How to monitor and promote
policy changes on
governance of tenure

What to monitor?

Text-only version

In this lesson

LEARNING OBJECTIVES

At the end of the lesson, learners should be able to:

- identify when a monitoring initiative makes strategic sense for an organization to undertake; and

- understand how what you monitor can lead to policy change.

INTRODUCTION

To develop a plan of action to promote policy changes on governance of tenure, one key question is:

? **How to identify what to monitor on governance of tenure?**

This lesson will help you to answer that question. In particular, we will review when a monitoring initiative makes strategic sense for an organization and we will introduce the policy cycle concept in relation to evidence gathering.

WHAT IS MONITORING?

Example

> The National park was established in territories once titled to the indigenous peoples living in the area, who made sustainable use of the woods, plains, and waters of the land. Following the establishment of the National Park, indigenous peoples were forcibly evicted from their lands and resettled.

Now, the indigenous community faces conditions of extreme poverty and homelessness, with no access to and use of land, territories and natural resources. This displacement has caused an increase in conflicts and malnutrition, with poor options for earning a living. In addition to this, the shared knowledge of the community are being lost.

Intense public discussion had followed the establishment of the National Park that had resulted in the forcible eviction of the indigenous community. Human rights groups undertook the following actions, but only one of these represents a **monitoring initiative.**

An international TV channel made a film recording on the personal story of David, who represents one of the 250 tenants evicted from forest areas.	⮕	This is **journalism**, because it gathers qualitative evidence in the form of an eye-witness account (or a personal story) captured on film.
A group of researchers did an in-depth study of the case, using scientific methodologies, to identify what are the impacts on indigenous peoples as a result of dispossession from their ancestral land.	⮕	This is **research**, because it requires gathering of quantitative and qualitative information on a certain topic using scientific methodology, to allow a critical assessment of the accuracy and representativeness of the data.
A local NGO has been collecting data on the locations where the evictions have taken place in the province and the number of individuals and families that have been affected since 2000. The local NGO records the displaced community's data, and makes it publicly available on their Web site.	⮕	Indeed this is a **monitoring initiative**, because a series of observations have continued to be made over time to record the location and number of families that have been forcibly displaced in the province.

This illustration clearly shows the difference between the characteristics of research and monitoring.

Research

A snapshot of quantitative and qualitative
information at one point in time.

Monitoring

A methodology that can be repeated over time.
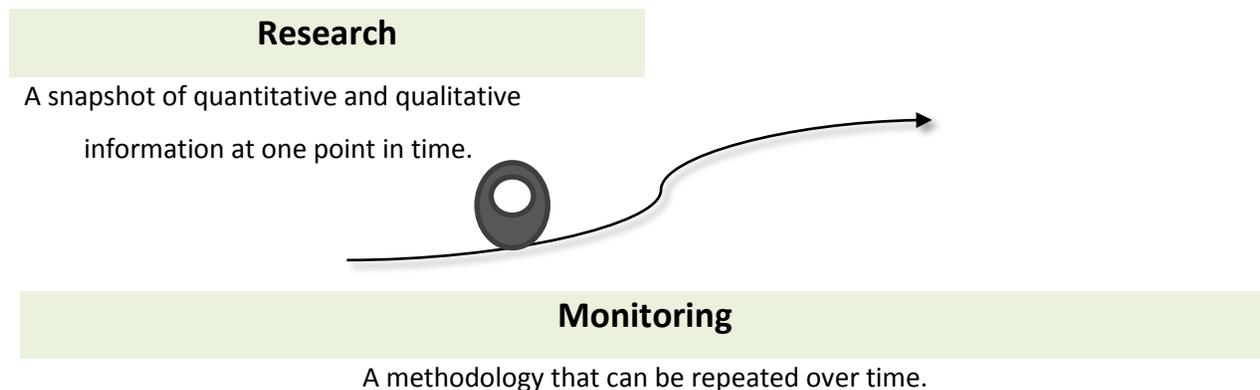
> **DEFINITION**
>
> Typically, **monitoring** means making a series of **observations over time** to assess compliance with, or the achievement of, certain standards or objectives. Many monitoring initiatives start off as one-off assessments which may or may not be repeated.

DOES MONITORING SUIT YOUR NEED?

Now that we have defined a monitoring initiative, the next step is to decide whether a monitoring initiative related to governance of tenure **makes strategic sense** for your organization. Sometimes organizations develop and pilot monitoring tools.

? Results

They do not have a clear plan of how the data they hope to produce can be used to effect policy change.

? Resources

They do not determine whether they have the capacities for monitoring (including financial resources).

? Plan

They do not clearly define the results they are aiming to achieve
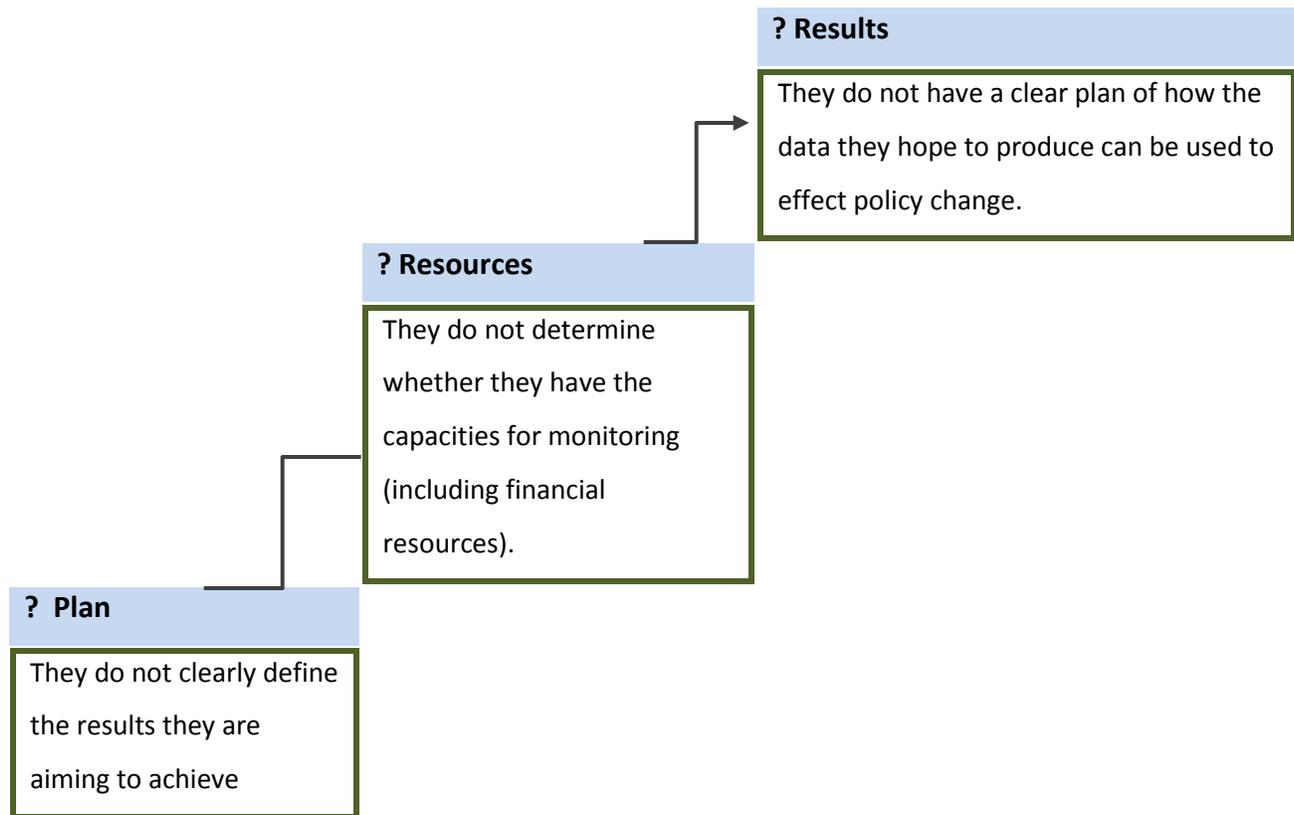
How do you manage these issues?

Example

Bora works for a women's organization that provides training and facilitates contractual arrangements between local government units and local users (especially women) to access and maintain communal forestlands. She has decided to monitor the situation of women forest users and provide recommendations to the government.

Why monitor on this issue?

Because the conditions of women forest users is not a focus of current government policy or budget allocations, which makes it a relevant issue for their organization. The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) themselves affirm that women and girls have equal

tenure rights and access to land, fisheries and forests independent of their civil and marital status. She already knows how to use the data gathered in our monitoring initiative. The data could contribute to the alternative civil society reports using Articles 14, 15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Their government is one of the first signatories of this convention.

It is an interesting initiative, but, due to existing commitments, the organization will not be able to have additional human and financial resources dedicated to this activity...

> *i* *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*
>
> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as **an international bill of rights for women**. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. Monitoring of the compliance to CEDAW takes place through the submission of national reports by the countries who have ratified the CEDAW, at least every four years. Civil society organizations can also contribute to submit alternative reports to the ones submitted by their respective country, in order to draw the attention of the state to particular issues of concern.

To understand if this monitoring initiative makes strategic sense for her organization, Bora should consider the following **checklist**.

? Plan

▶ There are agreed and respected norms against which compliance can be assessed to advocate for policy change. **Human rights conventions, negotiated guidelines** such as the Voluntary Guidelines on the Responsible Governance of Tenure and agreed principles **may justify monitoring efforts** and provide a clear focus. Monitoring efforts may be linked to official international reporting mechanism, or to strategic litigation.

▶ The monitoring initiative responds to a window of opportunity to effect change. Monitoring initiatives can be most effective where they are planned in response to a realistic assessment of the political context.

While creating pressure in a hostile context is a legitimate aim, more direct results are likely where **relevant stakeholders are committed** to the norms or goals being monitored, and have a stake in the monitoring process.

? Resources

▶ The organization has the capacity to undertake the proposed monitoring initiative. Sometimes monitoring plans strongly underestimate the **costs** involved in gathering new data. On the other hand, new data gathering is sometimes written off as impossible, without considering **innovative strategies for getting new information**. Prior to the implementation of the monitoring initiative, organizations could undertake an assessment of technical expertise and financial resources needed to meet the initiative's ambitions.

? Results

▶ It is clear how monitoring results will contribute to the work of the organization. Monitoring efforts by concerned actors have sometimes responded to a perceived need to do monitoring, without clear planning on how monitoring results are going to be used in advocacy or dialogue processes.

▶ The monitoring brings attention to a single, clear and under-represented issue.

It needs to be clear at the planning stage **how monitoring will fit into an organization** own overall **strategy** for achieving change. Not all monitoring needs to measure compliance against agreed norms. It can also be effective drawing attention to a neglected issue. But such efforts are likely to be successful where the focus **is a single issue** about which a clear message can be presented. Attempts to monitor a range of land-related issues are much more difficult to integrate in an advocacy strategy.

On the basis of Bora' s example and of the check-list we have reviewed, this initiative cannot be undertaken at this point in time by Bora's organization.

Check-list options to understand why the monitoring initiative cannot be carried out now by Bora's organization

Plan

☑ There are agreed and respected norms against which compliance can be assessed to advocate for policy change.

Yes, the **VGGT** affirms the principles of gender equality. The **CEDAW** is often described as an international bill of rights. States that have ratified the convention are legally obliged to put its provisions into practice and to report on it at least every four years. Civil society organizations can draw attention to particular issues through the production of alternative shadow reports in addition to the one submitted by the state.

☑ The monitoring initiative responds to a window of opportunity to affect change.

Yes, the issue of guaranteeing equality to women to gain access to and maintain communal forests **is not a part of current government agenda** and budget.

Result

☑ It is clear how monitoring results will contribute to the work of the organization.

Yes, Bora works for a women's organization that facilitates women to have user rights to communal forests. The decision to monitor the situation of women forest users rights with respect to the levels of compliance to the CEDAW is **relevant to the work of her organization**.

☑ The monitoring initiative responds to a window of opportunity to effect change.

Yes, the states that have ratified or acceded to CEDAW are legally obliged to put its provisions into practice. By using the CEDAW, Bora is able to **bring attention to the situation of women user's rights to forestlands** to policymakers. This attention may bring about the desired changes to realize women's rights to what the state has also agreed to within the framework of CEDAW.

Resources

☒ **No**, the collection of new primary data may not be realistic for Bora's organization **given current resource and capacity constraints**.

The review of the checklist with Bora has shown that not all conditions are respected by her organization to conduct the monitoring. However, there may be **other options** for Bora to pursue in case she still wants to make the data collected during her work visible to the policymakers and the public for advocacy purposes.

Bora can choose one or more of these options...

- ➲ To undertake a one-off assessment such as a scoping study or research paper. This assessment could set up a baseline for future monitoring initiatives by my organization or others on the proposed topic.
- ➲ To provide collected data to other monitoring initiatives. Her organization could decide to collect data periodically or at sporadic intervals. This data could then be provided to monitoring initiatives undertaken by partner organizations with capacities and interest in this topic.
- ➲ To continue to collect data when available feed into the development of a monitoring initiative when resources have been mobilized or partnerships have been developed.

POLICY CYCLE AND POLICY PROCESS

The monitoring initiative can be utilized to realize good governance of tenure. To this end, the monitoring initiative can focus on changing a particular aspect of policy. For example, it can open the discussion on a **particular draft law** or policy being discussed by the legislative body and it can focus on the **impacts** of a particular law or policy that was implemented.

In this context, it is important to review the basic flow of the **policy process** in relation to the **policy cycle**, to identify potential entry points for engagement related to formulation, implementation or other stages of a policy cycle.

Under normal circumstances, the **policy cycle** develops along a series of phases.

Policty cycle

Policy process

Inputs

Processes

Outputs

Outcomes

Impacts
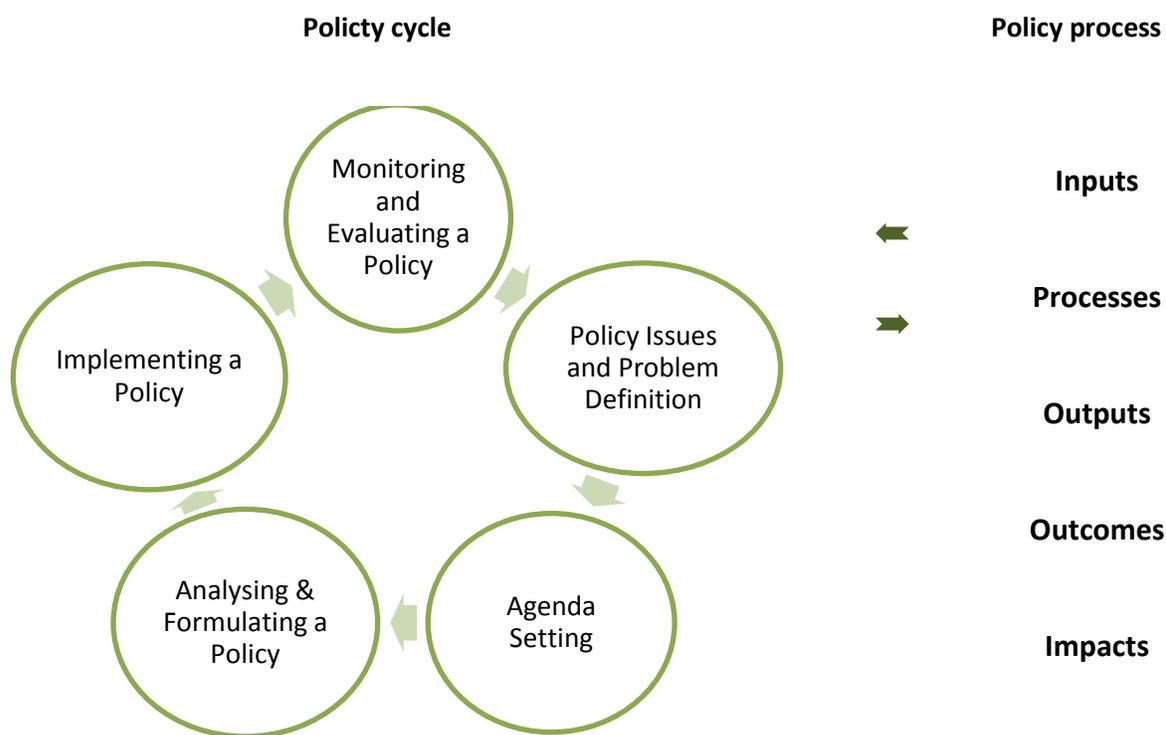
Generally, the policy cycle assumes that advocacy efforts or policy review processes initiate the policy cycle. A policy is formulated by relevant experts, following which it may be approved by the government. The policy is then implemented by government which also monitors and evaluates it.

> *More on policy evaluation*
>
> Following the end of the policy implementation period, a final policy evaluation and review is made, the inputs of which may be used to re-start the cycle of policy-making. In practice, the flow of policy development and evaluation may not follow this cycle rigidly, as **monitoring and evaluation may happen at each stage** of a policy cycle, for example.

Policy process elements

➲ Inputs

A series of external events initiate the process of policy-making. These are the **inputs**.

Inputs refer to the political context that leads to the implementation or non-implementation of tenure policy.

Examples of inputs include:

⇒ The nature of the legal framework.

⇒ Budget allocation and political commitment.

➲ **Processes**

Policy-making is constituted of **processes**.

Processes refer to the implementation phase of the tenure-related policy, where the quality of services provided in the course of policy implementation can be measured.

An area of interest related to processes is, for example: **Tenure administration efficienc**y

Examples of indicators to monitor this area:

⇒ Number of days taken to register a transfer of land title.

⇒ Average cost of resolving a boundary dispute as percentage (%) of property value.

➲ **Outputs**

Outputs refer to the implementation and results phase of the policy implementation process, **where the quantity of services provided** (total number of documents, claims, etc.) in the course of policy implementation can be measured.

An example of output includes: **Scale of tenure administration and reform effort**

Example of an indicator to monitor this area:

⇒ Total number of communal tenure certificates issued.

➲ **Outcomes**

Outcomes are the direct results of policy implementation processes and outputs.

Monitoring outcomes may focus, for example, on examining these areas: Perception of tenure security

And Prevalence of land disputes

Examples of indicators for monitoring:

⇒ Percentage of landholders who feel they are "likely" to lose access to land within five years.

⇉ Percentage of rural households involved in outstanding disputes over access to land resources.

➲ **Impact**

> **Impacts** refer to the ultimate aims of our concern with land issues, such as poverty reduction and sustainability. While outcomes are direct effects of policy implementation, impacts can be felt downstream and/or can be indirect effects that may also be influenced by other factors.

Example of how to monitor impacts: **Broader measures related to rural development**

Examples of indicators to monitor this area:

⇉ Percentage of farming households using land as collateral to access credit.

⇉ Number of households claiming to have achieved improvements to their landholdings.

Example

1. The average time needed to resolve a judicial dispute. → **Processes**
2. The number of service centres established by land registries in the most remote areas of the country. -- **Outputs**
3. The level of corruption in the country as it is perceived by its inhabitants. → **inputs**

Processes refer to the implementation phase of the tenure-related policy, where the quality of services provided in the course of policy implementation can be measured. **Outputs** refer to the implementation and results phase of the policy implementation process, where the quantity of services provided in the course of policy implementation can be measured. **Inputs** refer to the political context that leads to the implementation or non-implementation of tenure policy.

CHOOSING THE FOCUS ISSUE OF MONITORING

The decision on whether to focus your monitoring activity on a specific policy can be greatly influenced by a number of factors.

Availability and collectability of data on a chosen issue

- Does the data show what we think it does?
- What value can we add if we use what is already there?
- Can we gather new data following an estimation of our capacities and resources?
- Are there innovative strategies for getting new information?

"My organization did not have the human resources and competence to gather new data. So, we decided to collaborate with a partner organization that had recently collected data relevant to our purpose, but had not analysed it. This collaboration benefitted both of us..."

Scope of your monitoring activity

Outcomes and impacts can be a more powerful basis for advocacy than implementation statistics. What is important is to make sure that monitoring does not just focus on what is easy to do, but tackles more difficult areas when needed.

"We had begun by gathering data and building statistics on the main policy processes, but we soon realized that outcomes like dispossession and landlessness, and impacts, like poverty and land degradation, could be more powerful and effective. We enlarged the scope of our monitoring from processes to outcomes and impacts..."

Availability of political windows of opportunity for your monitoring input

Effective policy review cannot really avoid seeking data on outcomes, but for many other purposes this may not be important. For example, the results from your participatory community monitoring initiative can generate policy dialogue that takes in concerns from the ground. This can make the policy-making process more open, consultative and transparent. VGGT and the African Land Policy Framework and Guidelines (ALPFG) have a similar focus in making policy formulation and implementation more open and participatory processes.

"When the Land Bill was being discussed in the Parliament, we were able to generate policy interest through the media coverage of the results of our monitoring initiative. This factor led to the government opening the bill up for a public hearing."

MANAGING RISKS

The following final example shows how, in addition to other factors, it is important to consider whether there are any risks (**including human rights risks**) related to a monitoring initiative, and strategies for managing that risk.

Jean is undertaking a monitoring initiative, where he records violations reported by individuals in relation to large land acquisitions occurring without free, prior and informed consent, and often with violence.

Certain powerful elite in an area **have threatened the local farmers with** violence if further reports are made.

"I could report the threats faced by the community to the media, or I could consider not uploading the information to a public domain, sharing it only for private advocacy efforts. I could also discuss with the community whether we should wait until the situation becomes less threatening. "-**Jean**

There is not just one response that can address such risks. Similar situations need to be managed on a case-by-case basis, evaluating the political and social contexts, and in consultation with the affected groups

Examples

Now, you can review the topics covered in this lesson by following the experience of Maricel and Kamal.

The background	Maricel works for an NGO promoting legal recognition of subsistence fisherfolk to guarantee their access to fishing in local waters, as defined in the Fisheries Code. When the post-disaster reconstruction policies had failed to account for the resource use and access rights of fisherfolk, her organization decided to develop a monitoring initiative to address this issue.

In lesson 1, we have seen Maricel and her colleague, Kamal, discuss the VGGT as the frame for monitoring and evaluation activities. We also saw them discuss the role of civil societies in promoting monitoring initiatives. At the end of the first lesson, we left Maricel ready to develop a plan of action for her monitoring activity. To do so, she needs to follow some preliminary steps.

Does monitoring suit your need?

Maricel and Kamal have decided to review the checklist to see if monitoring makes strategic sense for their organization. They can the following points in the checklist.

Point 2: The monitoring initiative responds to a window of opportunity to effect change. It is because their government has signed on to the VGGT. That offers us a window of opportunity to effect change in policy.

Point 5: The monitoring brings attention to a single, clear and under-represented issue, since the monitoring brings attention to a single, clear and under-represented issue, which is the case in the proposed initiative.

Point 3: The organization has the capacity to undertake the proposed monitoring initiative. In their case is fine for their organization it will be able to dedicate the capacities, human and financial resources in order to achieve the initiative's goals.

Point 4: It is clear how monitoring results will contribute to the work of the organization, since the monitoring will clearly impact the work of the organization, as this evidence-based research can provide a sound basis in the national law and policy advocacy that the organization will undertake.

Data gathering and policy process

Maricel's organization has the interest, resources and capacity to undertake this monitoring initiative. The choice of what to monitor, however, goes beyond these factors...

> *"The monitoring initiative will aim to change the most discriminatory aspects of these reconstruction policies. To achieve these objectives, we need to decide the focus issue of our monitoring. I would suggest concentrating on the immediate outputs of government policies, which are easily measurable."* —Kemal
>
> *"Why not change the scope of our monitoring from policy outputs to impacts? We know that after the recent emergency, the reconstruction policies had severely neglected the access and use rights of subsistence fisherfolk...It could be important to monitor changes in employment, income or poverty levels, as a result of the failure to recognize their rights...- - Maricel does not agree with this choice.*
>
> *"I would, instead, propose that policy outputs be the focus issue of our monitoring. We could concentrate on the percentage of fisherfolk who have been deprived of their access to local waters."*—Kemal

Maricel and Kamal have different opinions on the focus issue of the monitoring initiative. Choosing the focus of monitoring depends on a series of different factors. The focus issue must not be clearly defined if neither Maricel nor Kamal are right.

The choice of the focus issue of their monitoring activity needs to take into account a series of factors, such as policy process elements and availability of data, scope of the monitoring initiative and availability of political windows of opportunity for monitoring inputs.

It is not always clear whether it is best to monitor outcomes, or inputs, or any other particular stage in the policy process.

It is just as important to make sure that **monitoring focuses not only on what is easy to do**, **but also tackles more difficult areas** when that is what is needed.

Then, on the basis of what is the focus of monitoring, an organization will need to plan how the chosen issue will be assessed in a monitoring initiative.

SUMMARY

In this lesson, we provided the following definition of monitoring:

- Monitoring involves making a series of observations over time to assess compliance with, or the achievement of, certain standards or objectives. Many monitoring initiatives begin as one-off assessments which may or may not be repeated.
- We then reviewed a checklist which helps us to understand if and when an organization should plan a monitoring initiative, taking into consideration constraints and opportunities.
- Then, the lesson considered how evidence gathering can focus on different stages of the policy cycle - inputs, processes, outputs, outcomes and impacts. We provided definitions and examples for each phase of the policy cycle.
- Monitoring can target any of the policy process elements. Choosing a focus issue depends on a series of factors, including availability and collectability of data, the scope of a monitoring activity, availability of political windows of opportunity, and associated risks.