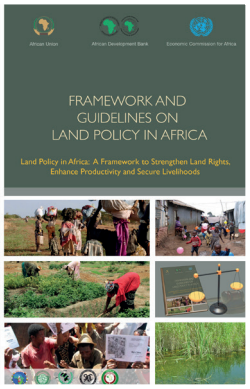
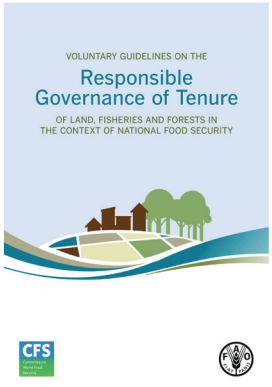
actionaid

Assessment Toolkit

Assessing gender-sensitive implementation and country-level monitoring of the Tenure Governance and Africa Land Policy Guidelines.





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COVER PHOTOS:
Left: Leila Samir. Leila is fighting to stop her father in law selling the land she and her husband have inherited and is receiving legal land rights training from Action Aid, Bamburi, Mombasa, 2016. Credit: ActionAid Kenya. Right: Multiple land uses in central Kenya. Credit: Catherine Gatundu.

Contents

Foreword 4

Introduction 5

The VGGT and AU F&G implementation assessment toolkit 5
- Principles against which the implementation of the VGGT and AU F&G can be measured 5
- Principle 1: Inclusive multi-stakeholder platforms 6
- Principle 2: Recognition of customary rights and informal tenure 7
- Principle 3: Gender equality 7
- Principle 4: Protection from land grabs 7
- Principle 5: Effective land administration 8
- Principle 6: Conflict-resolution mechanisms 9

Structure of the toolkit 9

Guidance notes for using the toolkit 10
- Using the toolkit for a gender-sensitive assessment 10
- Assessment methods 11
- Using the scorecard 11

Tools, indicators and scorecards 12

Tool 1: Assessing national legal, policy and institutional frameworks 12
- Tool 1 scorecard template 19

Tool 2: Community assessment of VGGT and AU F&G implementation 22
- Tool objectives and focus 22
- Who is the tool for? 23
- Using the community scorecard 24
- Tool 2 Scorecard template 35

Tool 3: Assessing implementation of the VGGT in aid and investment 37
- Tool objectives and focus 38
- Tool 3 scorecard template 43

Foreword

Secure tenure over land, fisheries and forests is central to global efforts to end poverty and hunger in local communities (and in particular among indigenous peoples and women), and to ensure sustainable management of the environment. Tenure security has also been affirmed as a great contributor to ending poverty and hunger in the world under the Sustainable Development Goal. The livelihoods of hundreds of millions of people, particularly the rural poor, indigenous peoples and women, depend on secure and equitable rights to natural resources, which are their primary sources of food and shelter; the basis for social, cultural and religious practices; and a core economic asset. Yet often, indigenous peoples and women are excluded from the governance of these resources.

ActionAid International has been working over the last few years with women and rural communities to challenge commercialization of land, which leads to loss of their rights to and control over land and other resources. The Voluntary Guidelines on the Responsible Governance of tenure of land, forest and Fisheries- VGGTs, together with the AU Framework and Guidelines for land policy in Africa- AU F&G, both provide progressive internationally accepted principles and norms for defining policies and practice for governance of tenure that particularly safeguard the interests of the poor and marginalized land dependent sections of society.

To contribute to the push for their comprehensive implementation, ActionAid developed a *Toolkit for assessing gender-sensitive implementation of the VGGTs and the AU F&G at country-level*. This Toolkit aims to:

- monitor country implementation of the VGGT and AU F&G, with a focus on women and small-scale food producers and rural, agricultural communities;
- incorporate community empowerment and capacity-building to enhance communities' understanding of the VGGT and AU F&G (and related land frameworks), and build their capacity to advocate for VGGT implementation;
- build understanding of how Organisation of Economic Cooperation and Development (OECD) countries support and align their actions with the VGGT as they relate to foreign aid, trade and investment programmes that impact on tenure governance in other countries;
- enable concise presentation of results of VGGT implementation as a basis for cross-country comparison, and for tracking changes over time.

This gender-sensitive toolkit enables civil society organisations (CSOs), women and communities, as well as and other actors to assess each country's current legal framework and tenure governance arrangements in line with the provisions of the VGGTS and the AU F&G.

Where it has been piloted, the Toolkit has also proved to be valuable in building communities and other stakeholders' capacity and understanding and internalization of the VGGTs towards responsible land tenure governance. We therefore hope you will also find the toolkit useful.

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Introduction

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) are an international framework based on human rights obligations and standards for the governance of tenure of land, fisheries and forests. Adopted in 2012 by Committee on World Food Security (CFS) member countries, and following an inclusive negotiation process, they recognise the importance of land to a country's development, and that good land governance and broad access to land enable food security for all people.[1]

The VGGT have been negotiated in a context of global food insecurity and fear regarding loss of tenure rights and livelihoods by local communities as a result of large-scale land grabs, environmental degradation and climate change. The VGGT provide an accountability mechanism through which local communities can hold both the State and private actors to account in development planning and decision-making regarding large-scale land investments.[2] They also provide communities and civil society actors with a framework in which to advocate for more robust national policies on land tenure, and stronger implementation of those policies.

The *African Union's Framework and Guidelines for Land Policy* (AU F&G) also offer guidance and recommendations to national governments on land policy formulation. This framework promotes multi-stakeholder participation, gender equality and women's rights to land[3] as key principles underpinning the process of land tenure governance.

The VGGT and AU F&G implementation assessment toolkit

Secure tenure over land, fisheries and forests is central to global efforts to end poverty and hunger in local communities (and in particular among indigenous peoples and women), and to ensure sustainable management of the environment. The livelihoods of hundreds of millions of people, particularly the rural poor, indigenous peoples and women, depend on secure and equitable rights to natural resources, which are their primary sources of food and shelter; the basis for social, cultural and religious practices; and a core economic asset. Yet often, indigenous peoples and women are excluded from the governance of these resources.

While individual countries' tenure systems and challenges require tailored responses, there is nevertheless a common need for substantial investments in land management and administration, with a particular focus on the needs of people with the weakest tenure rights.

1. Voluntary Guidelines on the Governance of Tenure of Land, Fisheries, and Forestry in the Context of Food Security (2102) http://www.fao.org/nr/tenure/voluntary-guidelines/en/
2. Nancy Kachingwe, From Under Their Feet, 2012, p.9, Johannesburg: ActionAid International.
3. See Benchmarks for Land Governance in Africa 2014 which draws parallels and common agendas between the VGGT and the AU F&G.

This toolkit aims to:

- monitor country implementation of the VGGT and AU F&G, with a focus on women and small-scale food producers and rural, agricultural communities;
- incorporate community empowerment and capacity-building to enhance communities' understanding of the VGGT and AU F&G (and related land frameworks), and build their capacity to advocate for VGGT implementation;
- build understanding of how Organisation of Economic Cooperation and Development (OECD) countries support and align their actions with the VGGT as they relate to foreign aid, trade and investment programmes that impact on tenure governance in other countries;
- enable concise presentation of results of VGGT implementation as a basis for cross-country comparison, and for tracking changes over time.

Principles against which the implementation of the VGGT and AU F&G can be measured

This gender-sensitive tool enables civil society organisations (CSOs) and other actors to assess each country's current legal framework and tenure governance arrangements against six key interrelated principles drawn from the VGGT and the AU F&G, which are of greatest concern to ActionAid constituencies and programmes. The six principles are:

1. Inclusive multi-stakeholder platforms
2. Recognition of customary rights and informal tenure
3. Gender equality
4. Protection from land grabs
5. Effective land administration
6. Conflict-resolution mechanisms

The following sections explore each principle more fully.

Principle 1: Inclusive multi-stakeholder platforms

Multi-stakeholder platforms (MSPs) are the recommended approach for VGGT implementation, monitoring and evaluation[4] in order to ensure inclusiveness, participation, collaboration, transparency and accountability in land governance efforts. MSPs can be established at any level, should be gender-sensitive, and involve representatives of marginalised and vulnerable groups in particular. The AU F&G provide a template for the "design of land policy implementation strategies" and a detailed action plan to which States can refer when implementing the six land policy principles.[5] They also recommend tracking systems through which all stakeholders can monitor and evaluate implementation.[6] Both frameworks emphasise the need for inclusiveness and participation in monitoring and evaluation mechanisms.

4. Voluntary Guidelines, 39 (paragraph 26.2).
5. Land Policy in Africa, 33.
6. Land Policy in Africa, 37.

Principle 2: Recognition of customary rights and informal tenure

One of the principal VGGT tenets is recognition of all existing legitimate forms of tenure, both formal and informal.[7] Indigenous peoples and other communities with customary tenure systems often face an absence of legal frameworks that recognise these rights – and even where legal frameworks exist may not have secured titles and/or documentation that would enable them to prove and defend them. To address these limitations, the VGGT call on States to provide "appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems" and to adapt their policy, legal and organisational frameworks to recognise such tenure systems.[8] Similarly, the AU F&G advocates for recognition of the "legitimacy of indigenous land rights" and calls for consultation and participation in policy processes by those who have legitimate tenure rights that could be affected by policy decisions. This principle is consistent with the concept of a continuum of land tenure,[9] which is a useful tool for States to ensure secure tenure in different contexts.

Principle 3: Gender equality

The VGGT include gender equality as one of the principles essential to responsible governance of tenure of land, fisheries and forests, and calls on States to ensure that women and girls have equal tenure rights, independent of their civil and marital status.[10] The AU F&G recognises that gender discrimination is pervasive in Africa and that there is need for women's land rights to be strengthened, including through legal procedures enabling them to register their land rights whether married, divorced or widowed.[11] A State that implements the VGGT and/or the AU F&G will legally recognise the equal rights of women and men to access, use, control, inherit and own land. This may be constitutionally enshrined so that all subsequent laws will be subject to these constitutional principles. In addition, current laws that contradict this principle should be reviewed and legally revoked. Supplementary laws that apply this principle, for instance family laws concerned with issues such as divorce and inheritance, should be enacted, consistent with human rights law.[12]

Principle 4: Protection from land grabs[13]

Land grabs and large-scale land acquisitions pose a significant threat to the land tenure security of women and small-scale food producers, especially in countries where large parts of the population have no formal proof of tenure. The VGGT offer several recommendations for measures that States can take to prevent land grabs resulting from large-scale land acquisitions, in accordance with human rights principles. They note that the "State should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment" from risks associated with large-scale land acquisitions.[14] They further call on States to consider promoting alternative production and investment models that avoid the transfer of tenure rights to investors.

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7. Voluntary Guidelines, 3.
8. Voluntary Guidelines, 15.
9. http://www.gltn.net/index.php/land-tools/gltn-land-tools/continuum-of-land-rights.
10. Voluntary Guidelines, 5.
11. Land Policy in Africa, 15.
12. United Nations, Article 16 of Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article14, accessed 17 April 2014.
13. ActionAid joins IIED, ILC, IFAD and others in adopting the following definition of land grabs: "Large-scale land acquisitions or concessions are defined as land grabs if they are one or more of the following:
    - violations of human rights, particularly the equal rights of women
    - not based on free, prior and informed consent of the affected land users
    - not based on a thorough assessment or are in disregard of social, economic and environmental impacts, including the impact on women
    - not based on transparent contracts that specify clear and binding commitments about activities, employment and benefit sharing
    - not based on effective democratic planning, independent oversight or meaningful participation."
14. Article 17, Universal Declaration of Human Rights. See http://www.un.org/en/ documents/udhr/, accessed 17 April 2014

While the AU F&G recommends no such alternative models of investment (and in fact notes that enhanced agricultural exports could lead to increased State revenue,[15] implying a bias towards large-scale commercial agriculture), it nonetheless concedes that the recent "scramble for land by foreign investors" raises serious problems for sustainable food production where agricultural land has been converted for other purposes.[16] In light of this, the AU adopted Guiding Principles (GPs) for Large Scale Land-based Investment (LSLBI)[17] in 2014, which outline six fundamental principles that must be considered in the case of a large-scale land-based investment.

AU Guiding Principles for large-scale, land-based investment (LSLBI)

- Principle 1: LSLBIs respect the human rights of communities to contribute to the responsible governance of land and land-based resources, including respecting customary land rights, and are conducted in compliance with the rule of law.
- Principle 2: Decisions on LSLBIs are guided by a national strategy for sustainable agricultural development that recognises the strategic importance of African agricultural land and the role of smallholder farmers in achieving food security, poverty reduction and economic growth.
- Principle 3: Decisions on LSLBIs and their implementation are based on good governance, including transparency, subsidiarity, inclusiveness, free, prior and informed participation and social acceptance of affected communities.
- Principle 4: LSLBIs respect the land rights of women, recognise their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalisation of women.
- Principle 5: Decisions on the desirability and feasibility of LSLBIs are made based on independent, holistic assessment of the economic, financial, social and environmental costs and benefits associated with the proposed investment, throughout the lifetime of the investment.
- Principle 6: Member States uphold high standards of cooperation, collaboration and mutual accountability to ensure that LSLBIs are beneficial to African economies and their people.

Principle 5: Effective land administration

A continuing challenge in many countries is the absence of effective institutions, land registries and community action for land management. The VGGT provide multiple recommendations for land administration to strengthen land tenure security of small-scale food producers, setting out that, "States should provide systems … to record individual and collective tenure rights in order to improve security of tenure rights."[18] For effective land administration, both the VGGT and the AU F&G advocate for building the capacity of implementing agencies to ensure that policies and laws are put in place in an effective and gender-sensitive way.[19] This should be done through the provision of human, financial and other inputs needed for the implementation of the guidelines, as well as ensuring co-operation of all involved.[20] Both the VGGT and the AU F&G advocate for delivery of services by ascertaining legitimate landholders and registering and recording their land rights.[21] Policies and laws should be established to promote information sharing regarding tenure rights, allowing everyone the right to access information on land.[22]

15. Land Policy in Africa, 16.
16. Land Policy in Africa, 11 and 17.
17. http://www.uneca.org/sites/default/files/PublicationFiles/guiding_principles_eng_rev_era_size.pdf.
18. Voluntary Guidelines, 29.
19. Voluntary Guidelines, 14 and 9; Land Policy in Africa, 27-28.
20. Voluntary Guidelines, 1 and 14; Land Policy in Africa, 33.
21. Voluntary Guidelines, 35; Land Policy in Africa, 20.
22. Voluntary Guidelines, 15; Land Policy in Africa, 28.

Principle 6: Conflict-resolution mechanisms

Independent, reliable and effective conflict-resolution mechanisms are key to ensuring justice and land tenure security of the poor, particularly women.[23] Corruption, inefficiency and high costs plague the formal court systems in many poor countries, preventing the rule of law, and accessibility and transparency in conflict-resolution mechanisms.[24] These factors discourage the use of formal dispute resolution and cause many aggrieved parties to turn to informal mechanisms, some of which are based on customary practices in local communities. The VGGT acknowledge both issues, and promote the development of alternative forms of dispute resolution, while the AU F&G advocates for the "prevention of conflict", "resolution through mutually acceptable dispute processing mechanisms" and strengthening conflict-resolution methods.[25]

Structure of the toolkit

The toolkit has three components:

- **Tool 1** assesses the actions of governments to align policy and legal frameworks with the core principles of the VGGT and implement measures to fulfill them within their own countries.
- **Tool 2** assesses how legal frameworks and implementation measures operate at the local level; how outcomes are perceived by people and communities attached to the land; and helps identify and close gaps affecting the ability of vulnerable and marginalised groups to strengthen their democratic control of land.
- **Tool 3** provides a set of indicators, questions, and scorecards to assess the overseas actions of high-income or OECD countries in supporting and complying with the six VGGT principles.

This toolkit provides users with a comprehensive gap analysis to build local awareness, engagement and solidarity, and to help channel advocacy efforts towards a transparent and participatory land governance system.

23. Interview with Purna Sen, 25 March 2014.
24. Julius Court, Goran Hyden and Ken Mease, The Judiciary and Governance in 16 Developing Countries, World Governance Survey Discussion Paper 9, (United Nations University, 2003), http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4108.pdf, accessed 18 April 2014.
25. Land Policy in Africa, 13 and 14.

Guidance notes for using the toolkit

Using the toolkit for a gender-sensitive assessment

This resource is a 'living tool', to be adapted to different contexts to make the VGGT appropriate and workable. It is therefore presented as a light survey instrument that may be updated with other questions and indicators over time.

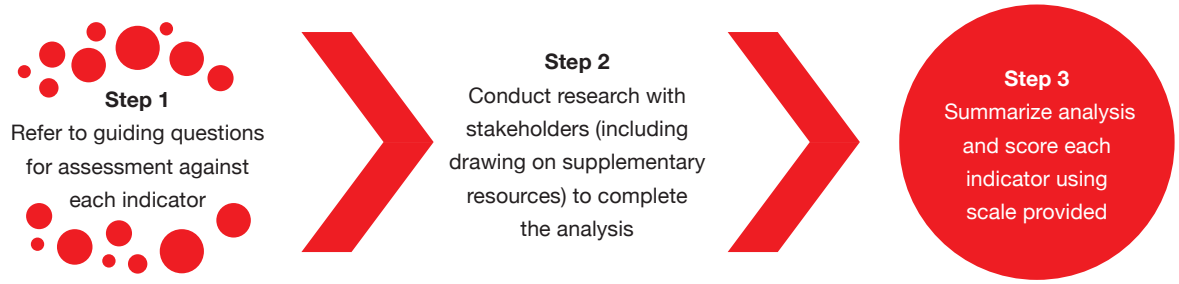
- Progress on each of the six key principles is measured against key indicators
- A series of guiding questions is offered to direct and deepen the inquiry for each indicator
- A three-point a red-yellow-green scorecard for each indicator is outlined

The indicators are designed to capture key aspects of each principle. For example:

- **Tool 1 indicators** focus on how each of the six principles is realised in:
  – National legal and policy frameworks
  – Key government implementation measures
- **Tool 2 indicators** focus on two aspects of VGGT reality on the ground:
  – Community members' general awareness and perceptions of the six principles
  – Views on the extent of realisation of the principles in practice
- **Tool 3 indicators** focus on two main aspects of VGGT alignment:
  – The extent of proactive government development assistance for each principle
  – The extent to which governments hold themselves accountable to VGGT principles in their aid and investment policies and programmes for developing countries

The **Guiding questions** (see Step 1, Figure 1) are intended to prompt critical reflection rather than to serve as sub-indicators. Tools 1 and 2 also list other relevant resources and conceptual background information and to provide guidance to applying each indicator. These supplementary reference materials may be updated over time to draw from the various experiences of public sectors and CSOs to hold stakeholders accountable using VGGT principles (See Step 2, Figure 1). The scorecard (see Step 3, Figure 1) helps document the analysis and enable an approximate scoring.

Figure 1: Key steps for using the toolkit



Assessment methods

Recommended methods for undertaking assessments using the tools vary depending on the main types and sources of information.

Tool 1 (which focuses on laws and policies and the implementation measures in place) uses desk studies, interviews and peer, stakeholder and expert reviews of the draft assessments to validate and provide feedback on the assessment.

Tool 2 uses focus groups with community members as the recommended methodology. As highlighted in the guidance section of this toolkit it is important that these interactions:

- support the optimal participation of local community members and their governing bodies, agencies and representatives;
- are broadly inclusive; engaging with the landless, farmer households, community members involved in contract farming, households on the margins of plantations (but not necessarily involved in farming or contract farming), local government authorities, chiefs and other land governance authorities;
- enhance gender-sensitivity and recognition of all types of land tenure

(Tools 1 and 2 are intended for use together to provide a holistic picture of land governance, particularly by balancing the view from the 'paper trail' (i.e. laws, policies, administrative measures etc) with a grassroots community view of such policies' impact on the ground – at least in sample locations).

Tool 3 (which is largely based on documentation of aid and investment policies and programmes) uses desk studies and reviews of primary and secondary sources, combined with interviews and peer, expert and stakeholder reviews.

Using the scorecard

Each tool contains a scoring system for documenting the narrative analysis as well as the score for each (meta) indicator. The narrative assessment is very important – in addition to providing the evidence base and justification for the scoring, it provides a broader and more qualitative picture of progress against the indicator than can be captured in the scoring scales alone.

A three-point (red-yellow-green) scale is provided for scoring each indicator. Each indicator has a maximum/optimal scale; green in the best case scenario.

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Tools, indicators and scorecards

Tool 1: Assessing national legal, policy and institutional frameworks

Introduction

This tool enables civil society organisations (CSOs) and other actors to assess their country's current legal framework and tenure governance arrangements against six key principles drawn from the VGGT and the African Union's Framework and Guidelines for Land Policy (AU F&G). These are:

- the presence of inclusive multi-stakeholder platforms;
- recognition of customary rights and informal tenure;
- provision for gender equality;
- provision for protection from land grabs;
- effective land administration;
- effective conflict-resolution mechanisms.

Each of the following sections focuses on one of the principles, providing a brief summary of the principle and indicators against which progress toward it can be judged. Sample guiding questions to exploring the status of actions relevant to the indicator (and which can be supplemented with further questions tailored to the context), and a proposed sliding scale for scoring against the indicator are provided. The scorecard template at the end of the tool provides space for recording both the qualitative analysis of progress in relation to the indicator, using the questions for guidance, and the numerical rating using the sliding scale. (Note: The sliding scale presented as a colour-coded scale of red-yellow-green.)

	Tool indicators	Guiding questions	Further resources to guide assessment	Score
1 National legal, policy and organisational frameworks – assessment guidance	**Indicator 1.1** State has set up multi-stakeholder platforms (MSPs) and frameworks to collaborate on the implementation of the VGGT	1. Has the State established a multi-stakeholder platform for implementation of the VGGT at national level? 2. If yes, has the national platform been established through partnerships with the Food and Agriculture Organization, national ministries, and focal points? 3. Is this platform recognised in law? 4. Are there multi-stakeholder platform structures at different levels – national and local – for the monitoring of land governance and large-scale land operations? 5. Are there legal provisions for inclusion of women, indigenous people, and marginalised communities and landless in the platforms at all levels? 6. Does the platform encourage mutual accountability among stakeholders	See pg. 5-7, 11, 14-17, 37 FIAN International Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 31 Guiding Questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf	Red = No national MSP platforms have been established Yellow = A national MSP platform is being established Green = A national MSP platform is functional
	Indicator 1.2 Target groups including women, youth, and holders of customary rights have access to and are supported to engage in these multi-stakeholder platforms	7. Are there provisions for the participation and inclusion of women, indigenous people, marginalised communities and the landless in the platforms at all levels? 8. Are there mechanisms to ensure that the voices of all members, especially the target groups, are noted, respected and acted upon? 9. Are there leadership positions designated for women, smallholder food producers, and marginalised communities in the platforms? 10. Does the government provide financial and human resources, venues, and communication and translation facilities for the functioning of these platforms? 11. Are the deliberations and decisions of the platforms respected by all stakeholders?	See pg. 7-10 Respecting free, prior and informed consent: Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition (2014), http://www.fao.org/3/a-i3496e.pdf See pg. 10, 15 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf	Red = Target groups have no access to MSPs Yellow = Target groups have access to MSPs Green = Target groups are actively supported to engage in MSPs

2 Recognition of customary rights and informal tenure	**Indicator 2.1** State has adopted policy and legal frameworks to recognise indigenous peoples and other communities with customary tenure systems	1. Is customary tenure formally recognised in national law? 2. a.Does the constitution recognise customary tenure as legitimate tenure? 3. b. Is there a land law governing customary tenure? 4. Are there laws that recognise community rights to land even where such communities do not hold formal land titles? 5. Do legal frameworks for recognition of tenure rights include a 'bundle of rights' – e.g., access, use, management, exclusion, unlimited duration and due process? 6. Does land governed by customary practices or held informally receive the same legal protection as titled land? 7. Is there any law that provides for communities' consultation and Free, Prior, Informed Consent in relation to projects that would or are likely to affect their land, forest or fisheries tenure rights (also refer to indicator 4.2)?	National laws Land-related legal experts International Fund for Agricultural Development's Performance Based Allocation System includes indicators on land-related issues, such as legal frameworks, land titling and cadastres as well as land markets, http://www.ifad.org/operations/pbas ActionAid's Lay of the Land report (2012) has a country by country analysis – the template is divided into: • a country brief • legislative protection for communities • gender equality • measures in place to regulate investment See pg. 13, 18-19 Guiding Questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf	Red = Customary tenure is not recognised formally Yellow = A legal framework recognising customary tenure is in place but the legal provisions are weak Green = A robust legal framework recognising community tenure is in place
	Indicator 2.2 Land held under customary tenure is formally recognised	8. Has all land held under customary or informal tenure been legally recognised and registered? 9. Can customary or informal tenure be officially registered? 10. Is there a registry provision for customary tenure rights records? 11. Are the customary land and rights records held in any other form other than a land registry? 12. Does the government provide communities with financial, legal and technical assistance to help them access the judicial system if community members feel that their tenure rights are threatened? 13. Are there land offices in the local area that offer advice and services to communities? 14. Does the government provide sufficient resources?	Rights and Resources Initiative's Who Owns the World's Land provides information on the area of land designated for or owned by indigenous peoples and local communities under national legal frameworks in 64 countries: http://www.rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for promotion, implementation, monitoring and evaluation to be read with A Fold-out User Guide to the analysis of governance, situations of human rights violations and the role of stakeholders in relation to land tenure, fisheries and forests, based on the VGGThttp://www.foodsovereignty.org/wp-content/uploads/2016/06/peoplesmanual_annex.pdf	Red = Land held under customary tenure is not formally recognised or registered Yellow = Some land under customary tenure has been recognised or is in the process of being registered Green = Most land under customary tenure is formally recognised and registered

3 Gender equality	**Indicator 3.1** National laws uphold equal tenure rights for women and men to access, use, control, inherit and own land	1. Does the Constitution recognize equal rights to land for both women and men? 2. Does the law provide for equal rights to land for both women and men individually, jointly and during the subsistence and dissolution of marriage? 3. Do customary systems governing customary land tenure recognize and uphold equal rights to land for both women and men? 4. Does the law provide joint titling of land for spouses, including space on land register for both names? 5. Are the rights to land linked to the rights to food and to food production? 6. Do women and girls have the same inheritance rights as men and boys (they can inherit and bequeath land)? 7. Do women receive financial, legal and technical support from the government to help them register and/or delimit their land? 8. Does the State undertake civic education programmes to teach community members about equal rights for women and men?	Gender-equitable land tenure tools: refer to the Legal Assessment Tool - LAT- for gender-equitable land tenure. This can be applied as a framework to assess compliance with VGGT principles in national laws the on gender equality in access and governance of tenure. The LAT offers a scroll-down list of legal indicators for gender-equitable land tenure. They focus on the elimination of gender-based discrimination in the constitution, in inheritance, nationality, property rights and access to justice among others. Responsible gender-equitable governance of land tenure: refer to the FAO's Governance of Tenure Technical Guide #1 Governing land for women and men that has relevant checklist questions that can also supplement this guide at http://www.fao.org/docrep/017/i3114e/i3114e.pdf See pg. 1-4 Examples from East Asia on Strengthening Women's Land Rights (2014), http://documents.worldbank.org/curated/en/315891468206036629/pdf/879290BRI0AES000Box385207B-00PUBLIC0.pdf See pg. 1-4 Gender and Land Administration: Issues and Responses (2012), http://documents.worldbank.org/curated/en/638121468029954290/pdf/714070BRI0Box30IC00KB530Gender0Land.pdf See pg. 2-9, 14-15 Environmental and Gender Impacts of Land Tenure Regularization in Africa, http://documents.worldbank.org/curated/en/682321468336670055/pdf/WPS5765.pdf	Red = No such laws exist Yellow = A draft legislation has been submitted for deliberations Green = Equal tenure rights are established in multiple legal instruments
	Indicator 3.2 Women can legally enter into contracts concerning tenure rights on the basis of equality with men and have access to legal services to defend their tenure interests	1. Are women able to enter into commercial contracts to rent or lease land in the same way that men are? 2. Are women able to access the same legal services as men to defend their tenure interests? 3. Are women able to use their land and property as collateral for credit as men do? 4. Are women able to access information related to land administration and commercialisation as men do?	See pg. 22 Benchmarks for land governance in Africa, http://www.landcoalition.org/sites/default/files/documents/resources/BenchmarksLandGovernanceVGGT-ALPFG.pdf See p. 36-37 People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for promotion, implementation, monitoring and evaluation, http://www.foodsovereignty.org/wp-content/uploads/2016/06/peoplesmanual.pdf UN Convention on the Elimination of All Forms of Discrimination against Women Istanbul Declaration on Human Settlement and Habitat Agenda (1996)	Red = Women cannot enter into legal contracts concerning tenure rights on a basis of equality with men Yellow = Women can enter into legal contracts but the practice is not widespread Green = Women frequently enter into contracts on a basis of equality with men

4 Protection from land grabs[26]	**Indicator 4.1** Land transactions exceeding a certain scale are subject to high-level government approval and environmental safeguards	1. Does the law provide a ceiling on the scale of land that one legal entity (natural or legal person) can hold? 2. Are there systematic vetting mechanisms through the parliament to regulate large-scale land transfers? 3. Do government policies prioritise smallholder producers and keep the land in the hands of community users? 4. Does the government include smallholders in the formulation of rural development, agriculture or livelihood strategies? 5. Does the law provide for communities' meaningful and participatory consultation, prior, during, and post consultation, in relation to projects that would or are likely to affect their land, forest or fisheries tenure rights? 6. Is there an independent institutional/body in place to certify that the environment and social impacts assessment provided by corporate actors is sound, and has been done in a participatory and inclusive manner?	The loss of access to forest resources of communities due to deforestation is 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. http://www.wrm.org.uy GRAIN: Food Crisis and the Global Land Grab 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. http://www.farmlandgrab.org Land Grabs: The IIED's land governance handbook Foreign investment, law and sustainable development: A handbook on agriculture and extractive industries. The VGGT also feature prominently in IIED research on how investment treaties could make it more costly for governments to implement the VGGT and address 'land-grabbing' and how to harness 'pressure points' in agricultural investment chains to implement the VGGT.	Red = No safeguards regulating large-scale land transactions exist Yellow = Safeguard legislation is in the process of being developed – or exists but is weak Green = Strong safeguards are formalised in legal instruments
	Indicator 4.2 Free Prior and Informed Consent and other safeguards are implemented in all large-scale land transactions	7. Is government at sub-national and national level well informed about FPIC and use it to inform their decision-making process? 8. Does government make sure all legitimate rights holders are recognised/known (all rights are clear) before any investment takes place? 9. Does the government organise socio- economic and environmental impact assessments? 10. Does government recognise and protect human rights in defending and claiming tenure rights in communities? 11. If communities do not hold documentation proving their customary/informal tenure rights, are they protected from eviction? 12. Does the government give room for communities to decline potential projects and respect communities' decisions?	Further Questions to guide Free, Prior and Informed Consent (to put to government officials). Free Prior and Informed Consent Governance of Tenure Technical Guide #3:[27] http://www.fao.org/3/a-i3496e.pdf	Red= Government has no formal FPIC procedures in place Yellow = FPIC policies are in place but not yet applied materially Green = Government regularly ensures the application of FPIC prior to any land-related investment

26. ActionAid uses the following definition of land grabs: "Large-scale land acquisitions or concessions are defined as land grabs if they are one or more of the following:
27. violations of human rights, particularly the equal rights of women;
- not based on free, prior and informed consent of the affected land users;
- not based on a thorough assessment or are in disregard of social, economic and environmental impacts, including the particular impact on women;
- not based on transparent contracts that specify clear and binding commitments about activities, employment and benefit sharing;
- not based on effective democratic planning, independent oversight or meaningful participation."

		13. Is government at sub-national and national level well informed about FPIC and use it to inform their decision-making process? 14. Does government make sure all legitimate rights holders are recognised/known (all rights are clear) before any investment takes place?		
5 Effective land administration	**Indicator 5.1** State has established safeguards to protect the legitimate tenure rights of spouses, family members and others who are not shown as holders of tenure rights in recording systems	1. Are appropriate social and environmental safeguards in place and anchored in law? 2. Do these social and environmental safeguards specifically recognise the land and food rights of target groups? 3. Is there support towards fast tracking of laws and legislations that support effective land administration? 4. Has the State allocated the required budgetary resources for the administration of these safeguards?	See pg. 3-4, 10 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf See pg. 5 Box 2, 15-16 Guiding Questions, 19 (Informal Tenure Guiding Questions) Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTG-monitoringtool.pdf	Red= No such tenure rights safeguards exist Yellow = A draft set of safeguards is under development Green = Safeguards are in place to protect legitimate tenure rights of family members
	Indicator 5.2 All target groups are able to record their (individual and collective) tenure rights and obtain information without discrimination	5. Has the State allocated the required budgetary resources for the administration of these safeguards? • Is there financial, legal and technical support from the government dedicated to help the target group register and/or delimit land? • Are the land offices sufficiently resourced (staff, vehicles, funds) to effectively discharge their mandate? • Are land offices functioning without undue interference from both the executive and political class? • Are the fees for registering and/or delimiting community land articulated clearly and understood by all (no hidden costs)? • Are these fees rates always adhered to? • Are all applications for services from land offices processed in a fair, transparent and efficient way?	See pg. 10-12 Guiding Questions, 26 Guiding Questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTG-monitoringtool.pdf	Red = No record of tenure rights exists Yellow = Individual and collective tenure rights are recorded but target groups have not accessed them Green = Target groups are able to easily record and access documentation of their land rights

6 Conflict-resolution	**Indicator 6.1** States have supported customary and other local mechanisms that provide fair, reliable, gender-sensitive, accessible and non-discriminatory ways of promptly resolving disputes over tenure rights to land, fisheries and forests	1. Does the government support reliable and fair land dispute resolution services? 2. Does the government recognise and support (e.g. provide training for elders on gender issues) informal judicial bodies (elder courts, tribal courts, community courts, etc.)? 3. Does the government facilitate paralegal training for community members who hold informal judicial bodies accountable and prevent discriminatory practices against women? 4. Has the State revised policies to eliminate discrimination and to prevent related conflicts?	The Housing and Land Rights Violation Database records cases of violations of 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 for the human right to adequate housing, http://www.hlrn.org/welcome_violation.php See pg. 13 Guiding Questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTG-monitoringtool.pdf	Red = The state does not support fair and reliable land dispute resolution services Yellow = Land dispute resolution services are being strengthened Green = Effective support is in place for customary and other local land dispute resolution mechanisms
	Indicator 6.2 State ensures access to impartial and competent judicial and administrative mechanisms for resolving conflicts over tenure rights, especially for vulnerable and marginalised persons	5. Are local, district or national level institutions for conflict resolution easily accessible to all communities? 6. Are these bodies affordable to all, including women, youth, marginalised communities and landless? 7. Do these bodies provide prompt conflict resolution? 8. Are cases dealt with in a fair and transparent way, with all negotiations carried out openly? 9. Do the informal judicial bodies (elder courts, tribal courts, community courts etc.) uphold the rights of all community members equally, including women? 10. Does the State provide fair and transparent compensation in cases of displacement? 11. Have government officials who have been involved in land grabbing and/or abused their power, or violated tenure rights of the communities, been prosecuted?	See pg. 33-35 FIAN International Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf	Red = Tenure conflicts remain unresolved Yellow = Tenure conflict-resolution services exist but are not accessible to vulnerable and marginalised persons Green= Impartial and competent tenure conflict-resolution services exist and are accessible to everyone

Tool 1 scorecard template

1. Inclusive multi-stakeholder platforms

Indicators	Assessment [brief text describing evidence, analysis, sources]	Score [Score resulting from the evidence gathered and analysed]
1.1 State has set up multi-stakeholder platforms to collaborate on the implementation of the VGGT		
1.2 Target groups including women and holders of customary rights have access to and are supported to engage in these multi-stakeholder platforms		

2. Recognition of customary rights and informal tenure

Indicators	Assessment	Score
2.1 State has adopted policy and legal frameworks to recognise indigenous peoples and other communities with customary tenure systems		
2.2 Formal recognition of customary tenure is implemented and protected		

3. Gender equality

Indicators	Assessment	Score
3.1 National laws uphold equal tenure rights for women and men to access, use, control, inherit and own land		
3.2 Women can legally enter into contracts concerning tenure rights on the basis of equality with men and have access to legal services to defend their tenure interests		

4. Protection from land grabs

Indicators	Assessment	Score
4.1 Land transactions exceeding a certain scale are subject to high-level government approval and to social and environmental safeguards		
4.2 Free Prior and Informed Consent and other safeguards are implemented in all large-scale land transactions		

5. Effective land administration

Indicators	Assessment	Score
5.1 State has established safeguards to protect the legitimate tenure rights of spouses, family members and others who are not shown as holders of tenure rights in recording systems		
5.2 All target groups are able to record their (individual and collective) tenure rights and obtain information without discrimination		

6. Conflict-resolution mechanisms

Indicators	Assessment	Score
6.1 States have supported customary and other local mechanisms that provide fair, reliable, gender-sensitive, accessible and non-discriminatory ways of promptly resolving disputes over tenure rights to land, fisheries and forests.		
6.2 State ensures access to impartial and competent judicial and administrative mechanisms for resolving conflicts over tenure rights, especially for vulnerable and marginalised persons		

Further questions to ask government officials in relation to Principle 4 on Free, Prior and Informed Consent (reproduced from the FAO's Governance of Tenure Technical Guide # 3, Annex 1, http://www.fao.org/3/a-i3496e.pdf):

- Who is living in the targeted project area, and what are their formal and informal statuses and rights under national laws and international law?
- What is the track record of the company involved, and what voluntary standards must they abide by?
- What international instruments have your country signed, endorsed or ratified, and how are they made consistent with or incorporated into national laws?
- Who represents the local communities, and how are these representatives chosen?
- How long prior to contract signing are local communities involved in and informed about negotiations and decision-making processes?
- What is the legal status of the targeted project area, and under whose jurisdiction does it fall?
- What happens to the land once the lease terminates? Has this been made clear to the local communities?
- What benefits will the project bring to the local communities?
- What risks do the local communities run by giving their consent to the project? How will they be compensated?
- How will you seek to make information about the project readily available to local communities and NGOs, in appropriate forms and languages?
- What voluntary standards must the company abide by, and how can these be accommodated by existing national laws?
- What criteria and procedures exist, or need to be developed, to clarify how governments should implement FPIC?
- How can you ensure that the benefits of the project accrue to local communities in an equitable, corruption-free way?
- To what extent do the relevant bodies and individuals have the human, physical, financial and knowledge capacities to perform their responsibilities?
- To what extent are local communities aware of and able to access formal judicial mechanisms, should they wish to make complaints?
- What maps are available of the targeted project area, and how far do they represent customary land claims and uses?
- What measures will be undertaken if the project results in relocation of local communities?
- How can local and national NGOs inform official actions, and what role can they play in the FPIC process?
- What sanctions are in place, or need to be put into place, to ensure that operations respect the rights of local communities?
- What is the government doing to facilitate or allow the company to comply with international norms and voluntary standards?

Tool 2: Community assessment of VGGT and AU F&G implementation

Introduction

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) are a framework based on human rights obligations and standards for the governance of tenure of land, fisheries and forests. The VGGT recognise the importance of land to a country's development, and that good land governance and broad access to land enable food security for all people. The VGGT are intended for use by all governments worldwide, and are relevant both domestically and for policies related to international aid and investment.[28]

The community scorecard

The community scorecard is a participatory tool enabling communities to assess and document their knowledge and experience of the VGGT. It also allows civil society organisations (CSOs) and other actors to assess their country's current legal framework and tenure governance arrangements against six key principles drawn from the VGGT and the African Union's Framework and Guidelines for Land Policy (AU F&G), as applicable for African countries. These principles are:

- the presence of inclusive multi-stakeholder platforms;
- recognition of customary rights and informal tenure;
- provision for gender equality;
- provision for protection from land grabs;
- effective land administration;
- effective conflict-resolution mechanisms.

The following sections focus on each of these principles in turn, providing a brief principle overview and indicators against which they can be measured (see Table 1). The tool provides suggested questions to ask when assessing each indicator (which can be supplemented with further questions tailored to the context), and a suggested scale for scoring each indicator. The scorecard template at the end of the tool provides space for recording both the qualitative analysis of progress in relation to the indicator, using the questions for guidance, and the numerical rating using the sliding scale. (Note: The sliding scale of 0-1-2 may also be presented as a colour-coded scale using red, yellow and green.)

Tool objectives and focus

The purpose of this tool is to:

- generate information on VGGT and AU F&G implementation through focus group interactions with community members;
- generate the maximum level of participation by local community members and their governing bodies, agencies and representatives;
- be broadly inclusive, engaging with the landless, farmer households, community members involved in contract farming, households on the margins of plantations (but not necessarily involved in farming or contract farming), local government authorities, chiefs and other land governance authorities;
- enhance gender sensitivity and legal pluralism.

28. Act On It: 4 Key Steps to Prevent Land Grabs, ActionAid, May 2015.

The scorecard measures two aspects of VGGT and AU F&G reality on the ground:

1. General awareness and perceptions of VGGT and AU F&G principles
2. How the principles are implemented in day-to-day life

To document if the VGGT and AU F&G are strengthening democratic control of land, the tool seeks to identify:

- changes in levels of general VGGT and AU F&G awareness and understanding among rural communities ;
- shifts in gender perceptions as a result of understanding the VGGT and AU F&G;
- changes among rural community members' perceptions of individual and communal land tenure security;
- how widely the guidelines have been applied and adapted by local people and communities to exercise their land rights;
- how women and marginalised groups relate to the VGGT principles and are able to secure their tenure rights;
- how communities have applied awareness of conflict-resolution to secure tenure rights.

Who is the tool for?

This tool has three main target user groups:

- Non-governmental organisations (national and international) working on agriculture, education, food security, land governance, gender and rights.
- Community-based structures such as village or land development boards or community land committees whose responsibility it is to represent their constituents in the community.
- Community-based organisations such as women's groups and farmer groups.

Useful sources of information

- Official records at the local level
- Surveys and questionnaires
- Focus group and individual interviews

Table 1: Categories of indicator, by principle

	Principle 1	Principle 2	Principle 3	Principle 4	Principle 5	Principle 6
Awareness indicators	**1.1** Target groups are aware of multisector dialogue platforms to implement the VGGT in their area	**2.1** Target groups are aware of their individual and/ or communal land rights and the State's protection	**3.1** Target groups and women feel secure about their equal standing with men's tenure rights	**4.1** Target groups are aware of government regulation of large-scale land transactions	**5.1** Target groups are aware of national safeguards such as land registries to record their tenure rights	**6.1** Target groups are aware of revisions to laws and policies that address discrimination
Implementation indicators	**1.2** Target groups and women can engage in multi-stakeholder platforms	**2.2** Target groups can access and control land and public commons under customary tenure systems	**3.2** Target groups and women can exercise equal rights to men in land access, ownership and inheritance	**4.2** Target groups can exercise their rights to be consulted in all large-scale land transactions	**5.2** Target groups can prove and document their tenure rights	**6.2** Target groups can access land-related conflict-resolution and mediation services

Using the community scorecard

The facilitator must ensure that all parts of the community are represented in the process and that special attention is paid to address gender sensitivities.

rior to meeting with community members, the facilitators may find it useful to read the most recent status report on the VGGT[29] for a broad understanding of the importance of community-based monitoring.

The facilitators will need to have a solid understanding of the local administrative setting, including decentralised governance and local land-governing authorities, and how national laws are administered and executed at the local governance level. The facilitators will also be aware of the local land context, understand the various interests of stakeholders in land access and use, be alert to legal pluralism from a gender perspective (see Box 1), and be up-to-date on recent land developments that impact farmer households.

Box 1: Legal pluralism from a gender perspective

Legal pluralism is common throughout the world and refers to a situation where several different types of legal regimes apply to the same territory; for example, where there are customary, statutory and religious land laws, or different tenure arrangements for publicly and privately held land. This makes for a complex legal framework of overlapping rights, competing authorities and often contradictory rules, with potentially negative implications for gender-equitable governance of land tenure when laws and customary norms and practices conflict (FAQ, 2011a: 12).

Understanding of the context and complexities of the legal framework in the country concerned is vital. There is need to consider not only land laws, but also family and inheritance laws, marriage laws, civil and rural codes, as well as customary and religious laws and rules, and the ways in which they interact and/or overlap. For example, family law can have a significant impact on individual rights to land - in some countries property nights within marriage may be determined according to whether the marriage ceremony was civil, customary or religious.

Legal pluralism from a gender perspective – http://www.fao.org/docrep/017/i3114e/i3114e.pdf

A useful overall resource is the Food and Agriculture Organization (FAO) 2012 Technical Guide[30] on governing land for women and men, which aims to help implement the VGGT by providing guidance on the principle of gender equality in tenure governance. Another useful resource to refer to is FIAN's *People's Manual on the Guidelines on Governance of Land, Fisheries and Forests A guide for promotion, implementation, monitoring and evaluation*, which "contains recommendations on several subjects of utmost importance for these communities such as, among others, agrarian reform, women's rights, protection of defenders of the right to land, fisheries and forests, access to justice, the participation of communities in decision-making processes, a holistic vision of land, fisheries and forests, ancestral or informal rights and community self-government, evictions, speculation and concentration of land, armed conflicts and occupation, climate change and natural disasters"[31] (available at http://www.fian.org/fileadmin/media/publications_2016/EN__Peoples_manual.pdf).

29. Ruth Hall and Ian Scoones with Giles Henley (2016) Strengthening Land Governance: Lessons from implementing the Voluntary Guidelines. LEGEND State of the Debate Report 2016.
30. http://www.fao.org/docrep/017/i3114e/i3114e.pdf.
31. People's Manual on the Guidelines on Governance of Land, Fisheries and Forests A guide for promotion, implementation, monitoring and evaluation (p.18).

Scorecard implementation: key steps

Stage I: Initial planning and approaches

- Conduct advanced planning and preparation in a way that effectively engages the communities to be involved.
- Discuss with the community the scope and geographic coverage of the assessment.
- Develop a contextual analysis of land interests with the community (public, private and community) and the agricultural investment context at the different levels – local to national.
- Conduct advance introductory visits with local leaders to inform them of the assessment process; take the time to explain, inform and discuss the purpose of the assessment and the potential gains from improving community monitoring of the tenure governance.
- Provide community representatives with information early in the process, which can help to correct false assumptions, manage expectations and avoid confusion.
- Prepare a list of necessary materials (e.g. a map of the area, flipchart, marker pens, chalk, notebooks to record the process, pens).

Stage II: Building trust and inclusion while mobilising the community

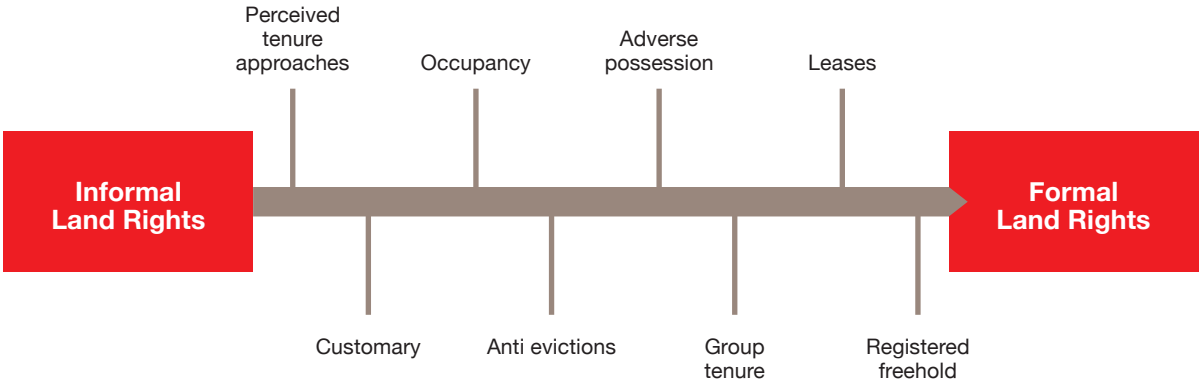
- Engage early on with trusted community leaders, and with co-facilitators from within the community who can provide local context advice and guidance.
- Identify the stakeholders to be included in the scorecard process.
- Take necessary steps to identify, engage with and include marginalised groups, including widows, female-headed households, and the landless.
- Ensure that community-meeting times suit the differing needs of participants (including women), and ensure accessibility of the venue.
- Be sensitive to power dynamics within the community and the fact that the presence of a local land administrator or local chief (or local land investor) could have a positive or negative influence on community discussions.
- While mixed group meetings have distinct advantages, it may be necessary to supplement these meetings with single-sex group meetings to encourage dialogue.
- Undertake 'audience mapping': To capture the diversity of community members attending the scorecard session, it can be valuable to ask focus group participants for a show of hands to capture data presented in Table 2 (there may be other data that community members would like to self-identify). This is important so that each focus group participant is acknowledged and has a stake in the process and outcome of the analysis and scorecard.

32. Also see: CARE Community Scorecard at http://www.care.org/sites/default/files/documents/FP-2013-CARE_CommunityScoreCardToolkit.pdf.

Table 2: Questions to help 'map' the status and needs of focus group participants

Category of land security	Marital status
1. Full access, control and ownership 2. Access only 3. Access and control but no ownership 4. Access and ownership but no control 5. Ownership but no access or control 6. No land access	7. Married 8. Co-habiting 9. Divorced/separated 10. Single 11. Widowed
Category of land security	**Marital status**
1. Full access, control and ownership 2. Access only 3. Access and control but no ownership 4. Access and ownership but no control 5. Ownership but no access or control 6. No land access	7. Married 8. Co-habiting 9. Divorced/separated 10. Single 11. Widowed

Figure 4.1: Continuum of land rights



Stage III: Implementing the scorecard with community members

Suggested programme content:

- Open the meeting with introductions and a sharing of the meeting's objectives, and a clear explanation of the VGGT and F&G. See "Module 5 of the Governing land for women and men: A technical guide to support the achievement of responsible gender-equitable governance of land tenure' entitled 'Getting the message across: Communication and awareness-raising strategies and methods for gender-equitable governance of land tenure', if appropriate.[33]
- Encourage community participation early in the meeting with a participatory exercise such as the LIFELINE tool (see Box 2), which enables community members to share, reflect upon and review recent developments. This tool is also useful in assessing the existing level of knowledge and awareness of land tenure issues and can be an entry point for establishing whether the group is open to discussing and communicating gender issues, and the types of message that might be most appropriate.

33. http://www.fao.org/docrep/017/i3114e/i3114e.pdf (p.89 onwards).

- Depending on focus group size, level of awareness and capacity, break into groups to discuss one to three principles each, or work through each principle as a group.
- Describe each principle as it relates to the local context; explain the indicator for the principle and facilitate a discussion on how the principle applies in to the community in day-to-day life. Follow with further questions as suggested in the tool, or with questions that are more relevant depending on the outcomes of the LIFELINE exercise. Community participants' responses can be recorded on a flipchart (or something similar) so that the entire audience can follow. The two main types of questions focus on (a) general awareness of the VGGT and (b) experience with operationalizing, implementing or benefiting from the application of VGGT principles.
- Depending on the numbers, levels of awareness, and capacity of the focus group, use Visualisation in Participatory Programmes (VIPP) methods[34] to enable participants to conduct their own scoring against each indicator, or wait to validate the responses with other findings and score the indicator once the research is final.
- Take note of specific quotes from target group participants as this helps to capture how the community really feels.
- Share the overall findings with the focus group at the end, even if it is not conclusive.

Box 2: Using LIFELINE as a participatory group exercise

LIFELINE gives participants and facilitators a collective perspective of developments in a particular community. A significant event is taken as starting point (e.g. the 2012 adoption of the VGGT agreement). Community members are asked in a meeting what time and events they can remember in their community. People score those years that have been best and worst. The best are given 5 points: the highest rating. The worst get 1 point: the lowest rating. All other years are scored between 1 and 5 points. A lifeline develops that gives a graphic description of developments and the scorecard questions will need to be developed or adapted with this lifeline in mind.

34. Visualisation in Participatory Programmes.
35. Land Policy in Africa, 37.

Principle 1: Inclusive multi-stakeholder platforms

Multi-stakeholder platforms (MSPs) are the recommended approach to VGGT implementation, ensuring greater participation, oversight, monitoring, evaluation, transparency and accountability among representatives of marginalised and vulnerable groups, including displaced persons, the landless, and those without sufficient land to sustain their livelihoods. The emphasis lies in inclusiveness, participation, and a multi-sectoral approach to the complexities of land governance. The AU F&G provides a template for the "design of land policy implementation strategies" and a detailed action plan to which States can refer when implementing the principles of the AU F&G It also recommends tracking systems through which all stakeholders can monitor and evaluate the progress of implementation.[35]

	Tool indicators	Guiding questions	Score	Additional sources of information to guide the assessment
	Indicator 1.1 Target groups are aware of MSP dialogue platforms to implement the VGGT in their area	1. Are rural communities aware of the existence of national or local multi-stakeholder platforms to implement the VGGT? 2. Are rural communities aware of how the platform works? 3. If there are no MSPs, would one be useful for agricultural communities? 4. Have target groups been invited and supported to participate in an MSP meeting? 5. Do rural communities perceive the VGGT to be a feasible guide for claiming their land rights?	Red= target groups are not aware of any MSP platforms Yellow= target groups are aware but do not see them as useful Green= target group representatives are aware and consider MSP to be useful/well-functioning	See p. 60-69 People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for promotion, implementation, monitoring and evaluation, http://www.foodsovereignty.org/wp-content/uploads/2016/06/peoplesmanual.pdf See pg. 38 Benchmarks for land governance in Africa, http://www.landcoalition.org/sites/default/files/documents/resources/BenchmarksLand-GovernanceVGGT-ALPFG.pdfBenchmarksLandGovernanceVGGT-ALPFG.pdfwBenchmarksLandGovernanceVGGT-ALPFG.pdf
	Indicator 1.2 Target groups and women can engage in multi-stakeholder platforms	6. Has there been active participation by women, smallholder food producers and other marginalised communities on these platforms? 7. Have target groups been able to provide feedback on existing tenure law in light of national legal frameworks, and evolving community needs? 8. Are target groups able to address their specific tenure interests through national or local MSPs? 9. Is there a general sense of better-informed dialogue and more scope for equitable negotiations among the various actors	Red= target groups have not actively participated in MSP meetings Yellow = target groups have used MSP meetings to articulate their tenure interests Green= target groups have been able to influence changes in favour of their tenure interests through the MSP	See pg. 8-9 Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 11-16 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf

Principle 2: Recognition of customary rights and informal tenure

A key VGGT tenet is recognition of all existing legitimate forms of tenure, both formal and informal.[36] *"Where States own or control land, fisheries and forests, the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected, consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. To this end, categories of legitimate tenure rights should be clearly defined and publicized, through a transparent process, and in accordance with national law."* Many indigenous communities with customary tenure rights may face an absence of legal frameworks that recognise these rights, and even where legal frameworks exist may not have access to the records necessary to prove and defend them. Similarly, the AU F&G advocates for the recognition of the "legitimacy of indigenous land rights" and calls for consultation with and participation by those who have legitimate tenure rights that could be affected by policy decisions. This principle is consistent with the concept of a continuum of land tenure, which is a useful tool for States to ensure secure tenure in a variety of contexts.

	Tool indicators	Guiding questions	Score	Additional sources of information to guide the assessment
	Indicator 2.1 Target groups are aware of their individual and/or communal land rights, protected by the State	1. Are target groups fully aware of their legitimate entitlements, customary land rights, and informal tenure? 2. Do target groups learn about government changes to laws and policies in good time? 3. Do target groups feel that current laws and policies recognise their customary tenure systems? What are the protections and are there any gaps? 4. Do target groups know how to access government services if their tenure rights are threatened? Do they know where the local land offices are?	Red= target groups are not aware of the details of their customary tenure rights in law Yellow= target groups are informed but do not consider their customary tenure systems to be recognised in national laws and policies Green= target groups are aware of the nature and extent of recognition of customary tenure rights in law/policy, and consider these laws provide adequate recognition	See pg. 32, 37, 41-42 Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 15 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf See pg. 7 Box 2 Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTG-monitoringtool.pdf
	Indicator 2.2 Target groups can access and control land and public commons under customary tenure systems	1. Have target groups successfully accessed legal documentation to prove individual or community land rights? Have they been issued with a title for their customary lands in the name of the community? 2. Have target groups successfully accessed government services or resources to apply VGGT to their tenure rights claims? 3. Has there been an increase in the number of title certificates issued to target groups?	Red = target groups have not been issued with tenure deeds or certificates, either at individual or community level Yellow = target groups are in the process of securing tenure deeds Green= target groups have secured their land rights	See pg. 26-28 Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 7 Box 2 Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf

36. Ibid., p.3.

Principle 3: Gender equality

The AU F&G recognise that "gender discrimination" is pervasive in Africa and that there is need for women's land rights to be strengthened. They therefore advocate for legal procedures that will enable women to register their land rights whether married, divorced or widowed.[37] A State that implements the VGGT or the AU F&G will legally recognise the equal rights of women and men to access, use, control, inherit and own land. This may be constitutionally enshrined so that all subsequent laws will be subject to these constitutional principles. In addition, current laws that conflict with this principle should be reviewed and legally revoked. Supplementary laws that apply this principle, for instance family laws concerned with issues such as divorce and inheritance, should be enacted consistent with human rights law.[38]

	Tool indicators	Guiding questions	Score	Additional sources of information to guide the assessment
	Indicator 3.1 Target groups and women feel secure about their equal standing with men's tenure rights	1. Are women and men in the target groups aware of national laws/ policies on women's rights to land? 2. Do they consider that these laws protect equal tenure rights of women, including inheriting and bequeathing land equally? 3. Have women and men in the target groups been able to communicate with local paralegals on their tenure rights? 4. Do women feel less secure and more vulnerable about their tenure rights following a change in marital status? 5. In case of a husband's death, do women retain their rights to land owned by both spouses? 6. Do women know how to secure financial, legal and technical support from the government to help them register and/or delimit their land? 7. Have women in the target groups had the opportunity to attend civic training events offered by the government or local grassroots organisations?	Red= target groups are not aware of national laws/policies with regard to women's rights to land Yellow= target groups are aware of national laws/ policies but do not consider them to protect equal rights of women Green= target groups feel laws/ policies protect and support equal tenure rights for women	See pg. 2-5, 24 Making Women's Voices Count in Community Decision Making on Land Investments (2016), http://www.wri.org/sites/default/files/Making_Womens_Voices_Count_In_Community_Decision-Making_On_Land_Investments.pdf See pg. 18 Guiding Questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTG-monitoringtool.pdf See pg. 23 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf See pg. 1-4 Environmental and Gender Impacts of Land Tenure Regularization in Africa: Pilot Evidence from Rwanda (2011), http://documents.worldbank.org/curated/en/386191468209367432/pdf/755600BRI-0ARGP00Box374337B00PUBLIC0.pdf
	Indicator 3.2 Target groups and women can exercise equal rights to men in land access, ownership and inheritance	1. How have women, compared to men, reported and documented ownership and decision making regarding their access to and uses of land? 2. Does joint ownership mean that women and men have equal rights over the land in reality? 3. Have local government authorities been responsive to land right demands by women, divorced women and widows? 4. Are customary leaders and/or local government authorities responsive in protecting the land rights of widows? 5. Is there evidence of women being excluded or displaced from land in recent years?	Red= target group women have no equal rights over land Yellow = target group women are making some progress in claiming equal rights to land Green= target group women and men are secure in their equal rights to land	See pg. 10-15, 17-18 Making Women's Voices Count in Community Decision Making on Land Investments (2016) http://www.wri.org/sites/default/files/Making_Womens_Voices_Count_In_Community_Decision-Making_On_Land_Investments.pdf See pg. 7 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf See pg. 8 Box 3 Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf See A Practical Guide for Addressing Gender Concerns in Land Titling Projects, http://siteresources.worldbank.org/INTARD/Resources/genderinlandguide.pdf

37. Land Policy in Africa, 15.
38. United Nations, Article 16 of Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article14.
39. Article 17 Universal Declaration of Human Rights. See http://www.un.org/en/ documents/udhr/.

Principle 4: Protection from land grabs

Land grabs and large-scale land acquisitions pose a significant threat to the land tenure security of women and small-scale food producers, especially in countries where large parts of the population have no formal proof of tenure. The VGGT offer various recommendations on measures that States can take to prevent land grabs resulting from large-scale land acquisitions, in accordance with human rights principles.[39]

While the AU F&G recommends no such alternative models of investment (and in fact notes that enhanced agricultural exports could lead to increased State revenue[40] – implying a bias towards large-scale commercial agriculture), it nonetheless concedes that the recent "scramble for land by foreign investors" raises serious problems for sustainable food production where agricultural land has been converted for other purposes.[41] In light of this, the AU adopted the Guiding Principles (GPs) for Large Scale Land Acquisition in 2014, which outlines six fundamental principles that must be considered in case of a large-scale land-based investment (LSLBI). These are:

- Fundamental Principle 1: LSLBIs respect human rights of communities to contribute to the responsible governance of land and land-based resources, including respecting customary land rights, and are conducted in compliance with the rule of law.
- Fundamental Principle 2: Decisions on LSLBI are guided by a national strategy for sustainable agricultural development that recognises the strategic importance of African agricultural land and the role of smallholder farmers in achieving food security, poverty reduction and economic growth.
- Fundamental Principle 3: Decisions on LSLBI and their implementation are based on good governance, including transparency, subsidiarity, inclusiveness, prior informed participation and social acceptance of affected communities.
- Fundamental Principle 4: LSLBIs respect the land rights of women, recognise their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalisation of women.
- Fundamental Principle 5: Decisions on the desirability and feasibility of LSLBI are made based on independent, holistic assessment of the economic, financial, social and environmental costs and benefits associated with the proposed investment, throughout the lifetime of the investment.
- Fundamental Principle 6: Member States uphold high standards of cooperation, collaboration and mutual accountability to ensure that LSLBI are beneficial to African economies and their people.

	Tool indicators	Guiding questions	Score	Additional sources of information to guide the assessment
	Indicator 4.1 Target groups are aware of government regulation of large-scale land transactions	1. Are target groups aware of how government has defined large-scale transactions in tenure rights in law, policy or guidelines? 2. Are target groups aware of how large-scale land deals are approved by government? 3. Are target groups aware of the social and environmental safeguards in their area, and how these apply to land transactions? 4. Do target groups feel that the State is supporting and promoting a range of small-scale production and investment models above large-scale transfer of tenure rights to investors?	Red= target groups are not aware of government regulations or safeguards on large-scale land deals Yellow= target groups are aware of government regulations and safeguards but consider them to be inadequate Green = target groups are aware of regulations and environmental and social safeguards, and consider them to be adequate	See pg. 23-26 Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 2-4 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf

40. Land Policy in Africa, 16.
41. Land Policy in Africa, 11 and 17.
42. Voluntary Guidelines, 14 and 9; Land Policy in Africa, 27-28.

	Indicator 4.2 Target groups can exercise their rights to be consulted in all large-scale land transactions	1. Are target groups aware that they should play a key role in processes to promote Free, Prior, Informed Consent (FPIC)? 2. Do target groups feel supported and empowered to apply FPIC principles when engaging with investors to negotiate and leverage benefits, or to resist land-based investments? 3. Have women in the community been actively involved in FPIC consultations? 4. Have women held leadership positions and represented their local community interests? 5. Have target groups been engaged in and contributed to independent assessments on the potential impacts of investments on their tenure rights, food security, livelihoods and the environment? Are these independent assessments gender-sensitive?	Red= target group women have no equal rights over land Yellow = target group women are making some progress in claiming equal rights to land Green= target group women and men are secure in their equal rights to land	See pg. 60-69 People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for promotion, implementation, monitoring and evaluation, http://www.foodsovereignty.org/wp-content/uploads/2016/06/peoplesmanual.pdf See community FPIC questions listed in FAO (2014) http://www.fao.org/3/a-i3496e.pdf See pg. 28 Benchmarks for land governance in Africa, http://www.landcoalition.org/sites/default/files/documents/resources/BenchmarksLandGovernanceVGGT-ALPFG.pdf

Principle 5: Effective land administration

"States should strive to establish up-to-date tenure information on land, fisheries and forests that they own or control by creating and maintaining accessible inventories. Such inventories should record the agencies responsible for administration as well as any legitimate tenure rights held by indigenous peoples and other communities with customary tenure systems and the private sector. Where possible, States should ensure that the publicly held tenure rights are recorded together with tenure rights of indigenous peoples and other communities with customary tenure systems and the private sector in a single recording system, or are linked to them by a common framework." A continuing challenge in many countries is the absence of effective institutions, land registries and community action for land management. The VGGT provide multiple recommendations about land administration to increase land tenure security of small-scale food producers. For effective land administration, both the VGGT and the AU F&G advocate for building the capacity of implementing agencies to ensure that policies and laws are put in place in an effective and gender sensitive way.[42] This should be done through the provision of human, financial and other inputs needed for the implementation of the VGGT, as well as ensuring co-operation of all actors involved.[43] The VGGT and the AU F&G both advocate for delivery of services by ascertaining legitimate landholders and registering and recording their land rights.[44] Policies and laws should be established to promote sharing of information on tenure rights, with everyone allowed access to this information.[45]

43. Voluntary Guidelines, 1 and 14; Land Policy in Africa, 33.
44. Voluntary Guidelines, 35; Land Policy in Africa, 20.
45. Voluntary Guidelines, 15; Land Policy in Africa, 28.
46. Interview with Purna Sen, 25 March 2014.

	Tool indicators	Guiding questions	Score	Additional sources of information to guide the assessment
	Indicator 5.1 Target groups are aware of national safeguards such as land registries to record their tenure rights	1. Are target groups aware of an official body in their area where they can register individual and collective land rights? 2. Are target groups aware that they have a right to access information on land registration and land rights? 3. Are services on land (registration, titling, dispute resolution and others) available locally? 4. Are the processes, requirements, fees and exemptions, and deadlines for responses to services widely publicised? Are target groups regularly informed of these details? 5. Do target groups feel that land recording systems reflect their culture in ways of governing land? 6. Does the government provide land and land registration-related information in simple formats for communities? 7. Is the information related to land available in a publicly accessible place? 8. Do women and community members have a clear understanding of how the registration and/or delimitation process works?	Red= target groups are not aware of land registration services in their area Yellow = target groups are aware of land registration services but do not find them accessible and/or appropriate to their needs Green = target groups are aware of land registration services and find them appropriate and accessible	See pg. 29-31 Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 6 Box 2, 15-17 Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf
	Indicator 5.2 Target groups can prove and document their tenure rights	1. Have target groups accessed land registration services easily (physical access, appropriate language, and affordability)? a. Do target groups feel that procedures are simple and affordable? b. Is the registration process user-friendly and timely? c. Are the registration procedures affordable for women and men? 2. Have women successfully registered or delimited their land? a. Has lack of time been a factor for women seeking to access these services? 3. Have target groups accessed financial, legal or technical support from the government to register and/or delimit land? a. Have women, the poor, and vulnerable groups used the services of locally based professionals including lawyers, notaries and surveyors? 4. Have target groups been able to guard against intra-community injustice and discrimination during community land titling processes, and to protect the land interests of vulnerable groups?	Red= target groups are not able to record their individual or collective tenure rights Yellow= target groups are in the process of delimiting and recording their land tenure rights Green= target groups have records of their tenure rights	See pg. 26 Guiding questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf

Principle 6: Conflict-resolution mechanisms

Independent, reliable and effective conflict-resolution mechanisms are key to ensuring justice and land tenure security for the poor, particularly women.[47] Corruption, inefficiency and high costs plague the formal court systems in many poor countries, preventing the rule of law, and accessibility and transparency in conflict-resolution mechanisms. These factors discourage the use of formal dispute resolution and cause many women and small-scale food producers to turn to informal mechanisms, many of which are based on customary practices within local communities, often putting women at a disadvantage. The VGGTs acknowledge both issues and promote the development of alternative forms of dispute resolution, while the F&G advocates for the "prevention of conflict" and "resolution through mutually acceptable dispute processing mechanisms" and strengthening conflict-resolution methods.[48]

	Tool indicators	Guiding questions	Score	Additional sources of information to guide the assessment
	Indicator 6.1 Target groups are aware of revisions to land laws and policies to address discrimination	1. Are target groups aware that the State has taken steps to review and revise land policies and laws to eliminate discrimination so as to minimise conflicts? 2. Are target groups aware that the State has official records of tenure rights that can be used to provide evidence against violations? 3. Are target groups aware that the VGGT recommend special procedures for the vulnerable, including widows and orphans? a. Do target groups believe that the work of these bodies is impartial? b. Can decisions that discriminate against the target women be appealed against?	Red= target groups are not aware that the government is taking steps to minimise land conflicts Yellow= target groups are aware that the government is reviewing and revising land policies and laws Green = target groups are aware and feel that they will directly benefit from revised government land policies and laws	See pg. 10 Committee on World Food Security: Principles for Responsible Investment in Agriculture and Food Systems (2014), https://www.landesa.org/wp-content/uploads/Tools-to-Enable-Socially-Responsible-Land-Related-Investment.pdf See pg. 7 Box 2 Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf See pg. 21 Benchmarks for land governance in Africa, http://www.landcoalition.org/sites/default/files/documents/resources/BenchmarksLandGovernanceVGGT-ALPFG.pdf
	Indicator 6.2 Target groups can access land-related conflict resolution and mediation services	1. Have target groups received or benefitted from 'legal empowerment' capacity support through local groups and CSOs to resolve conflicts? 2. Where target groups have suffered land loss, has the original parcel or holding been returned or have they received compensation only in the form of money or the issue of alternative holdings? 3. Do women affected by land conflicts feel that their tenure problems are addressed in ways that contribute to gender equality and are resolved in a lasting, sustainable way? 4. Have target groups been engaged or involved in monitoring of tenure rights from a human rights perspective? 5. Have land conflicts been resolved in ways that secure tenure for community access to natural resources and to small-scale food production?	Red= target groups are not aware that the government is taking steps to minimise land conflicts Yellow= target groups are aware that the government is reviewing and revising land policies and laws Green = target groups are aware and feel that they will directly benefit from revised government land policies and laws	See pg. 20-23 Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), http://www.fian.org/fileadmin/media/publications/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf See pg. 27-30 Guiding Questions Monitoring the governance of land, fisheries and forests: A monitoring tool based on the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (2015), http://www.fian.org/fileadmin/media/media_publications2015/publications_October2015/BroschuereTGmonitoringtool.pdf

47. Julius Court, Goran Hyden and Ken Mease, The Judiciary and Governance in 16 Developing Countries, World Governance Survey Discussion Paper 9, (United Nations University, 2003), http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4108.pdf.
48. Land Policy in Africa, 13 and 14.
49. Act On It: 4 Key Steps to Prevent Land Grabs, ActionAid, May 2015.

Tool 2 scorecard template

1. Inclusive multi-stakeholder platforms

Indicators	Assessment [brief text describing evidence, analysis, sources]	Score [Score resulting from the evidence gathered and analysed]
1.1		
1.2		

2. Recognition of customary rights and informal tenure

Indicators	Assessment	Score
2.1		
2.2		

3. Gender equality

Indicators	Assessment	Score
3.1		
3.2		

4. Protection from land grabs

Indicators	Assessment	Score
4.1		
4.2		

5. Effective land administration

Indicators	Assessment	Score
5.1		
5.2		

6. Conflict-resolution mechanisms

Indicators	Assessment	Score
6.1		
6.2		

Tool 3: Assessing implementation of the VGGT in aid and investment

Introduction

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) are a framework based on human rights obligations and standards for the governance of tenure of land, fisheries and forests. The VGGT recognise the importance of land to a country's development, and that good land governance and broad access to land enable food security for all people. The VGGT are intended for use by all governments worldwide, and are relevant both domestically and for policies related to international aid and investment.[49]

The VGGT complement international standards such as the UN Guiding Principles for Human Rights and Business that further lay out responsibilities for governments and private sector regarding human rights and due diligence, and the African Union's Framework and Guidelines for Land Policy (AU F&G). (While the latter has specifically been adopted by the African Union, it is understood here that all countries should take into account policies that are adopted in the countries and regions where they are operating.)

Tool objectives and focus

While there is ample scope for application of the VGGT to national contexts in Europe, Australia and North America, this tool focuses on policies and programmes that have an impact on developing countries, with a particular focus on aid and investment.

This tool therefore assesses the extent to which governments of high-income countries apply the VGGT, and is structured around six main VGGT principles identified by ActionAid:

1. Inclusive multi-stakeholder platforms
2. Recognition of customary rights and informal tenure
3. Gender equality
4. Protection from land grabs
5. Effective land administration
6. Conflict-resolution mechanisms

The tool presents a set of 10 indicators (two each for Principles 1, 2, 3 and 6; and one each for Principles 4 and 5). The indicators address two main dimensions of VGGT alignment:

1. The extent of government development assistance support for VGGT implementation.
2. The extent to which governments hold themselves accountable to VGGT principles in their aid and investment policies and programmes for developing countries.

For the purposes of this assessment, investment policy is considered to include a range of policies that impact on (land-related) private sector investments abroad, from government policies promoting or subsidising private sector investments directly (e.g. loans, grants, technical or other support from embassies or other government entities) to broader corporate social responsibility policies and regulatory frameworks.

50. Voluntary Guidelines, 39 (paragraph 26.2).

Guiding questions tailored to each of the 10 indicators explore possible differences between policies governing land-related investments with direct government participation and those without direct participation. While trade policies may also be very relevant to the issue of land governance, they are not included within the scope of the current tool.

The following sections focus on each of these principles in turn, providing a brief summary of the principle and 1-2 indicators against which they can be measured. The tool provides suggested questions to ask when assessing each indicator (which can be supplemented with further questions tailored to the context), and a suggested scale for scoring each indicator. The scorecard template at the end of the tool provides space for recording both the qualitative analysis of progress in relation to the indicator, using the questions for guidance, and the numerical rating using the sliding scale. (Note: The sliding scale of 0-1-2 may also be presented as a colour-coded scale using red, yellow and green.)

Principle 1: Inclusive multi-stakeholder platforms

The VGGT recommend multi-stakeholder platforms (MSPs) as the main approach for their implementation, monitoring and evaluation in order to ensure participation, collaboration, transparency and accountability. MSPs may be established at multiple levels, should be gender-sensitive and involve representatives of marginalised and vulnerable groups. The emphasis is on meaningful and informed participation, inclusiveness, gender sensitivity and a multi-sectoral approach to the complexities of land governance.

	Tool indicators	Guiding questions	Score
	Indicator 1.1 Government supports MSPs for land governance in aid-receiving countries	1. Do your government's aid policies and programmes support national MSPs for land governance in aid-receiving countries? 2. Does government support prioritise the inclusion of key rights-holders and stakeholders in MSPs? 3. Does development assistance to MSPs support the meaningful consultation and participation of key rights-holders and stakeholders in the formulation, implementation and monitoring of land governance policies and frameworks? 4. Does development assistance support the meaningful consultation and participation of rights-holders and stakeholders in the formulation, implementation and monitoring of policies regarding large-scale land acquisitions?	Red = Government does not provide support for multi-stakeholder processes relating to the VGGT Yellow = Government provides some support for national MSPs for land governance Green = Government actively supports MSPs for land governance/VGGT implementation
	Indicator 1.2 Government supports and participates in MSPs in own country/region to promote VGGT implementation	5. Does your government participate in national or regional fora to promote implementation of the VGGT? 6. Is your government able to hold private sector players and investors accountable by requiring them to engage in MSPs? 7. Are the discussions and decisions of such national MSPs in line with the principles of consultation and participation of the VGGT?	Red = Government does not sponsor or participate in MSPs for the VGGT Yellow = MSPs are established but not active, or do not engage key actors such as the private sector Green = MSPs are active and engage relevant stakeholders

51. Voluntary Guidelines, 3.

Principle 2: Recognition of customary rights and informal tenure

A key VGGT tenet is the recognition of all existing legitimate forms of tenure, both formal and informal.[51] In particular, indigenous peoples and other communities with customary tenure systems often face an absence of legal frameworks recognising these rights, and even where legal frameworks exist may not have secured titles and/or documentation that would enable them to prove and defend them. To address these limitations, the VGGT call on States to provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems and to adapt their policy, legal and organisational frameworks to recognise such tenure systems.[52] This principle is consistent with the concept of a continuum of land tenure, which is a useful tool for States to ensure secure tenure different contexts.

	Tool indicators	Guiding questions	Score
	Indicator 2.1 Government aid policies and programmes include provisions to support customary and informal tenure rights and ensure against infringements	5. Has the government adopted a policy for its development assistance regarding customary and informal tenure? If so, does this meet the standards of the VGGT? 6. Does the government ensure that its bilateral aid programmes related to land governance fully conform with the VGGT guidance on customary and informal tenure rights? 7. Does the government require due diligence to examine, record and report potential impacts on customary and informal rights prior to land-related aid projects? 8. Does government development assistance include proactive support to secure customary and informal tenure rights? 9. Is government support for securing customary tenure aligned with the VGGT? 10. Are government representatives and agencies, including embassies, aware of VGGT guidance on legitimate tenure rights?	Red = Government aid policies include no requirement to prevent infringements of customary and informal tenure Yellow = Government has aid policies regarding customary tenure or provides proactive support, but not both Green = Government has aid policies regarding customary tenure and provides proactive support to recognise and secure customary rights
	Indicator 2.2 Government investment policies include requirements to respect customary tenure and guard against infringements	11. Do government policies for land-related investments – with government participation – include requirements to respect customary and informal tenure rights? 12. Do government policies for land-related investments – without government participation – include requirements to respect customary and informal tenure rights? 13. Do these requirements conform with the VGGT? 14. Is implementation of these requirements consistently monitored?	Red = Investment policies do not include requirements regarding respect for customary tenure Yellow = Investment policies include requirements regarding customary tenure, but these are partial, or not well implemented or monitored Green = Investment policies include requirements regarding customary tenure and their implementation is monitored

Principle 3: Gender equality

A State that implements the VGGT will legally recognise the equal rights of women and men to access, use, control, inherit and own land. This may be constitutionally enshrined so that all subsequent laws are subject to these constitutional principles. In addition, current laws that conflict with this principle should be reviewed and legally revoked. Supplementary laws that apply this principle, for instance family laws concerned with issues such as divorce and inheritance should be enacted, consistent with human rights law.[53]

52. Voluntary Guidelines, 15.
53. United Nations, Article 16 of Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, http://www.

	Tool indicators	Guiding questions	Score
	Indicator 3.1 Government aid policies and programmes include provisions to support women's tenure rights and ensure against infringements	8. Has the government adopted a gender policy for its development assistance that includes provisions to safeguard women's tenure rights? If so, does this meet VGGT standards? 9. Does the government ensure that its bilateral aid programmes related to land governance fully conform with VGGT guidance on women's tenure rights? 10. Does the government require due diligence to examine, record and report potential impacts on women's tenure rights prior to land-related aid projects? 11. Does government development assistance include proactive support to secure women's tenure rights? 12. Is government support to securing women's tenure rights aligned with the VGGT? 13. Are government representatives and agencies, including embassies, aware of the VGGT guidance on women's tenure rights?	Red = Government aid policies do not include provisions to ensure against infringements of women's tenure Yellow = Government has aid policies regarding women's tenure rights or provides proactive support to secure them, but not both Green = Government has aid policies regarding women's tenure and provides proactive support to recognise and secure women's tenure rights
	Indicator 3.2 Government investment policy ensures against infringement on women's tenure rights	14. Do government policies for land-related investments – with government participation – include requirements to respect women's tenure rights? 15. Do government policies for land-related investments – without government participation – include requirements to respect women's tenure rights? 16. Do these requirements conform with the VGGT? 17. Is the implementation of these requirements consistently monitored?	Red = Investment policies do not include requirements regarding respect for women's tenure Yellow = Investment policies include requirements regarding women's tenure, but these are partial, or not well implemented or monitored Green = Investment policies include strong requirements regarding women's tenure and these are monitored

Principle 4: Protection from land grabs

Land grabs and large-scale land acquisitions pose a significant threat to the land tenure security of women and small-scale food producers, especially in countries where large parts of the population have no formal proof of tenure. The VGGT note that the *State should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks associated with large-scale land acquisitions.*[54] They further call on States to consider promoting production and investment models that do not result in the transfer of tenure rights to investors.

The focus of this indicator is on the private sector pillar of aid and on other investment policies – that is, any companies receiving State support, as well as broader policies for corporate social responsibility (CSR). The prominence of land-grabbing concerns has led to the development of some related guidelines and assessments, in particular:

- OECD-FAO Guidance for Responsible Agricultural Supply Chains: http://www.oecd.org/daf/inv/investment-policy/rbc-agriculture-supply-chains.htm
- Principles for Responsible Investment in Agriculture and Food Systems: http://www.fao.org/fileadmin/templates/cfs/Docs1314/rai/CFS_Principles_Oct_2014_EN.pdf

un.org/womenwatch/daw/cedaw/text/econvention.htm#article14.

54. Article 17, Universal Declaration of Human Rights. See http://www.un.org/en/ documents/udhr/, accessed 17 April 2014.
55. Voluntary Guidelines, 29.

	Tool indicators	Guiding questions	Score
	Indicator 4 Government requires private companies and investors to avoid land grabbing in their overseas activities	1. Does the government establish and enforce laws and regulations to prevent land-grabbing in the overseas activities of private companies and investors? Are the obligations of investors and of investing companies clear and publicly available? 2. Does the government go beyond minimum compliance standards for land-related investments so they are supporting the implementation of the VGGT? For example, do they require OECD-FAO guidance, Responsible Agriculture Investment principles or other VGGT guidance for companies? 3. Does the government contribute to the development or strengthening of international standards regarding land based investments so that they support implementation of VGGT? 4. Does the government ensure – through requirements regarding due diligence/impact assessments and monitoring – that support to business enterprises does not lead to infringements on human rights and legitimate tenure rights? 5. Does the government set investment policies that minimise land transfer and prioritise investment in small-scale food producers and communities? 6. Does the government actively promote production and investment models that do not result in large-scale transfer of tenure rights to investors? 7. Does the government require investing companies to seek Free, Prior and Informed Consent (FPIC) from communities whose land and natural resource rights are likely to be affected by an investment (even where FPIC is not legally enforced by the host government)? 8. Does the government promote awareness and respect for land rights, in accordance with the VGGT, in public procurement and other commercial transactions?	Red = Government regulation of overseas activities of private sector regarding Large Scale Land Acquisition is weak to non-existent Yellow = Government has a regulatory framework and policies in place but has not implemented them Green = Government ensures against land grabbing in private sector activities and investments

Principle 5: Effective land administration

A continuing challenge in many countries is the absence of effective institutions, land registries and community action for land administration. The VGGT provide multiple recommendations about land administration to increase land tenure security for small-scale food producers, including that, *"States should provide systems… to record individual and collective tenure rights in order to improve security of tenure rights."*[55] Both the VGGT and the AU F&G advocate for building the capacity of implementing agencies to ensure that policies and laws are put in place in an effective and gender-sensitive way.[56] This should be done through the provision of human, financial and other inputs required for VGGT implementation, as well as ensuring the co-operation of all actors.[57] Both the VGGT and the AU F&G advocate for delivery of services by ascertaining legitimate landholders and registering and recording their land rights.[58] Policies and laws should be established to promote sharing of information regarding tenure rights to which everyone has a right of access.[59]

56. Voluntary Guidelines, 14 and 9; Land Policy in Africa, 27-28.
57. Voluntary Guidelines, 1 and 14; Land Policy in Africa, 33.
58. Voluntary Guidelines, 35; Land Policy in Africa, 20.
59. Voluntary Guidelines, 15; Land Policy in Africa, 28.
60. Interview with Purna Sen, 25 March 2014.

	Tool indicators	Guiding questions	Score
	Indicator 5 Government supports the implementation of VGGT through strengthening land administration institutions and processes	9. Does the government provide development assistance to strengthen land administration institutions? 10. When supporting land administration/land governance work in aid-receiving countries, does the government emphasise the spectrum of land rights and tenure arrangements? 11. Does government support the use of participatory processes in land administration? 12. Does the government engage capacities of CSOs and others to support land administration?	Red = Support for institutional strengthening to implement the VGGT is weak to non-existent Yellow = There is some technical assistance to strengthen national institutions to implement VGGT Green = Government provides significant support to Institutional strengthening for VGGT implementation, including through participatory processes

Principle 6: Conflict-resolution mechanisms

Independent, reliable and effective conflict-resolution mechanisms are key to ensuring justice and land tenure security of the poor, particularly women.[60] Corruption, inefficiency and high costs impede the formal court systems in many poor countries, preventing the rule of law, and accessibility and transparency in conflict-resolution mechanisms.[61] These factors discourage the use of formal dispute resolution and cause many women and small-scale food producers to turn to informal mechanisms, many of which are based on customary practices in local communities, often putting women at a disadvantage. The VGGT acknowledge both issues, and promote the development of alternative forms of dispute resolution, while the AU F&G advocates for the "prevention of conflict" and "resolution through mutually acceptable dispute processing mechanisms", and strengthening conflict-resolution methods.[62]

	Tool indicators	Guiding questions	Score
	Indicator 6.1 Government aid supports fair and effective mechanisms for resolving disputes over tenure rights	1. Does your government support the establishment of fair and effective mechanisms for resolving disputes over tenure rights in aid-receiving countries? 2. Does development assistance include support for alternative forms of dispute resolution, especially to address needs of women and customary rights-holders? 3. Does development assistance for dispute resolution mechanisms support good practice (e.g. that they are fair, reliable, accessible, gender sensitive and non-discriminatory)?	Red = Government support for dispute resolution is weak to non-existent Yellow = Government support for dispute resolution is currently being developed Green = Government provides strong support for dispute resolution
	Indicator 6.2 Government has established accessible grievance mechanisms for tenure issues in its international aid and investment	1. Does your government have a grievance mechanism for its international development projects? 2. Does your government have a grievance mechanism for international investment projects with government participation? 3. Do these grievance mechanisms meet good-practice standards for such mechanisms (e.g. that they are fair, reliable, accessible, gender sensitive and non-discriminatory)? 4. Are the mechanisms functioning well?	Red = No grievance mechanisms are in place Yellow = Grievance mechanisms are partial (only for development projects or investment, but not both) and/or are not functioning well Green = Grievance mechanisms are in place for aid and investment, and function well

Tool 3 scorecard template

1. Inclusive multi-stakeholder platforms

Indicators	Assessment [brief text describing evidence, analysis, sources]	Score [Score resulting from the evidence gathered and analysed] 0-1-2 (or RED – YELLOW – GREEN)
1.		

2. Recognition of customary rights and informal tenure

Indicators	Assessment	Score
2.		

3. Gender equality

Indicators	Assessment	Score
3.1		

4. Protection from land grabs

Indicators	Assessment	Score
4.		

5. Effective land administration

Indicators	Assessment	Score
5.		

6. Conflict-resolution mechanisms

Indicators	Assessment	Score
6.		

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ActionAid is a global movement of people working together to achieve greater human rights for all and defeat poverty. We believe people in poverty have the power within them to create change for themselves, their families and communities. ActionAid is a catalyst for that change.

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