.”

NATHANIEL DON MARQUEZ
(ANGOC, PHILIPPINES)

Generating clear evidence of gaps in implementation can serve to back up advocacy demands. LWA partners have now started to gather data on policy and program implementation; this involves verifying government data, but also going beyond this to look at how things work in practice. For example, the number of land titles handed out is a common statistic presented, but private or state entities can still control land despite farmers holding official titles to it. Further information from the field is therefore necessary to demonstrate whether or not these titles are working as they should. Monitoring land conflicts has proven difficult in the past due to lack of a standard definition, so the partners came together to develop a common understanding and methodology.

TOOL #3

Community-based case monitoring

Local communities and local CSOs are best-placed to monitor the situation on the ground, whether it be flagging the emergence of new land governance issues or tracking how situations develop. Sometimes local communities come to ask for assistance or advice for a live issue - in this case one approach, as followed by Ecoton, would be to start by identifying the relevant existing legislation or guidelines, which can be done with the help of other NGOs or legal experts.

These can then be communicated to the community and an action plan can be formulated together based on the information required to monitor compliance with the specific legislation or guidelines. It is best not to pursue litigation or embark on explicit



investigations at this stage as that can create safety risks for local community members or unnecessary attention and even intimidation from companies or state actors. Instead, wider community development activities can be used as a platform to make further inquiries. This also facilitates closer dialogue with community members and leaders to get to know local dynamics, community views, and the causes of the problem the community is facing, and avoids imposing an external agenda upon the community.

Community members can then be trained in data collection and sampling techniques for the information needed to verify compliance. Where necessary, samples are best sent to professional

certified labs for analysis when a formal complaint or litigation process may follow, so that the evidence cannot be dismissed for being unreliable.

Obtaining documents such as Environmental and Social Impact Assessments can also form part of the monitoring strategy, firstly to check whether the document meets the relevant standards, to verify whether the information presented is correct and to check if the follow-up measures identified have been sufficiently carried out. Accessing these can often be challenging; the first step would be to write to the relevant institutions requesting access, and follow up with formal requests for information or legal action if this does not succeed.

TOOL #4

Building international alliances

Building networks with international actors can also help to strengthen monitoring and related advocacy activities. For example, CSOs from elsewhere can help to lobby their own governments to build international pressure for action to be taken in cases of land grabbing or rights violations, and to ensure national policy and implementation works to prevent rights violations from occurring. Research and monitoring work on the ground can strengthen the case for action, whilst international monitoring can also help to inform those on the ground of the wider context and international links to their local struggles.



“We try to build up networks, publish in the media and generate international attention. This is what pushes the government to act.”

RISKA DARMAWANTI (ECOTON, INDONESIA)

In addition, we must understand that unfavourable policies or weak implementation are often rooted beyond the national realm, external actors are interested in making land more accessible for foreign investment, and dependent national governments can be left with their hands tied. International networks can help to identify the source of power so that advocacy can be targeted there.

“You have to be proactive, go out to find partners, find where the power is, and go there.”

FLAIDA MACHEZE (NATIONAL PEASANT UNION (UNAC), MOZAMBIQUE)

Things to consider and anticipate

- **HIDDEN POWER DYNAMICS.** The reasons behind poor policy implementation or weak policy reform often extend beyond the responsible government agencies themselves. Pressure from powerful corporate actors, development finance institutions or foreign governments can lead to unfavourable policy outcomes for communities. Tracing these dynamics to locate where power is being exercised is vital for any advocacy based on monitoring activities.
- **MONITORING OBJECTIVES.** Having a clear objective will help monitoring activities to achieve successful results. This may be to reform a particular law or set of guidelines, or to improve their practical implementation. Failing to set clear objectives will likely lead to poorly targeted and inefficient monitoring.
- **COOPERATION AND INCLUSIVITY.** Work with communities should be carried out as a collaboration, and CSOs should focus on what they can bring to the table to cater for community priorities. This could include sharing knowledge on relevant policies and guidelines, capacity building in data collection techniques or accessing and analysing key documents such as environmental and social impact assessments.

Monitoring the ProSAVANA project

Monitoring and mobilisation campaign to oppose a large-scale international agribusiness investment in Northern Mozambique.

The ProSAVANA project, launched in 2009, was an international cooperation programme between the governments of Mozambique, Brazil and Japan. Its aim was to improve agricultural development in Mozambique's Nacala Corridor, targeting an area of 10 million hectares inhabited by approximately 4 million farmers¹⁹. In reality, it supported a large-scale land grab for the production of commodity crops, primarily soybean.

The National Peasant Union (**UNAC**) and other national CSOs became aware of the plans through their monitoring of land-related issues. UNAC turned to international networks for more information and potential collaboration. Contact was made with Brazilian organisations at the People's Summit at Rio+20 in 2012, and a more structured civil society dialogue was formed later that year with members of Japanese civil society. A visit to Brazil's Cerrado region was organised, learning from rural workers unions and Indigenous leaders about the industrial agricultural model that had devastated the region's rural communities and ecosystems. Footage from the trip and these discussions were used to make a documentary film called 'Face Oculto' that served as a powerful advocacy tool in local communities and at national meetings back in Mozambique²⁰. UNAC also met government representatives and took

part in existing government-civil society dialogues in order to express their concerns.

Through their existing base in rural areas, UNAC communicated information, consulted with affected communities, and monitored developments on the ground. This information fed into their advocacy, for example an Open Letter published in 2013 signed by 66 national and international organisations and a further 72 individuals. It was addressed to the Presidents of Mozambique and Brazil as well as the Prime Minister of Japan, and highlighted violations of constitutional rights that the project threatened to bring²¹.

When the project's original master plan was leaked in 2013, UNAC formed part of a national and international coalition that intensively analysed the plans, demonstrating the ways in which it violated national legislation and the provisions of the National Land Policy²². Japanese CSOs were able to access key documents by utilising Japanese information disclosure law, and produced detailed analyses showing how voices of farmers had been ignored and revealing that the grand rhetoric of the project did not match the reality of the project's implementation.

UNAC's prominent involvement in the historical creation and implementation of Mozambique's National Land Policy, as well as its ongoing revision, meant that they and their members already had a strong understanding of existing legislation. Equipped with knowledge on the right to consultation and correct land acquisition protocols, communities were able to mobilise and lobby local officials and members of parliament, forming the basis of the No to ProSavana campaign

that launched in 2014. This pressure at local, national and international levels forced the governments involved to backtrack and rebrand the project in an attempt to keep it alive, but persistent monitoring and advocacy campaigns have continued to reveal deficiencies. In July 2020, the Japanese government announced the termination of ProSAVANA²³.

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