

Discussion document for LandNNES

Developing a People centred Land Governance Monitoring System for South Africa



The document is termed a 'discussion document' to illicit comments and responses

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This document may be quoted or used with acknowledgement of LandNNES and the author

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1 Aim of document and discussions

To provide a discussion document for how we would like to develop a South African Land Governance monitoring system.

The document should be used as a basis for:

- Reviewing the usefulness of a Monitoring & Evaluation (M&E) system and how it should work and assist in planning;
- Reviewing why we need a Land Governance framework and why we should M&E it;
- Understanding how the SA government does M&E and what it has set for goals, objectives, targets and indicators in Land Governance and Land reform and its' international commitments on land development goals;
- Understanding whether Land Governance M&E has been implemented by other sectors in South Africa;
- Sharing experiences from other African countries on their M&E systems and what lessons can be learnt from their set-up and implementation;
- Understanding where opportunities exist for engagement with government and other stakeholders on reviewing and setting priorities, targets and indicators for Land Governance and Land Reform;

2 Introduction: why do we need an M&E system?

“Monitoring is a continuous activity that systematically uses information in order to measure achievement of defined targets and objectives within a specified time frame.

A monitoring system means that you keep track of what you are doing. It is a coordinated way to know what your project achieves, who benefits from it, and whether you are effective in achieving your expected impact (Parsons et al., 2013). Effective monitoring is essential to ensure that the expected changes actually result in improved conditions for the targeted beneficiaries on the ground, especially for vulnerable groups and those living in poverty (Quan, 2017). “¹

Monitoring can serve a number of objectives: -

- **Build common understanding on current policies-** *where goals are clearly defined, targets are clearly set and anticipated impact and outcomes are clearly set out. This means that it is commonly understood and the theory of how change will come about is clear i.e. the activities and strategies needed to bring about expected change;*
- **Gives feedback on progress and issues.** *Early detection of challenges allows for adaptation of the activities to ensure you remain on track to reach your objectives.*
- **Tracking indicators allows an assessment if a project meets its goals,** and if expected **benefits are achieved.** *Comparing outcomes and results on a disaggregated level provides insight where your project performs, and which areas need improvement.*
- **Informs required policy changes by identifying where strategies or actions are failing** *i.e. if the theory of change is not working you can identify where it is failing;*

¹Measuring Progress and Impact of Land Reform: The Role of Monitoring in Land Governance – LandNNEs report by Wytske Chamberlain 2018



- An assessment of the **extent to which decisions and recommendations are implemented** by the entities that are responsible in these areas;
- Tracks the **financial performance**. Thus, it shows where a project is implemented effectively and efficiently;
- Track **real world outcomes** for people;
- Can provide **Disaggregated information**: *is there a difference in perceived tenure security between men and women? Or between the rural and urban population?*
- **all stakeholders gain better access to information, and transparency and accountability** relating to policy and decision making is improved, through a coherent, well-implemented monitoring programme.

2.1 What is a People Centred Land Governance Monitoring system?

The LandNNES has committed itself to promoting and advocating for a People Centred Land Governance. Any monitoring system that LandNNES supports needs to promote this objective.

2.1.1 Land Governance

Land-related relationships, and the governance thereof, change and evolve in response to social, political, technological and environmental challenges. What is Land Governance? **Land governance** refers to the policies, rules, processes and structures (i.e. the institutions) through which decisions are made about access to land and its use, the manner in which decisions are implemented and enforced, the way that competing interests in land are managed, and the way by natural resources are managed. Sound land governance requires a legal regulatory framework and operational processes to implement policies consistently within a jurisdiction or country, in sustainable ways. Land Governance could thus be seen as the overarching process of decision-making around land resources, including responsibility for the implementation of the decisions. From an institutional perspective it includes the formulation of land policy, including land rights, the preparation of land development and land use plans, and the sub-systems for the land administration of a variety of land related programmes. (Enemark, Bell, Lemmen McLaren 2014; Kingwill 2004)²

There are various definitions available but essentially the elements included in Governance of Land includes “the bundle of rules, rights, policies, processes, institutions, and structures created to manage the use, allocation of, access to, control, ownership, management, and transfer of land and natural resources found on land.”³

This definition identifies the elements that might make up a country's Land Governance system. This requires further discussion and agreement as this definition of elements might be missing some, for example, adjudication.

Reference is often made to the term Land Tenure when we talk about Land governance issues. These are not the same things, but they are related. Land tenure describes the relationship people hold with respect to land, i.e. the different rights each person has to the same piece of land, where some may be owners and others tenants. These relationships can be established through formal laws or customary practice or informal / local practices. A Land Governance system of tenure (of

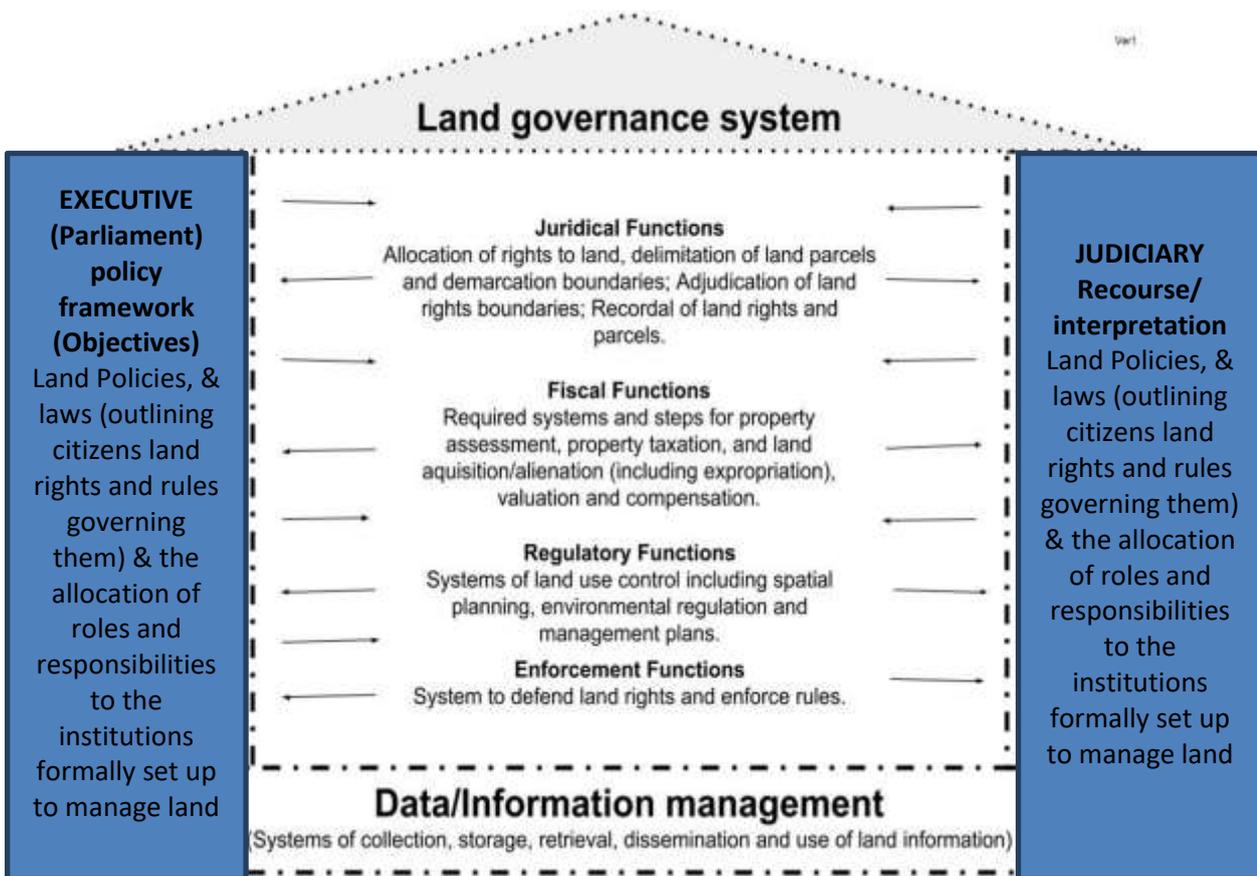
² Rosalie Kingwill (2018) LandNNES discussion document on Land Administration In the context of Land Governance,

³ USAID : Land Tenure and property Rights Framework: Annexure C : Glossary

these various relationships) is how these relationships around land are established, supported and managed.

2.1.2 Land Governance systems

The systems set up to Govern Land tenure differ from country to country and even within countries. For example, some countries like South Africa have more than one system of land governance e.g. areas with private tenure rights and areas with customary tenure rights. However, the formal country wide system of Land Governance usually includes state organizations that deal with land such as ministries of land, land registries and cadastral services, and courts. Informal land governance systems can include customary (informal) institutions that develop land use rules, allocate land, and resolve disputes related to land.⁴



The diagram⁵ illustrates the various elements that could make up a Land Governance system and that need to work together through an integrated institutional arrangement, with clear processes.

Question: Give examples of how these elements function in South Africa ie who is responsible for the functioning of that element and what is the relationship of that element to other elements?

⁴ Ibid

⁵ adapted from the LandNNES discussion document on Inclusive Land Administration 2019 by R Kingwill



2.1.3 People Centred Land Governance System

Land governance for and with people, responding to the needs and protecting the rights of those who live on and from the land.

LandNNES supports the view that “responsible governance of tenure of land, fisheries and forests is inextricably linked with access to and management of other natural resources...” and “how people ,....gain access to land, fisheries and forests is defined and regulated by societies through systems of tenure”.⁶

Key principles/ values underpinning this type of People Centred system are:

- Accountability
- Transparency
- Participatory
- Consultative
- Non-discrimination -Recognition and respect of all types of rights and rights holders
- Access to effective and efficient and affordable recourse/ protection/ justice
- Equity and Justice
- Gender equality
- Sustainability

M&E indicators developed for land governance should also include these principles.

2.1.4 Land Governance and Land Reform?

A programme of Land Reform is generally understood to be a process of change undertaken by governments to the system of land ownership and land allocations and uses. This can include changes to laws, regulations and/ or customs. It often entails redistribution and can have a focus on agricultural lands but is not limited to agricultural lands.

In South Africa this programme has been implemented, to date, through three types of programmes, Redistribution, Tenure rights reforms, and Restitution.

Land Reform is not the same as Land Governance. Land Reform takes place within an existing Land Governance system and it entails making changes to the Land Governance system with a view to improving it in some way.

QUESTION: ARE WE CLEAR HOW WE EXPECT THE LAND REFORM PROGRAMME TO IMPROVE THE SOUTH AFRICAN LAND GOVERNANCE SYSTEM?

⁶ VGGT, FAO

2.2 Why does South Africa need a People Centred Land Governance monitoring system?

2.2.1 Land Reform programme

“Following over two centuries of land dispossession, based primarily on race, the transition to democracy in 1994 gave rise to a republican constitutional-democratic political structure with a unitary state wherein governance is divided between three tiers of government — national, provincial and municipal. The democratic state inherited a land governance framework that excluded the large majority of South Africans, through a largely “dual” land tenure framework. On the one hand there was a property system based on a more “western” concept of property, supported by state land administration services servicing a tiny minority of white South Africans. While on the other hand there were areas, covering roughly 13% of the land surface areas in South Africa, administered by forms of “customary” law servicing the large majority of South Africans.

The historical injustice of land dispossession is regarded as the underlying cause of exclusion, inequality, poverty and food insecurity. The newly adopted SA Constitution includes a Bill of Rights, where the state guarantees certain land rights. These included:- an entitlement to Restitution for any loss of property rights post 1913; the right to equitable access to land; the right to legally secure tenure; no arbitrary deprivation of property rights; and the right for the state to expropriate in the public interest or for public purpose like land reform.

The new Land policy sought to deal with both urban and rural environments and sought to achieve 4 outcomes: to redress the injustices of apartheid; to foster national reconciliation and stability; to underpin economic growth; and to improve household welfare and alleviate poverty.

Continuities with the past continue to impede social transformation. The complete segregation by race has been a difficult legacy to overcome, with dense populations still living in the reserves set aside by the British and later the apartheid government. These areas remain under-capitalised, and densely populated with communal tenure which is poorly conceptualised in law. They comprise unsurveyed land with residential rights, limited arable rights and access to common property resources. Poverty and socio-economic inequality have deepened during the past twenty years, and land distribution remains skewed in favour of whites. Unemployment is a social scourge, estimated currently at 27.7 % for the third quarter of 2017 (Statistics South Africa).

The defects in the implementation of land reform have resulted in high degrees of social dissatisfaction and political disaffection, with increasingly radical calls for ‘expropriation without compensation’.⁷

2.2.2 Quantifying the impact?

A key challenge in resolving this disaffection and dissatisfaction is agreeing on where the critical challenges, obstacles and problems lie with the land reform programme. Attempts to quantify the current results have highlighted the fact that there is no agreement on:

⁷ LandNNES Country assessment 2018

- The overarching goal and measure of an effective Land Governance system for South Africa;
- The theory of change driving the policy development, programmes, actions and monitoring system of the land reform programme- what needs to be done to achieve what outcome?;
- The success and failures of the existing programmes set up to drive change.

This situation of disagreement and a lack of common vision was highlighted in the last year by the profound disagreements over the outcomes of several key reports, namely: - the High Level Panel review of policy impact of over the last 25 years; the AgriSA land Audit, and the DRDLR land audit.

This situation also exposed a fundamental problem of a lack of an integrated, transparent land information management system in the country. Without such reliable information, the measurement and evidence of any change is basically impossible, and disagreement on progress inevitable.

2.2.3 The future of Land Governance in SA?

Even though South Africa has adopted a formal system of monitoring and evaluation, which is outlined in the next section, the M&E of Land Governance as a whole, and Land Reform in particular, remains an obvious gap. However, there is increasing concern that there is no overarching Land policy framework outlining the countries intention and purpose of Land Governance. Such intentions are to be found in various parts of the

- South African Constitution (**Annexure 10.1**)
- National Development Plan (**Annexure 10.2**) and IUDF
- Spatial Planning and Land Use Management Act (SPLUMA) (**Annexure 10.4**)

However, many of the intentions and concepts in the Constitutional clauses and NDP, and probably SPLUMA, remain open to interpretation and extensive debate, depending on how each person understands land governance systems, and tenure, and property.

Given the importance of the issue of land and housing access and security of tenure in the South African context the review of the existing M&E system for Land Governance and Land Reform is critical. Setting a vision for an inclusive People Centred Land Governance system as an outcome of a successful Land Reform programme, will assist in setting agreed and understood goals, objectives, targets, as well as clear indicators on how change should be measured.

Advocating for an M&E Land Governance system that is also People Centred will be an important unifier and basis around which transformation and land reform can take place supported by citizens.

2.2.4 Key to setting up a SA Land Governance Monitoring framework is agreeing on:

- Goals, targets, and expected Outcomes and indicators (how to measure progress);
- Sources of information to analyse and assess progress/ Indicators.

3 Current official Land Governance monitoring system in South Africa^{8,9,10}

3.1.1 Government Wide M&E system

South Africa has an established Government-wide M&E system. This is overseen and guided by the Department of Planning, Monitoring and Evaluation (DPME) in the Office of the Presidency. The government defines this system as “a set of organisational structures, management processes, standards, strategies, plans, indicators, information systems, reporting lines and accountability relationships which enables national and provincial departments, municipalities and other institutions to discharge their M&E functions effectively.”

The SA government policy framework defines Monitoring as: - *“Monitoring involves collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management. Monitoring aims to provide managers, decision makers and other stakeholders with regular feedback on progress in implementation and results and early indicators of problems that need to be corrected. It usually reports on actual performance against what was planned or expected.”*

While Evaluation is defined as *“a time-bound and periodic exercise that seeks to provide credible and useful information to answer specific questions to guide decision making by staff, managers and policy makers. Evaluations may assess relevance, efficiency, effectiveness, impact and sustainability. Impact evaluations examine whether underlying theories and assumptions were valid, what worked, what did not and why.”*

The overarching Government-wide Monitoring and Evaluation system aims to: provide an integrated, encompassing framework of M&E principles, practices and standards to be used throughout Government. It is expected to function as an apex-level information system which draws from the component systems in the framework to deliver useful M&E products for its users. All spheres of government and departments must be guided by the national programmes in their own planning and feed into the national monitoring information system.

It specifically says that the GW M&E system will not result in a single automated IT system for the government, however emphasis is on integration and inter-operability.

It is a statutory requirement that departments and municipalities and government agencies establish M&E systems, which will feed into the Government Wide M&E system.

3.1.2 Government Principles for M&E

- **Contribute to improved Governance** – Accountability, transparency, participation, inclusion
- **Rights based**- value base – Bill of Rights

⁸SA Presidency: Policy framework for government wide M&E

⁹DPME Guideline No. 3.1.5, 2012

¹⁰Strategic Planning APP framework, Treasury guide

- **Development-oriented** – nationally, institutionally and locally- pro-poor, service delivery focus, impact orientated, HR & learning focus
- **Ethical and integrity** in implementation – confidentiality, respect, fair reporting
- **Utilisation orientated** – clearly defined expectations and meeting of these
- **Methodologically sound**- consistent indicators, date/ evidence based, appropriate, triangulated
- **Operationally effective** – planned, systematic, scope, managed, cost effective

3.1.3 Three data sources are drawn on: -

- **Programme performance information** – outcome & output information collected by government institutions (Provincial level from Performance plans and strategic plans and local level from IDP’s and SDBIP’s)
- **Evaluations**–focus is on standards, processes - techniques of planning, conducting evaluations and communicating results.
- **Social, economic & demographic statistics** (Registers & admin data)- collected by Stats SA and other government institutions. Distinguish between National statistics and Official statistics. National statistics are not certified as official into national statistics Act. For stats to be official certain criteria need to be met and verified.

3.1.4 Government Programme of Action and the M&E system

The NDP has 15 Chapters focussed on the most pressing challenges facing South Africa. It is a 30-year vision for the country with identifiable sector goals.

There is however, no chapter on Land Governance or Land Reform. This means that the goals, targets, Outcomes and indicators need to be identified within the relevant chapters for a Land Governance Monitoring tool.

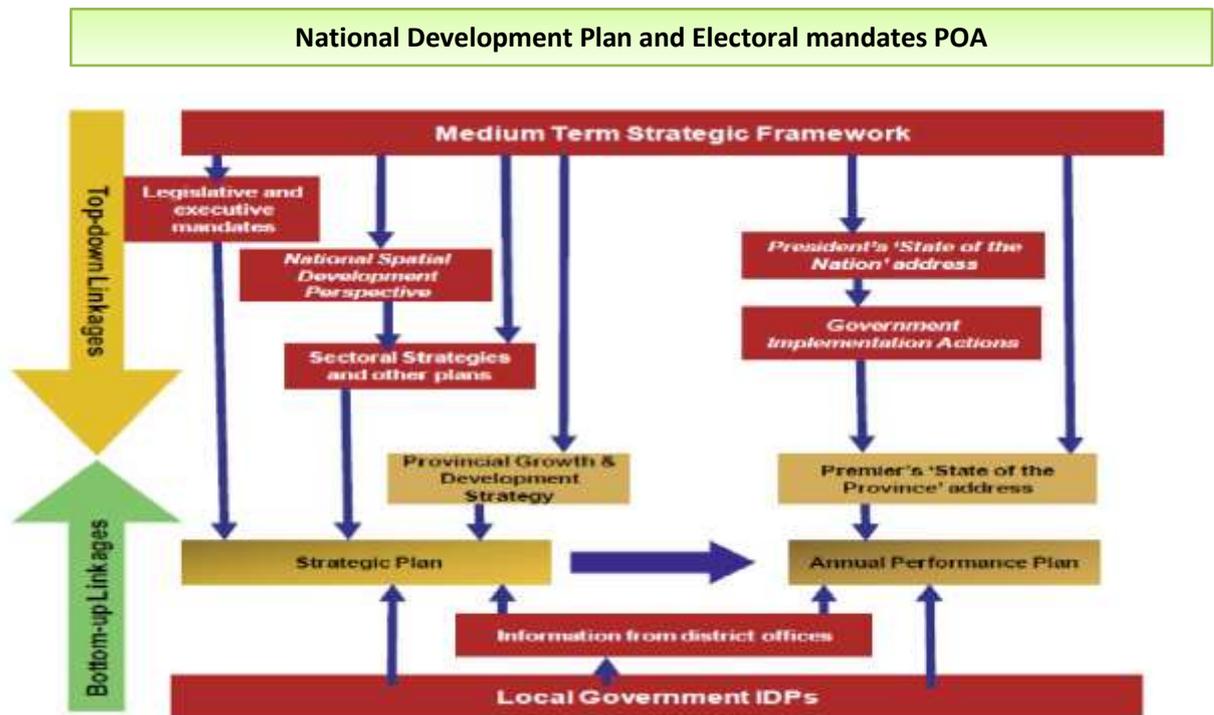
The underlying assumption for not having a specific Chapter on Land is that Responsible Land Governance and Land Reform contributes to addressing the various challenges outlined in the various chapters, faced by the country. The NDP goals and objectives are broken down into measurable 5-year Medium Term Strategic Framework’s (MTSF). The current MTSF runs from 2014-2019. This MTSF has 14 priority Outcomes which cover the focus areas of the NDP chapters AND governments electoral mandate:

1. Quality basic education	8. Sustainable human settlements and improved quality of household life
2. A long and healthy life for all	9. Responsive, accountable, effective and efficient local government system
3. All people in South Africa are and feel safe	10. Protect and enhance our environmental assets and natural resources
4. Decent employment through inclusive economic growth	11. Create a better South Africa, a better Africa and a better world
5. Skilled and capable workforce to support an inclusive growth path	12. An efficient, effective and development oriented public service
6. An efficient, competitive and responsive economic infrastructure network	13. Social protection
7. Vibrant, equitable, sustainable rural communities contributing to food security for all	14. Nation building and social cohesion

Each Outcome has a set of sub outcomes with targets and indicators.

The Programme of Action (POA) measures the implementation of the National Development Plan (NDP)x through the Medium-Term Strategic Framework (MTSF).¹¹

The following diagram attempts to show the government wide system relationships between spheres:



QUESTIONS:

- WHICH CHAPTERS IN THE NDP AND WHICH MTSF OUTCOMES ARE RELEVANT IN A LAND GOVERNANCE MONITORING FRAMEWORK?
- WHICH OUTCOMES (PRIORITY FOCUS AREAS) ARE RELEVANT TO A LAND GOVERNANCE MONITORING FRAMEWORK? (E.G. OUTCOMES 7 (RURAL), 8 (HUMAN SETTLEMENT), 9 (LOCAL GOVERNMENT)?
- ARE THERE PRIORITY FOCUS AREAS THAT SHOULD BE ADDED OR STATED MORE EXPLICITLY IN THE MTSF FOR A LAND GOVERNANCE AND LAND REFORM MONITORING SYSTEM? ARE TARGETS AND INDICATORS ADEQUATE?

¹¹ <https://www.poa.gov.za/Pages/default.aspx>

3.1.5 Government POA IMPACT INDICATORS: Outcomes 7,8,9

The following table outlines the MTSF high impact indicators for the 2014-2019 period. These are further broken down to sub-outcomes and targets and further indicators and detailed in the attached annexure.

See detailed breakdown in Annexure 10.3

Outcome 7: Vibrant, equitable, sustainable Rural communities	Outcome 8: Sustainable Human Settlements	Outcome 9: Responsible, accountable, effective, efficient developmental Local Government system
Increase in % ownership of productive land by PDI's	No of H/H living in adequate housing (<i>secure tenure, services, materials, facilities, infrastructure, affordability, habitable, accessible, well located, cultural adequate</i>) (MTSF Target: 745 000 households living in adequate housing provided through the subsidy and affordable housing segments)	Members of society have sustainable and reliable access to basic services (Number and percentage of HHs with access as per norms and standards)
Reduce the number of unutilised land transferred to PDI's	Improved living conditions for H/H living in informal settlements (750 000 households upgraded (provided with access to basic services and security of tenure in terms of the Upgrading of Informal Settlements Programme (Phase 3)2)	Improved public trust and confidence in local government
Reduce % of H/H vulnerable to hunger	No. of human settlements that are spatially, socially, economically integrated (250 projects implemented by 2019 (number includes 50 Catalytic Projects planned for and implemented that demonstrate integration into wider settlement functionality3)	Sound financial and administrative management (Percentage of municipalities that improve their audit outcomes)
Reduction in % of Population living below lower bound poverty line	Increase in the no. of homeloans granted by private sector and DFI's to H/H in affordable housing market for new homes (20% increase (203 500) in the number of new homes in the affordable market financed through the Banks (134 200) and DFIs (110 000))	Local public employment programmes expanded through the Community Work Programme
Reduction in rural unemployment rate	Growth and distribution of value in residential property market (20% increase in transactions on properties less than R500000)	

4 Frameworks and initiatives to which South Africa is a signatory

This section of the report details the existing land governance systems and land policies to which South Africa is a signatory.

4.1 UN General Assembly- Sustainable Development Goals (SDG's)

The Sustainable Development Goals (SDGs) are seventeen Global Goals which aim to end poverty, protect the planet and ensure all people enjoy peace and prosperity. The focus is on collective action by all countries. The SUSTAINABLE Development focus is about meeting the needs of present & future generations. The goals build upon the Millennium Development Goals and were developed by the United Nations General Assembly in 2015. The SDGs came into effect in January 2016. UN member states endorsed the 2030 Agenda for Sustainable Development to implement the SDGs.

The task is to develop indicators for the achievement or progress towards the goals that provide evidence to chart path forward globally. The system relies on collection, processing, analysis, and dissemination of reliable, timely, accessible and disaggregated data. In 2017 the SDG adopted a global indicator framework. Not all indicators have been finalised so that they can be implemented confidently by all countries globally. Ongoing discussions are happening around refining indicators so that they are implementable i.e. can be tracked / monitored with reliable and agreed data¹².

The indicators are listed according to three tiers;¹³

- “Tier 1: Indicator is conceptually clear, has an internationally established methodology and standards are available, and data are regularly produced by countries for at least 50 percent of countries and of the population in every region where the indicator is relevant.
- Tier 2: Indicator is conceptually clear, has an internationally established methodology and standards are available, but data are not regularly produced by countries.
- Tier 3: No internationally established methodology or standards are yet available for the indicator, but methodology/standards are being (or will be) developed or tested.”

There is no specific indicator related to land and land governance within the SDG. Land related targets and indicators in the SDG are said to be found mainly in SDG 1,2,5,11,15¹⁴ (see annexure 10.5 for more information):

¹² UNDP <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

¹³ UNStats 2018, Tier Classification for Global SDG Indicators

¹⁴The full document with all goals can be accessed here: <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

SDG GOAL	Relevant Land Indicators
1. End Poverty in all its forms	Indicator 1.4.2 Proportion of total adult population with secure rights to land, with legally recognized documentation & who perceive their rights to land as secure , by sex and by type of tenure
2. End hunger, achieve food security, promote sustainable agriculture	Indi 2.3.1 Vol of Production per labour unit by classes of enterprise Ind 2.3.2 Average income of small-scale food producers Ind 2.4.1 Proportion of agricultural area under productive & sustainable agriculture
5. Achieve gender equity	Ind 5.a.1 Proportion of total agricultural population with ownership & secure rights by sex (b) share of women owners or rights bearers Ind 5.a.2 Proportion of countries where the legal framework (including customary law) guarantees equal rights to land
11. Inclusive, safe, sustainable, resilient Human settlements & cities	Ind 11.1.1 Proportion of urban population living in slums, informal settlements or inadequate housing Ind 11.3.1 Ratio of land consumption rate to pop growth rate Ind 11.7.1 Average share of built up area that is open space for public use for all
15. Protect, restore, sustainable land use	Ind 15.1.1 Forest area as proportion of total land Ind 15.1.2 Proportion of important sites for terrestrial & freshwater biodiversity covered by protected areas Ind 15.3.1 Proportion of land that is degraded over total and area

Indicator 1.4.2 is particularly notable. This indicator focuses on two components of tenure security; the proportion of the adult population with documented tenure rights that are legally recognized by governments and the proportion of the adult population who perceive their tenure rights as legally secure, regardless of whether these rights are documented. Legal documentation goes beyond a title deed and includes other legally enforceable documentation of user rights. Indicator 1.4.2 includes rural and urban tenure.¹⁵

Land organisations engaging in the SDG indicator development process have made strong arguments that the Land Governance indicators are critical as “without secure land rights the SDG’s cannot be achieved”. The ILC has argued that secure land tenure is in fact very relevant to the full achievement of a number of the 17 SDG’s.

¹⁵ Land Portal, 2017. <https://landportal.org/book/sdgs/142/sdgs-indicator-142>

THE SOLUTION: PEOPLE CENTRED LAND GOVERNANCE

Progress on the ILC's 10 Commitments will contribute to at least 13 goals 59 targets relating to People-Centred Land Governance



NO LAND RIGHTS, NO SDGs!

IF GOVERNMENTS FAIL to secure and protect collective tenure rights; coupled with the growing competition on natural resources, we see the severe risk that:

- **Local communities will be evicted** without compensation – undermining Goals 1, 2, 5, 10 as well as, indirectly, Goals 3 & 4.
- **Indigenous Peoples forests will be bought, leased or grabbed** by others and cleared – this will undermine Goals 13 and 15.
- **An increase in conflicts and human rights violations** – undermining Goals 16 and 8.

Indeed, several SDG domestication actions have taken place in South Africa. Most notably, the Department of Planning, Monitoring and Evaluation (DPME) and the United Nations conducted an assessment on the extent of convergence between the goals and the NDP. The mapping exercise revealed that 74% of the SDGs are reflected in the NDP. Of the 26% of goals which are not reflected in the NDP, 73% are reflected in other sectoral strategies.¹⁶ The remaining 27% are not found in any policy or planning documents as they are deemed irrelevant to South Africa. However, while it is promising that most of goals are reflected in the NDP, they are somewhat lacking in the provincial plans. As a result, the United Nations is working with the government to develop a comprehensive implementation plan.¹⁷

The South African SDG Hub is supporting the implementation of SDGs in South Africa through the provision of research and innovation. The Hub does this through four main goals; sharing relevant, useful and reliable knowledge, providing policy advice, facilitating dialogue between South African actors responsible for the implementation of the SDGs, building capacity amongst South African leaders in government, private section and civil society to implement the SDGs. Ultimately, The South African SDG Hub focuses on fostering evidence-informed policy making in South Africa as it relates to the SDGs. Partners of the Hub include United Nations’ Sustainable Development Solutions Network, Department of Science and Technology, Albert Luthuli Centre for Responsible Leadership, Global Partnership for Effective Development Cooperation’s Global Partnership Initiatives. The hub is responsible for developing a draft national SDG Report, as well as the four Thematic Reports that form the basis of the national report.¹⁸

¹⁶ We are in the process of obtaining the original report with a view to seeing how the land indicators performed.

¹⁷ SA SDG Hub, 2018. <http://sasdg.org/implementing-the-sustainable-development-goals-sdgs-through-the-national-development-plan/>

¹⁸ SA SDG Hub, 2018. <http://sasdg.org/about/>

4.2 FAO- Voluntary guidelines for securing sustainable small-scale fisheries

The sustainable small-scale fisheries guidelines (SSF guidelines) were developed to respond to poverty that exists in small-scale fishing communities. As such the tool aims at enhancing food security and eliminating poverty within these communities through guiding dialogue, policy processes and actions. The tool was developed by the FAO, and all members are encouraged to implement these voluntary guidelines.

The guidelines, the first international agreed instrument dedicated to small-scale fisheries sector, provides principles and guidance on addressing the sector and aim at complementing and strengthening other existing fisheries instruments. The guidelines are a result of a four-year long development process including a global participatory dialogue process across the globe and the work of the FAO technical consultation team. The guidelines were endorsed in June 2014 at the thirty-first session of the FAO Committee on Fisheries (COFI). The table below lists the key objectives and number of indicators per focus area (see annexure 10.6 for more).¹⁹

Objectives	Key focus areas	Indicators
Responsible fisheries and sustainable development	Governance of tenure in small-scale fisheries and resource management a. Responsible governance of tenure b. Sustainable resource management	20 indicators
	Social development, employment and decent work	18 indicators
	Value chains, post-harvest and trade	10 indicators
	Gender equality	4 indicators
	Disaster risks and climate change	9 indicators
Ensuring an enabling and supporting environment and implementation	Policy coherence, institutional coordination and collaboration	8 indicators
	Information, research and communication	11 indicators
	Capacity development	4 indicators
	Implementation support and monitoring	6 indicators

4.3 African Union Commission and African Land Policy Centre

The next section details the Framework and Guidelines on Land Policy and the resulting tools which have been developed to implement the guidelines.

Framework and Guidelines on Land Policy

The Framework and Guidelines on Land Policy is not explicitly land governance framework policy, but we have included the initiative in the document as we view land policy as an element of land governance.

¹⁹The guidelines can be accessed here: <http://www.fao.org/voluntary-guidelines-small-scale-fisheries/en/>



The Framework and Guidelines on Land Policy is a joint product of the partnership and collaborative effort of the African Union Commission (AUC), the UN Economic Commission for Africa (ECA) and the African Development Bank (AfDB). The Framework and Guidelines promotes the need for a shared vision among all stakeholders of a comprehensive and coordinated land policy as a major factor in national development. The Framework and Guidelines has been developed through a broad consultative and inclusive process. It was endorsed by the Joint Conference of Ministers of Agriculture, Land and Livestock held in 2009.

The report covers five sections; the context of the land question, land in the national development process, the process of land policy development and policy implementation.²⁰ The report lists seven main principles which should be taken into account in the development of a land policy development and implementation tracking mechanism;

- The first principle is to assess the extent to which the policy development or implementation process conforms to initial designs
- The second principle is to match land policy objectives with the expectations of beneficiaries as well as with the main requirements for sustainable development.
- The third principle is to assess the extent to which the objectives of the land policy are achieved (for example objectives related to tenure security, equitable access to land, and reduction of conflicts...).
- The fourth principle is to measure the effectiveness of the use of resources.
- The fifth principle is to assess the sustainability of the land policy.
- The sixth principle is to measure direct and indirect (whether positive or negative) effects of the land policy on beneficiaries as well as on natural resources.
- The seventh principle in the development of effective tracking systems is to determine the overall coherence or consistency of land policy. This involves three main elements, namely internal, cross-sector consistency and inter-regional consistency.

The document also flags the development of tracking systems to monitor land policy formulation and implementation. While the Frameworks and Guidelines were in development, benchmarks and indicators were developed to measure successes achieved and the challenges encountered²¹. Indicators were developed for formal and customary tenure systems at four different levels; outcome level, output level, activity level and input level. In addition, the indicators for each tenure system and level are divided into four pillars; economics, social, environment and governance. 41 indicators were developed for formal tenure systems and 30 for customary tenure systems. The indicators can be used at country level, regional level or continent level. **For a detailed breakdown of the indicators see annexure 10.7.1.**

4.3.1 International Land Coalition- AU LPFG Scorecard Initiative

The scorecard was developed by the International Land Coalition (and led by Rwanda Initiative for Sustainable Development- RISD) to become the main tool implementing the Framework and Guidelines and responds to the call for the development of benchmarks, targets and indicators in

²⁰ The document can be accessed here: <https://www.uneca.org/publications/framework-and-guidelines-landpolicy-africas>

²¹ Land Policy Initiative, 2012, Tracking progress in land policy formulation and implementation in Africa

tracking progress in the implementation of land policies processes. The project builds on the indicators and benchmarks developed in the document “Tracking progress in land policy formulation and implementation in Africa” (as discussed above). The project commenced in 2011 and piloting occurred in three countries in 2012 (Rwanda, Kenya, Benin). The pilots were successful and the team at RISD believe that the tool is very relevant for the rest of Africa. The project has however stalled due to lack of funding.²²

The indicators are adaptable to the local context, therefore comparison between countries is limited. Rather, the focus is on learning from other experiences and challenges in African countries. The indicators are grouped according to seven key principles as detailed in section 7.4.1 (**refer to annexure 10.7.2 for a more detailed explanation**):

Thematic area	Number of indicators
The Land Policy Development Process	4 indicators
The Land Policy implementation processes	9 indicators
Appropriate institutional framework	3 indicators
Adequate resource allocation (financial, human, technical)	4 indicators
Legal framework	4 indicators
Strengthening the tenure security of women	7 indicators
Centrality of land in the development process	3 indicators

The indicators are scored via four categories:²³

Red	0%-25% progress towards target or output. Target/output is unlikely to be achieved. Target/output needs concerted effort to be achieved within the stipulated time frame
Yellow	25%-50% progress towards achieving target or output. Some achievements have been registered and reinforcement of actions will lead to achievement of the target/output.
Purple	50%-75% of progress towards achieving target. The target is very close to achievement and requires only minor efforts.
Green	More than 90% of progress towards achieving target. The target has either been met entirely or is very close to achievement and requires only minor efforts.

²² Kairaba, A., 2019. Email correspondence.

²³ RISD& International Land Coalition, 2012. AU LPFG Scorecard, The First Annual Report 2012

4.3.2 Monitoring and Evaluation of Land in Africa (MELA)

The 13th Ordinary Session of the African Union Assembly of Heads of State and Government held in July 2009, adopted the “Declaration on Land Issues and Challenges in Africa” urging the effective implementation of the Framework and Guidelines on Land Policy in Africa²⁴. The Assembly further requested the African Union Commission, in collaboration with ECA, AfDB and the Regional Economic Communities to support Member States in their efforts towards reviewing, developing and implementing land policies including mechanisms for progress tracking and reporting.

As a result, the monitoring and evaluation of land in Africa project (MELA) was formed in 2017 to facilitate the implementation and track progress of the African Union (AU) Declaration on Land Issues and Challenges. The African Union Member states issued the implementation of the 2009 AU Declaration on land issues and challenges in Africa. The AU Commission is responsible to establish mechanisms for the tracking and progress reporting by member states. **For a detailed breakdown of the indicators refer to annexure 10.7.3.**

The aims of MELA are; development of a comprehensive set of indicators for tracking progress, report on progress made in policy development and implementation, compendium of best practices, enhanced capacity of member states for tracking and reporting progress in land policy development and implementation. The African Land Policy Centre (formerly Land Policy Initiative) and International Food Policy Research Institute are rolling out a pilot study of the indicators in 12 African countries; Cote d’Ivoire, DRC, Ethiopia, Kenya, Madagascar, Malawi, Niger, Nigeria, Rwanda, Tanzania, Uganda, and Zambia.

4.3.3 The Network of Excellence on Land Governance in Africa (NELGA)

The Network of Excellence on Land Governance in Africa (NELGA) was established to strengthen the capacities for implementation of the AU Agenda on land. The main driving partner behind the initiative is the African Land Policy Centre (formerly Land Policy Initiative). Over 50 institutions across Africa are part of the network, including PLAAS based at the University of Western Cape.

The objectives of NELGA are fourfold, with the most relevant one being: creating data and information for monitoring and evaluation on land policy reforms. Under this objective, one key function of NELGA is to develop a repository for data, indicators and information, in close cooperation with the ALPC, the RECs and governments. The objectives and functions are implemented via several regional nodes in Africa, with the Southern Africa node (SALGA) based at the Namibia University of Science and Technology.²⁵ Work on the repository is yet to be undertaken.

4.4 FAO- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) serves as a reference and provides guidance to improve the governance of tenure of land, fisheries and forests. The overarching goal is the achievement of food security for all and to support

²⁴The declaration can be accessed here: <https://www.uneca.org/publications/declaration-land-issues-and-challenges-africa>

²⁵ NELGA, <https://nelga.org/nelga-2/nelga/>



the progressive realization of the right to adequate food. The voluntary guidelines were developed to contribute towards global and national efforts to eradicate hunger and poverty with the recognition of the centrality of land to development.

The VGGT, initiated by FAO and its partners as early as 2009, builds upon previous adopted guidelines, such as Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and other existing international and regional instruments, such as the Millennium Development Goals. The CFS was integral to the development process of the guidelines through an open-ended working group. The VGGT were officially endorsed by the Committee on World Food Security (CFS) in 2012. Since then, several global institutions such as G20, Rio+20, United Nations General Assembly and Francophone Assembly of Parliamentarians have encouraged the implementation.

The guidelines provide a framework which can be used when developing land tenure policies and can be used when evaluating outcomes to judge whether they constitute acceptable practices. The guidelines focus on several areas and indicators:²⁶

Objectives	Key focus areas	Indicators
General matters	Guiding principles of responsible tenure governance a. General principles b. Principles of implementation	16 indicators
	Rights and responsibilities related to tenure	10 indicators
	Policy, legal and organizational frameworks related to tenure	9 indicators
	Delivery of services	9 indicators
Legal recognition and allocation of tenure rights and duties	Safeguards	6 indicators
	Public land, fisheries and forests	11 indicators
	Indigenous peoples and other communities with customary tenure systems	12 indicators
	Informal tenure	6 indicators
Transfers and other changes to tenure rights and duties	Markets	8 indicators
	Investments	15 indicators
	Land consolidation and other readjustment approaches	6 indicators
	Restitution	4 indicators
	Redistributive reforms	10 indicators
	Expropriation and compensation	9 indicators
Administration of tenure	Records of tenure rights	5 indicators
	Valuation	5 indicators
	Taxation	3 indicators
	Regulated spatial planning	5 indicators
	Resolution of disputes over tenure rights	6 indicators
	Transboundary matters	3 indicators

²⁶The guidelines can be found here: <http://www.fao.org/cfs/home/activities/vggt/en/s>

Responses to climate change and emergencies	Climate change	3 indicators
	Natural disasters	5 indicators
	Conflicts in respect to tenure of land, fisheries and forests	7 indicators
Promotion, implementation, monitoring and evaluation		5 indicators

4.5 Action Aid Assessment toolkit

Although South Africa is not a signatory to the tool itself, the toolkit is included here as it relates to VGGT and Framework and Guidelines on Land Policy.

The livelihoods of millions of people depend on secure and equitable rights to natural resources, yet often, indigenous peoples and women are excluded from the governance of these resources. The VGGTs and the AU Framework and Guidelines for land policy in Africa provide internationally accepted principles and norms for defining policies and practice for governance of tenure (including protecting the poor and marginalized land dependent sections of society). This toolkit was designed to assess the “gender-sensitive implementation of the VGGTs and the AU F&G at country-level”. As such, the 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 and advocacy work around the VGGT and AU F&G;
- build understanding of how Organisation of Economic Cooperation and Development (OECD) countries align foreign aid, trade and investment programmes that impact on tenure governance with the VGGT;
- enable concise presentation of results of VGGT implementation as a basis for cross-country comparison, and for tracking changes over time;
- serve as a basis for dialogue and cooperation towards better VGGT implementation.

The assessment toolkit consists of six principles (stemming from VGGT), and three assessment tools with their respective recommended assessment methods.

The principles are:-

- inclusive multi-stakeholder platforms,
- recognition of customary rights and informal tenure,
- gender equality,
- protection from land grabs,
- effective land administration and
- conflict-resolution mechanisms.²⁷

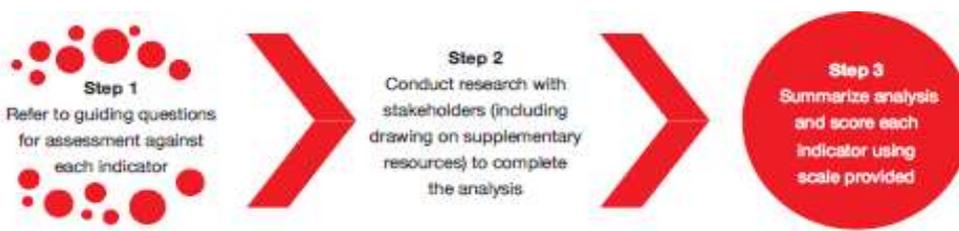
²⁷ Action Aid, 2017. Assessment Toolkit: Assessing gender-sensitive implementation and country-level monitoring of the tenure Governance and Africa Land Policy Guidelines. <http://www.actionaid.org/publications/VGGT-toolkit-2017>

Tool 1 assesses the actions of governments to align policy and legal frameworks with the core VGGT principles and to implement measures to fulfil them. Desk studies, interviews and peer, stakeholder and expert reviews are used for assessment.

Tool 2 assesses how legal frameworks and implementation measures operate at the local level and how outcomes are perceived by people and communities attached to the land. Tool 2 uses focus groups with community members as the recommended methodology.

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 VGGT principles. Desk studies and reviews of primary and secondary sources, combined with interviews and peer, expert and stakeholder reviews are the recommended methodology for tool 3.

Each principle is present in every tool with 1-2 indicators and guiding questions. A red-yellow-green (with green being best case scenario) scale is used for capturing overall progress in relation to the indicator²⁸. The narrative analysis is also captured in the scoring system so as to provide the evidence base/ justification for the scoring. For an in-depth description of the indicators, guiding questions and score allocation consult 'Action Aid, 2017. Assessment Toolkit: Assessing gender-sensitive implementation and country-level monitoring of the tenure Governance and Africa Land Policy Guidelines'.



4.6 UNDRIP Indigenous Navigator

The indigenous navigator is a framework and set of tools for indigenous people to monitor the level of recognition and implementation of their rights created through various international agendas and legal frameworks (The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Core human rights conventions as they pertain to indigenous peoples, The outcomes of the World Conference on Indigenous Peoples (WCIP), Essential aspects of the Sustainable Development Goals (SDGs)).²⁹ Various tools are available:

- Comparative Matrix: comprehensive mapping of how indigenous rights are embedded in the human rights system (human rights instruments),
- Questionnaires and surveys aimed at collecting data,
- Indigenous Navigator Index designed to monitor 10 essential domains of indigenous peoples' rights (including lands, territories and resources),

²⁸ ActionAid, 2017. Assessing the implementation of the Voluntary Tenure Guidelines and the AU Framework and Guidelines for Land Policy; a toolkit approach.

²⁹ <http://nav.indigenousnavigator.com/index.php/en/>

- Indicator framework comprising of Structural indicators, Process indicators and Outcome indicators.

4.7 FAO- Legal Assessment Tool

The Legal Assessment Tool (LAT) analyses the extent of gender-equitable land tenure in legal frameworks to provide policy advice to Member countries. The tool assists in identifying the current situation, identify inequalities and target areas where legal reform is required. The LAT offers a list of 30 legal indicators for gender-equitable land tenure. **A detailed list of the indicators can be found in annexure 10.8.** The indicators are broken into 8 key elements;

- Ratification of human rights instruments,
- Elimination of gender-based discrimination in the Constitution,
- Recognition of women’s legal capacity,
- Gender equality of rights with respect to nationality,
- Gender equality in property rights,
- Gender equality in inheritance,
- Gender-equitable implementation, dispute mechanisms and access to justice,
- Women’s participation in national and local institutions enforcing land legislation.

Each indicator is assigned a score from 0-4;³⁰

Rationale	Stage
Absence of the indicator in the legal framework	0
A policy is being developed	1
A policy is in place	1.5
A draft legislation is to be submitted for deliberations	2
The indicator appears in primary law	3
The indicator appears in multiple legal instruments	4
Not applicable	N/A

An assessment was conducted on the state of gender-equitable land tenure in South Africa in 2015. The majority of the indicators were ranked 3 and above, 1 indicator was ranked 2 and 5 indicators were given a nil³¹.

³⁰ FAO Gender and land rights Database, Legal Assessment Tool, <http://www.fao.org/gender-landrights-database/legislation-assessment-tool/en/>

³¹ LAT assessment South Africa, 2015. <http://www.fao.org/gender-landrights-database/legislation-assessment-tool/en/>

5 Other international M&E initiatives

This section of the report lists other international and regional initiatives which incorporate land governance monitoring and evaluation, but to which South Africa is not necessarily a signatory.

5.1 Land Matrix Initiative

The Land Matrix Initiative is an independent global land monitoring initiative aimed at identifying and documenting large-scale land acquisitions in the global south. It is a partnership between global and regional partners; International Land Coalition, GIZ, GIGA, University of Bern, University of Pretoria, CIRAD, Fundapaz, Ecoaction, Jasil and Asian Farmers Association.

The database is hosted on an online open access website (www.beta.landmatrix.org). These land deals meet certain criteria for inclusion within the database; transfer of ownership/ and or use rights through sale, lease or concession, initiated since the year 2000, over 200ha, results in a change in land use from smallholder production to other uses. Data for over 80 variables are collected, under the following main categories; location information, land area information, investor information, data sources, local community tab, water use tab, former use tab and produce tab.³²

The project was initiated in 2010 and has entered the third phase with a relaunched website and an enhanced decentralisation process. As such, four regional focal points; Africa, Asia, Eastern Europe, Latin America, collect and process the data on the regional and global pages. In addition, we have launched five local observatories, in Philippines, Argentina, Senegal, Uganda, Cameroon, which manage their country level data and pages. Land acquisitions located in South Africa are indeed listed in the database.³³

5.2 PRIndex Initiative

"Perceptions determine behaviour and make accurate comparisons of property security under different legal frameworks possible. That's also why perceptions of property security are included in the UN's Sustainable Development Goals. Representative surveys allow us to include women and young adults in the land rights conversation."

Prindex (also known as the Global Property Rights Index) is a joint initiative between Global Land Alliance and Overseas Development Initiative. The initiative aims to measure perceptions of property security (part of SDG Indicator 1.4.2). The initiative conducts surveys (with a representative sample of citizens selected through multistage stratified cluster sampling approach) to measure respondents tenure security by posing 60 questions in six core modules:³⁴

Questionnaire Module	Information
Tenure Assessment	Duration in dwelling to date Expected future duration in dwelling Physical characteristics of dwelling Type of tenure of dwelling Mode of acquisition of dwelling
Perceptions of tenure security	Likelihood of losing tenure rights against will

³²The database can be accessed here: <https://beta.landmatrix.org/>

³³ The database for South Africa can be accessed here: <https://beta.landmatrix.org/country/south-africa/>

³⁴PRIndex Baseline Survey 2018 can be found here: <https://www.prindex.net/data/methodology/>

	Level of worry of losing tenure rights against will Reason (s) for insecurity of tenure Vulnerability of tenure to adverse events
Documentation	Possession of different types of documentation of tenure rights Legality of documentation Reasons behind non-possession of documentation
Benefits of tenure security	Economic contribution of property to livelihood Rights to monetize property through rental/collateralization/ sale Opportunity cost of tenure insecurity
Tenure security of other properties	Number, type and tenure of additional land/properties Repetition of questions on perceptions of tenure security, documentation, etc. for other properties
Property rights context and perception	Knowledge of how to defend tenure rights Level of confidence in protection afforded by authorities Previous experience of losing tenure rights Previous experience of tenure rights being disputed Perceptions of protection of property rights in respondents' country

Several pilot projects were carried out in 2016 and 2017 in countries such as India, Colombia and Tanzania. The worldwide rollout of the initiative occurred in 2018.³⁵ Research will be expanded to over 100 countries in 2019, and this includes South Africa.

5.3 Global Land Rights Index

The Global Land Rights Index (GLRI), initiated by Haki Network, is the first international effort to track and categorize the national legal framework for land and resource rights across all countries. As such, it displays progress made toward commitments in the Sustainable Development Goals (specifically Goal 1, 2 and 5). The tool also builds on VGGT as it analyses and ranks the performance of countries with regards to recognition of individual and community land and resource rights, including rights to forests, water, minerals and other subsurface resources and rights for women and vulnerable populations.³⁶

The first phase of the project focuses on measuring the legal and rights framework for land across 40 countries. Phase II of the Index will expand the analysis to 80 countries. Phase III of the Index will focus on measures of legal implementation, enforcement and institutional quality related to land rights.

Phase one analyses international treaties that a country is party to and has/has not ratified, national constitutional provisions, national laws, and related implementing policies. Each country

³⁵ Findings and comparative report can be found here: <https://www.prindex.net/reports/prindex-comparative-report-october-2018/>

³⁶ Haki, Global Land Rights Index. https://haki.squarespace.com/s/Global-Land-Rights-Index_Brief-2017-9m5j.pdf

is given an aggregate score of 1-10 (1 the worst, 10 the best), composed of sub-category scores measuring a spectrum of the strength of rights. The sub-categories include:

- Protection from arbitrary and unfair expropriation,
- Women’s rights to land,
- Indigenous, Customary and Communal Rights,
- Natural Resource rights,
- Private versus state property,
- Use, alienation and exclusion rights.

5.4 Transparency International- Corruption Perception Index & Global Corruption Barometer

The Corruption Perceptions Index (CPI) is published annually which ranks countries (100-0) by their *perceived* levels of corruption. Where corruption is defined as "the misuse of public power for private benefit". Perceived corruption is determined by expert assessments and opinion surveys.³⁷

Scores	Perceived as less corrupt					Perceived as more corrupt				
	100–090	089–080	079–070	069–060	059–050	049–040	039–030	029–020	019–010	009–000

CPI came under criticism for its potential to create bias from the powerful elite. As a result, Transparency International also publishes the Global Corruption Barometer, which ranks countries by corruption levels using direct surveys. The surveys ask respondents how the level of corruption has changed over the years since the last survey and in which institutions the problem of corruption is most severe. Experiences of bribery in the past year across six different services are also asked. The surveys throughout the years have included several land sector specific indicators; this includes the Incidence of bribes paid to institutions or organizations for land services, the Perception of “petty” corruption for land services and the Perception of "grand" or political corruption in land matters.³⁸

5.5 Property Rights Alliance- International Property Rights Index

The International Property Rights Index (IPRI) provides a comprehensive scoreboard and analysis of the state of property rights across 125 countries. It enables trend analyses over time to identify where property rights regimes are strong and where they fall short. The Property Rights Index takes a broad view of the elements of property rights: legal and political environment, physical property rights, and intellectual property rights. The elements particularly relevant to land are; property rights protection, registering property, ease of access to loans and protection of physical property³⁹. In the 2018 report, South Africa scored 6.348 placing it 2nd in the Africa region and 37th

³⁷ Transparency International, 2018. Corruption Perceptions Index 2017. https://www.transparency.org/news/feature/corruption_perceptions_index_2017

³⁸ Land Portal Global Corruption Barometer, <https://landportal.org/pt/book/dataset/ti-gcb>

³⁹ International Property Rights Index, 2018. <https://www.internationalpropertyrightsindex.org/about>



in the world. South Africa’s Physical Property Rights scored 5.858 in perception of Property Rights Protection, 9.214 in Registering Property, and 4.910 in Ease of Access to Loans.⁴⁰

5.6 Land Governance Assessment Framework (LGAF)

The Land Governance Assessment Framework (LGAF) is a diagnostic instrument to assess the state of land governance, the results of which ultimately inform policy dialogue. The tool was developed by the World Bank in partnership with FAO, UN Habitat, IFAD, IFPRI, African Union and bilateral partners. The tool allows to identify how land governance in a specific country compares to the global good practice. LGAF has been applied to over 30 countries and has also been implemented at sub-national level. A country assessment report on South Africa was released in 2013, see section F of the report for more.

The tool is designed in such a way that countries undergo a 6-9-month participatory technical assessment in order to rank the land governance status against good practice using a common framework with indicators and their own dimensions. The instrument draws on local expertise and existing evidence.

In order to do so, the LGAF consists of 27 Land Governance Indicators covering 120 dimensions of land governance. The LGAF groups land topics into five core thematic areas which together provide a relatively exhaustive assessment of land governance issues. The indicators and dimensions were developed under the five thematic areas;

- Recognition and respect for existing rights (legal and institutional framework)
- Land Use Planning, Management and Taxation
- Management of Public Land
- Public Provision of Land Information
- Dispute Resolution and Conflict Management

The framework contains the following indicators (**see annexure 10.9 for more information**):⁴¹

<ul style="list-style-type: none"> ▪ Recognition of a continuum of rights: the law recognises a range of rights by individuals ▪ Respect for and enforcement of rights ▪ Rights to the forest and common lands ▪ Transparency of land use rezoning in rural areas ▪ Restrictions on rights: land rights are not conditional on adherence to unrealistic standards ▪ Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide 	<ul style="list-style-type: none"> granted promptly and predictably ▪ Policy implementation is effective consistent and transparent and involves local stakeholders ▪ Contracts are made public, and agreements are monitored and enforced ▪ Mechanisms for recognition of rights ▪ Completeness of the land registry ▪ Reliability: registry information is updated and sufficient to make meaningful inferences on ownership
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⁴⁰International Property Rights Index, 2018, South Africa. <https://www.internationalpropertyrightsindex.org/country/south-africa>

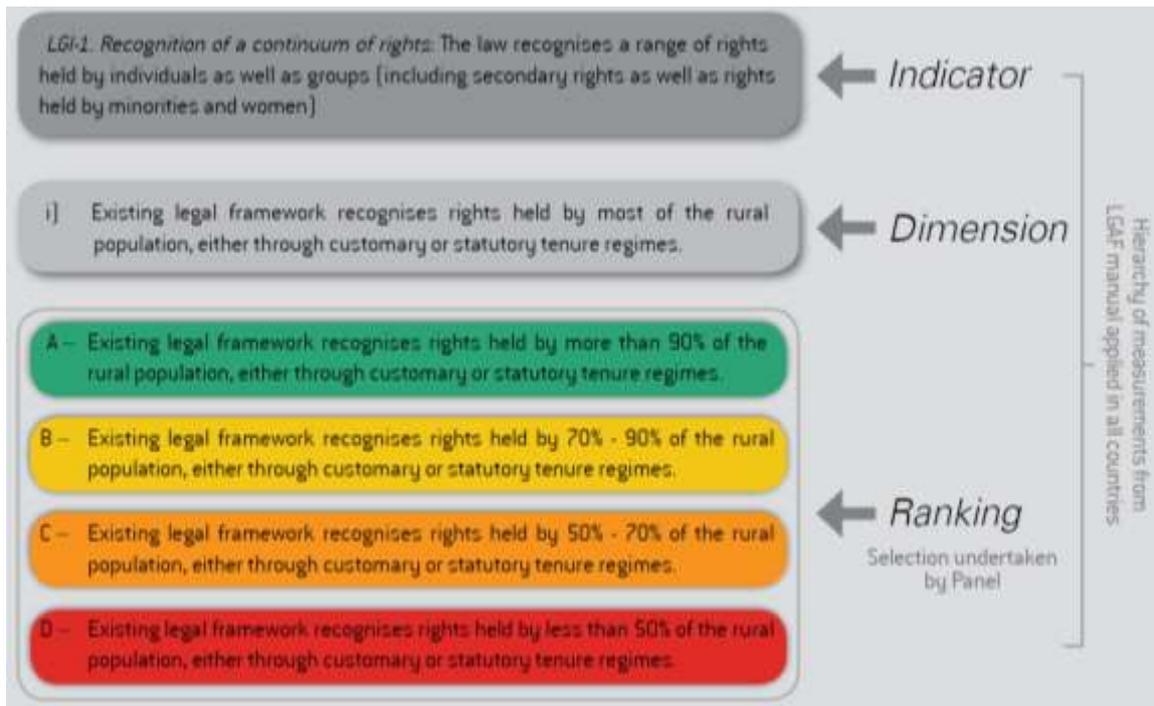
⁴¹ World Bank, 2013. Land Governance Assessment Framework: Implementation Manual for Assessing Governance in the Land Sector. World Bank, Washington D.C

significant benefits for society in general rather than just for specific groups

- Efficiency in the urban land use planning process: land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth
- Speed and predictability of enforcement of restricted land uses: development permits are property taxes are collected and the yield from land taxes exceeds the cost of collection
- Tenure regularisation schemes in urban areas
- Identification of public land and clear management: public land ownership is justified, inventoried, under clear management responsibilities, and relevant information is publicly accessible
- Justification and time-efficiency of expropriation processes: the state expropriates land only for overall public interest and this is done efficiently
- Transparency and fairness of expropriation procedures: expropriation procedures are clear and transparent and fair compensation is paid expeditiously
- Transparent process and economic benefit: transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited
- Private investment strategy

- Cost-effectiveness and sustainability: land administration services are provided in a cost-effective manner
- Fees are determined transparently to cover the cost of service provision
- Transparency of valuations: valuations for tax purposes are based on clear principles, applied uniformly, updated regularly, and publicly accessible
- Collection efficiency: resources from land and
- Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against
- The share of land affected by pending conflicts is low and decreasing
- Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided, and information is shared as needed
- Equity and non-discrimination in the decision-making process: policies are formulated through a legitimate decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all

The panel ranks (A, B, C, D) the country's performance for each dimension:



5.7 Global Land Indicators Initiative (GL11)

Three main actors (Millennium Challenge Corporation, the World Bank, and UN-Habitat) recognised the need to monitor land governance issues. In response to this, in 2012, the Global Land Indicators Initiative (GL11) was formed and the platform is facilitated by the Global Land Tool Network Unit in UN-Habitat. The ultimate aim of GL11 is to make global-scale monitoring of land governance a reality by 2012. As such, the initiative can be viewed as a collaborative and inclusive process for developing Global Land Indicators.

A set of 15 accepted and comparable land indicators have been developed covering four main areas of land governance (see annexure 10.10 for more detail):

Areas of land governance	Indicator	Indicator text
land tenure security for all	A-1	Percentage of women and men with legally recognized documentation or evidence of secure rights to land
	A-2	Percentage of women and men who perceive their rights to land are protected against dispossession or eviction
	A-3	Level of legal recognition and protection of land rights and uses derived through a plurality of tenure regimes
	A-4	Level to which women and men have equal rights to land, including rights to use, control, own, inherit and transact these rights
	A-5	Proportion of indigenous and community groups with claims to land, and percentage of land areas claimed and utilized by them that have legally recognized documentation or evidence of secure rights to land
land and conflict	B-6	Percentage of women and men, Indigenous Peoples and local communities who have experienced land, housing or property disputes or conflict in the past X years

	B7	Percentage of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms
	B8	Percentage of women and men, indigenous and local communities who reported a conflict or dispute in the past X years that have had the conflict or dispute resolved
land administration services	C-9	Range of times and costs to conduct land transaction
	C-10	Level to which land information is available for public access
	C-11	Level to which all users, including women and vulnerable groups, have equal access to land administration services
	C-12	Government tax derived from land-based sources as a percentage of total government revenue
	C-13	Proportion of national land areas with rights holders identified that is incorporated into cadastral maps / land information systems
sustainable land use management	D-14	Changes in the geographical extent of sustainable land use, measured by i) land cover/ land-use change; ii) land productivity change; and iii) soil organic carbon change
	D-15	Proportions of rural and urban administrative districts or units in which land use change and land development are governed by sustainable land-use plans that take account of the rights and interests of the local land users and land owners

During the second phase (2016-2021), the focus is on monitoring and reporting on land governance using the indicators which have been developed. Various actors around the world are now involved in GL11, ranging from UN Agencies, Inter-governmental Organizations, International Nongovernmental organizations, Academia, Private Sector, Researchers and Training Institutions, and Farmer Organizations.⁴²

5.8 International Land Coalition- Dashboard

The Dashboard has been developed by the International Land Coalition (ILC) and is an assessment and monitoring tool with core indicators aligned with the ten ILC commitments to be periodically monitored by members (and countries in which National Engagement Strategies are present, such as South Africa).

The process of conceptualisation and pilot implementation has been a consultative approach over two years. Firstly, surveys were conducted with ILC members and other global frameworks which identified what monitoring initiatives exist and what indicators are used. These were then collated into an excel spreadsheet and a provisional short list of indicators was selected by the team at ILC. Consultations were then held from March-November 2017 based on the initial conceptualisation of the tool and potential indicators- these included a global expert meeting, regional expert consultations and regional broad-based presentations. The conceptualisation was finalised in December 2017 and implementation began in pilot countries in 2018 (Senegal, Nepal, Colombia).

The tool identifies several core indicators, as listed below and in more detail in the annex. Non-core indicators which are not expressed in the core indicators but which are deemed relevant to the country can be incorporated. The core indicators tend towards legal indicators, implementation indicators and outcome- impact- perception indicators. Legal indicators measure the presence (or lack) of a legal framework, implementation indicators evaluate the degree to which relevant policies and laws have been implemented, and impact indicators document on-the-ground

⁴² GLTN website, 2018, <https://glt.n.net/global-land-indicators-initiative-glii/>

impacts⁴³. See annexure 10.11 for more details on the indicators, data sources and methodologies.

ILC commitment	Legal indicator	Implementation indicator	Outcome/ impact indicator
Secure tenure rights	Legal and institutional framework in place at national level for securing tenure rights, for different types of tenure and by sex	Women and men with legally recognized documentation or secure rights to land, disaggregated by type of tenure	Women and men who perceive their rights to land are protected against dispossession or eviction, disaggregated by type of tenure
Strong small-scale farming systems	Legal and institutional framework in place at national level to support family farmers	National budget and support programs dedicated to family farming	Equitable land distribution, by size Productivity Gap
Diverse tenure systems	Legal and institutional framework in place at national level recognizes a continuum of individual and communal land rights, including secondary rights of tenants, sharecroppers, and pastoralists	Implementation of diverse tenure rights and regimes, including secondary rights of tenants, sharecroppers, and pastoralists	Community members who perceive their rights to land are protected against dispossession or eviction, disaggregated by sex
Equal land rights for women	Legal and institutional framework surrounding land, in place at national level, is gender responsive	Share of women among owners or rights-bearers of agricultural land, by type of tenure	Women who perceive their rights to land are protected against dispossession or eviction, disaggregated by type of tenure
Secure territorial rights for indigenous peoples	Legal and institutional framework in place at national level recognizes indigenous peoples' right to land, territories, and resources	Implementation of tenure rights on indigenous lands	Indigenous peoples who perceive their rights to land are protected against dispossession or eviction, disaggregated by sex Percent of land held or used by indigenous peoples that is recognized
Locally managed ecosystems	Legal and institutional framework in place at national level promotes the local and sustainable management of ecosystems	Rural districts where land use change and land development are governed by sustainable use plans that take account of the rights and interest of the local land users and owners	Local control of forest resources (TBC)
Inclusive decision-making	Legal and institutional framework in place at national level promotes the equitable	Rural land use management and changes based on public and community input	Target groups including women, youth, and holders of customary rights have access to and

⁴³ ILC, 2018. The Dashboard. <http://www.landcoalition.org/en/dashboard>

	representation of women and men in local decision making		are supported to engage in multi-stakeholder platforms
Transparent and accountable information	Legal and institutional framework in place at national level calls for timely, reliable and accessible data on land and land-related issues	National information on public land deals made publicly available	Corruption present in the land sector (TBC)
Effective action against land grabbing	Legal and institutional framework in place at national level to prevent land grabbing in private and public investments and includes the existence of procedural safeguards	Challenges to land rights violation attempts Free Prior and Informed Consent (FPIC) and other safeguards are implemented in large-scale land transactions	Land grabbing cases where corrective action was taken against violators
Protected land rights defenders	Legal and institutional framework in place at national level to protect land rights defenders	Protective measures ensure the safety of land and environmental defenders	Land and environment defenders threatened, harassed, arrested, jailed, killed, or missing, disaggregated by sex

The tool and indicators are recognized as legitimate in global and national frameworks. These indicators feed meta-level indicators and commonly agreed upon frameworks:

- 20 indicators correspond to VGGT principles
- 19 indicators correspond to an SDG target or indicator
- 14 indicators correspond to MELA indicators
- 8 indicators correspond to GL11 indicators
- 7 indicators correspond to Land Matrix

5.9 Land Portal

The Land Portal is listed in this section as it contributes towards land governance in developing countries around the world, but in itself is not a monitoring and evaluation tool. The aim of Land Portal is to reduce the disparities, such as visibility, accessibility, consistency and completeness, found within land information. As such the portal aims to improve land governance through the provision of information, including open data. This happens through the 'data aggregator' role where data is collected from various providers around the world and disseminated through the Land Portal website.⁴⁴

⁴⁴ <https://landportal.org/>

5.10. Trocaire Beneficial land ownership and transparency

The aim of this project is to develop a framework for assessing transparency in beneficial ownership of land. Beneficial ownership has been increasingly acknowledged as an essential part of fighting corruption and tax evasion and holding powerful entities to account. The framework allows for an assessment of transparency for the purposes of accountability in land use and land transactions (i.e. not recording land deals which involve corruption- which other organisations do). In addition, the framework focuses on individuals and entities that exercise ownership or control over “large quantities of land,” (over 200 hectares as a rule of thumb). The framework is broken down into five sections; land registry structure and information collection, access to information on land ownership and control, including long-term leases and concessions, legal entity/ arrangement registry and information collection, access to legal entity/ arrangement registry information and responsibilities of stewardship/ use by entities with ownership or control. As such the stronger and weaker components of legal framework is indicated via a green rating (strong component), yellow rating (needs improvement) and red rating (weak component).⁴⁵

6 Examples of Land Governance Monitoring initiatives from other countries by civil society

6.1 Senegal

Several interconnected processes relating to land governance are ongoing within the country.

Firstly, the creation of the National Land Governance observatory (NGO). The observatory was launched on June 17, 2015 due to the request emanating from farmers' organizations through the National Council for Concertation and Rural Cooperation (CNCR). The government is not involved in the observatory. The main missions of the NGO are to play the role of watch and alert on land governance and land allocations and to facilitate awareness and mobilization of stakeholders. The test phase is centred on the municipalities involved in the Inclusive and Sustainable Development Project of Agribusiness in Senegal (PDIDAS). Founded by civil society, the NGO is a committed and militant organization acting as a whistle-blower to influence the public debate⁴⁶.

A multi-stakeholder platform was established in 2014 to monitor VGGT implementation. The platform facilitates discussion and interaction among several sectors of stakeholders (civil society, farmers' organisations, state actors, the private sector, communal authorities and research organisations) on land governance to better implement the VGGT. Three national workshops have been organised since 2014, and 150 members have been trained on the VGGT⁴⁷.

⁴⁵ Pierce et al, 2018. Towards transparency in land ownership: a framework to research beneficial land ownership.

⁴⁶ Grislain, Q, 2018. Etude sur les observatoires du foncier en Afrique. Land Matrix, International Land Coalition, CIRAD, IPAR. Dakar.

⁴⁷ ActionAid, 2017. Assessing the implementation of the Voluntary Tenure Guidelines and the AU Framework and Guidelines for Land Policy; a toolkit approach.



Another observatory is under consideration, an observatory for monitoring and evaluation of the revised draft land policy. As part of the land reform process, the National Reform Commission proposed to set up a land monitoring observatory. To avoid having overlapping initiatives, a feasibility study was conducted by Agricultural and Rural Prospective Initiative (IPAR). Several obstacles were revealed during the study; the end of the land reform process, the absence of a consensus between the actors on the financing and the institutional connection of the observatory as well as its positioning in relation to the national observatory of land governance⁴⁸. Reflections are in progress.

The country also has a NES structure, one of the first in Africa, comprised of several members (who are also part of the other processes). The NES is piloting the Dashboard initiative and PRIndex. More reflection on this process will follow in the coming months. In addition, ISRA, CIRAD and other actors are establishing a large-scale land acquisition monitoring tool, in collaboration with the Land Matrix. The positioning of the tool within the observatories mentioned above is still under discussion.

6.2 Tanzania

Several processes, mainly related to SDGs and VGGT, are on-going in Tanzania. While CSO's are involved in different aspects, they mainly work in silos and are waiting on the main FAO/ Government led VGGT project to further emerge so that they can identify entry points. FAO appears to be a main player in the land governance sector, engaging on VGGT, within the country. The FAO have three main mandates; conduct a situational analysis, secondly constitute a multi-stakeholder platform and finally, the provision of capacity building to the Ministry on development of a mapping framework.

Land Division specialists from FAO have conducted a situational analysis on the current state of land governance and possibilities for incorporation of VGGT. Consultation was undertaken across a number of actors including public and CSOs in the land sector. Thereafter a validation meeting with all consulted stakeholders was undertaken. On the second mandate, FAO is currently assessing where to anchor their support, as there are already several existing multi-stakeholder platforms within the country. On the third point, the National Land Use Planning Commission is updating its current document and will provide support here in incorporating VGGT. The FAO is also piloting specific country land governance tools, more information on the process and progress will be available later in the year.

Landesa is working on responsible investments in property and land. They have developed three guidebooks, for businesses, communities and governments, which incorporate several SDG and VGGT indicators as responsible investment guiding tools or "best practices".⁴⁹ The organisation is also focusing on women's land rights program and data generation on SDG indicator 1.4.2. Specifically, within this indicator, Tanzania was chosen in the 2018 pilot phase of the PRIndex survey, and data on the perception of land tenure among landholders was collected. The study

⁴⁸ Grislain, Q, 2018. Etude sur les observatoires du foncier en Afrique. Land Matrix, International Land Coalition, CIRAD, IPAR. Dakar.

⁴⁹ Guidebooks can be accessed here: <https://ripl.landesa.org/>



found that 30% of respondents feel that they lack tenure security and 50% do not possess any formal documents to prove ownership or use-rights.⁵⁰

6.3 Kenya

The Land Development and Governance Institute (LDGI) is an NGO which was established to bridge the gap in the land sector between advocacy associates and professional associations. Two of their main aims are to advocate for good policies and laws in the land sector and track the implementation of policies through their in-house developed scorecard program. The program aids the assessment of the implementation of Chapter 5 of the Constitution on Land and Environment, Sessional Paper No. 3 on the National Land Policy and the new land laws (Environment and Land Court, 2011, National Land Commission Act 2012, the Land Registration Act 2012 and Land Act 2012).⁵¹ LDGI provides a regular assessment report on progress for the wider public⁵². The theme for each score card is developed based on the land policy objectives, Statutory and constitutional provisions and the service charter of the ministry of Land. Each card is designed with specific objectives to address changing needs and governance dynamics.

7 Who else is monitoring what in South Africa?

This section aims to list country-specific sources of information/ data and initiatives which include a monitoring and evaluation aspect. The initiatives listed here could include sites/ tools which just present raw data from others, sites present their own raw data and do limited analysis and other organisations/ initiatives which undertake actual M&E.

This section will be completed after the discussion workshop with assistance from NES members. It is important to keep in mind during the write up of the section that some of the data sources mentioned might not be on the scale we want them, not published as regularly as we want or poorly kept (data quality and quantity)- however elements can nevertheless be drawn from each.

7.1 LGAF

The World Bank produced a country assessment report on South Africa using the LGAF indicators as far back as 2013). The process began in 2011 and was implemented by Urban LandMark. The process followed was a participatory one which included several steps; development of five expert reports, eight panel workshops where scores were reached, draft national report released and debated on in a national verification workshop, development of final national report including policy recommendations. Again in 2013, participants were asked to comment on the findings from 2011 and no significant changes were identified.⁵³

⁵⁰ Data can be accessed here: <https://www.prindex.net/news-and-stories/new-prindex-infographics-spotlight-colombia-india-and-tanzania/>

⁵¹ LDGI- scorecard-- <http://www.ldgi.org/>

⁵² The various scorecard reports can be accessed here: <http://www.ldgi.org/index.php/media-centre/reports-and-publications>

⁵³ Ovens, W., du Plessis, J., Napier, M., Kitchin, F., 2013. *Issues and Options for Improved Land Sector Governance in South Africa: Application of the land Governance Assessment Framework*. Urban LandMark,



The country report provides an overview on the performance in the thematic areas (as described in section E) according to the ranking and scoring of each section as well as an outline of key issues⁵⁴. The report found that progress towards governance of several thematic areas was on track, whereas others were weak. As a result, several recommendations were made for each thematic area.

A summary of the main findings, indicating the state of land governance in the country, are outlined below;⁵⁵

- Formal tenure systems are well developed, accurate and reliable,
- Informal/ communal land in urban areas is insecure and there is no system for managing incremental tenure rights,
- Legal framework for the management of rural communal land requires attention,
- Urban land use planning is well developed, however enforcement is linked to the will of the municipality,
- No formal urban land planning takes place in informal/communal lands,
- Formal commercial farm land is well regulated,
- Land valuation and taxation legislation is well developed and implemented for formal lands,
- Informal areas and communal land no subject to land valuation and taxation,
- Land information for formal land is accurate and reliable,
- Land information in informal areas based on oral traditions,
- Dispute resolution system is well developed for formal lands,
- Large scale land acquisitions in formal lands are regulated and well monitored,
- large scale land acquisitions in informal land are driven by economic imperatives.

7.2 South African Land Observatory (SALO)

The objective of the South African Land Observatory is to promote evidence-based and inclusive decision-making over land resources in South Africa. The initiative collects data and information on land (ownership, use and land cover) and displays it via the online repository. The project also includes an area for debate between the land community on its' website. The project responds to the need for data generation, monitoring evolutions and making information and research available, with regards land in South Africa. The legitimacy of the initiative comes from several processes/ observations within the country including the willingness to engage in more effective and successful land reform and the need for evidence-based decision-making at decentralised levels. Largely, the observations witnessed within the country, to which SALO aims to contribute, corresponds to several principles contained in the Framework and Guidelines on Land Policy in Africa.⁵⁶

Pretoria, Urban Land Mark, 2013, Land Governance in South Africa: Implementing the Land Governance Assessment Framework. World Bank, 2013.

⁵⁴The final report and other associated documents can be found here: <http://www.urbanlandmark.org.za/research/x62.php>

⁵⁵ Urban Land Mark, Improving Land Sector Governance in South Africa: Implementation of the Land Governance Assessment Framework.

⁵⁶ South African Land Observatory, <http://salandobservatory.org/aboutsalo/>

8 Proposed way forward

The assessment done reveals that there are a range of ways in which a Land Governance Monitoring system could be designed. It also reveals that the differences depend on:-

1. what the purpose of the monitoring system is for

(e.g. monitoring that we are making progress towards a good land governance system that is people centred),

2. how the issue of land governance is defined and understood

(e.g. what elements make up a good land governance system and how should they work as a system in South Africa?),

3. what aspects of land governance are important to the user

(e.g. if the Land governance system is working well what do we hope to see as a positive/ improved/ changed outcome?) .

The process towards designing such a system for South Africa could be done in a few ways:-

Method	Limitation	Advantage
1. Using the global land indicators where South Africa is a signatory and applying them to the South African context;	Only the specific land indicators defined are available. There is no specific Land Governance SDG or indicator, as these are country specific systems.	South Africa has committed to these even if they are not legally binding. Work has been and is being done in defining indicators that are useful and measurable by a range of global actors, so there would be support.
2. Developing outcomes and indicators for LandNNES #Get_it, #Keep_it, #Use_it, #People_centred, objectives;	This would limit the monitoring system to LandNNES's interests and then the tool would not be useful as a way to engage government and other stakeholders whose interests might not be exactly the same, even if they overlap.	This would make the implementation of the system/ tool manageable and within LandNNES control. Information gathered through this tool/ system could be used to inform advocacy positions, and would be especially powerful in the absence of others having the same.

<p>3. Identifying land governance indicators based on SA government MTSF priorities and the NDP;</p>	<p>Land Governance is not a well understood or commonly agreed concept and system. It is not clearly stated in the NDP or the current MTSF. It still require more advocacy work.</p> <p>For buy in with government we would need to find common ground and buy in to definitions or face criticism when we present findings.</p>	<p>Government system is already in place and the NDP is not going to change. The MTSF process offers a review opportunity for stating priorities, interpreting the NDP and identifying Land governance issues and problems within the NDP.</p>
<p>4. Adopting an established monitoring system developed globally or locally e.g. ILC, GLII, LGAF, SALO...</p>	<p>The global indicators will still need to be made country specific and the purpose of the tools also need to be made country specific.</p> <p>LandNNES would need to adopt the definitions given to Land Governance in these methods.</p>	<p>They offer methodologies that have been workshopped and tested to some extent.</p>
<p>5. Develop a LandNNES People Centred Land Governance framework and related outcomes and indicators</p>	<p>Longer process that requires workshopping within LandNNES.</p> <p>There will be contestation of definitions and concepts and system proposals by outside stakeholders when used in public</p>	<p>LandNNEs members use this process to enhance and widen members understanding of Land Governance elements and systems.</p> <p>LandNNEs members are better able to engage a range of stakeholders, including the MSP) on Land Governance matters whether through discussing a monitoring tool and system or discussing elements of land governance.</p> <p>It complements the work of the LandNNES focus areas as these require the network and members to develop policy briefs etc on land admin, land information systems, land access and redistribution, land use etc.</p>



The drafters of this discussion document recommend that LandNNEs adopt the 5th proposed process as follows:-

1. Workshop, identify and agree on the elements of a Land Governance system in South Africa with members;
2. Workshop, identify and agree on what the people centred elements of such a system would be;
3. Identify and agree on the specific clauses and sections of the SA Constitution, the National Development Plan (NDP) and MTSF, and the Spatial Planning and Land Use Management Act (SPLUMA) that talk to the elements of People Centred land Governance identified in step 1 and 2;
4. Identify which Land Governance elements are not found in the SA Constitution, NDP, MTSF, and SPLUMA;
5. Develop outcomes and indicators for a well functioning People centred Land Governance system i.e.. if it worked well what positive impact would it have on the citizens and the country as a whole?
6. Develop outcomes and indicators for each element of Land Governance identified - should also reference global indicators used, the VGGT guidelines, existing MTSF etc indicators and adopt if they are acceptable or develop revised ones or develop new ones if no relevant ones exist;
7. Identify the existing base line for each indicator developed- what is the current situation;
8. Confirm the proposed outcome and indicator that talks to the identified clauses and sections of the SA Constitution, the National Development Plan (NDP) and MTSF, and the Spatial Planning and Land Use Management Act (SPLUMA - this can be used in engagements with various stakeholders on these different policy level frameworks;
9. Assess which indicators and outcomes link to international initiatives that we can feed into once the monitoring starts;
10. Identify and confirm the sources of information for each indicator - including where there are gaps and who to engage about addressing such gaps e.g. StatsSA, MSP, DPME, etc.

9 Contact details for relevant stakeholders to engage

1. SDG:

CSO Working Group led by African Monitor: Namhla (namhla@africanmonitor.org)

SDG Hub: Willem Fourie (willem.fourie@up.ac.za)

2. Government:

DPME: Kefiloe Masiteng (Kefiloe.Masiteng@dpme.gov.za)

DPME POA people working on new MTSF indicators

M&E staff at DRDLR, DoHS, DCOG



3. Other African initiatives:

Senegal: Jérémy Bourgoïn (jeremy.bourgoïn@cirad.fr), Ibrahima Ka (ibrahimaka@ipar.sn / kaibrahima11@gmail.com)

Tanzania: Bernard Baha NES coordinator (bernard.baha@gmail.com); Beatha Fabian FAO (beathafabian@gmail.com)

Kenya: Dr Mwenda LDGI (makathimo@ldgi.org), Lucy Mwangi (info@ldgi.org)

Rwanda: Annie Kairabaa (kairabaa@risdrwanda.org)

4. International Initiatives:

ILC: Ward Anseeuw Dashboard (w.anseeuw@landcoalition.org)

PRINdex: Malcolm Childress (mchildress1@landallianceinc.org)

GL11: Everlyne Nairesiae (everlyne.nairesiae@un.org)

5. National Initiatives:

Mark Napier CSIR wrt land portal work and uKesa portal and LGAF (mnapier@csir.co.za)

SALO: Professor Machethe (charles.machethe@up.ac.za)

This is a provisional list, more stakeholders to be added after further engagements with NES members.

10 Annexures

10.1 SA Constitution: suggested relevant Land Governance clauses

3. Citizenship	25. Property	25. Property	26. Housing	27. Healthcare, food, water & Social Security	24. Environment
<p>(1) There is a common South African citizenship.</p> <p>(2) All citizens are -</p> <p style="padding-left: 40px;">(a) equally entitled to the rights, privileges and benefits of citizenship; and</p> <p style="padding-left: 40px;">(b) equally subject to the duties and responsibilities of citizenship.</p> <p>(3) National legislation must provide for the acquisition, loss and</p>	<p>(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.</p> <p>(2) Property may be expropriated only in terms of law of general application -</p> <p style="padding-left: 20px;">(a) for a public purpose or in the public interest; and</p> <p style="padding-left: 20px;">(b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.</p> <p>(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including -</p> <p style="padding-left: 20px;">(a) the current use of the property;</p> <p style="padding-left: 20px;">(b) the history of the acquisition and use of the property;</p> <p style="padding-left: 20px;">(c) the market value of the property;</p>	<p>(5)The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.</p> <p>(6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or</p>	<p>(1) Everyone has the right to have access to adequate housing.</p> <p>(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.</p> <p>(3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.</p>	<p>(1) Everyone has the right to have access to-</p> <p style="padding-left: 20px;">(a) healthcare services.....;</p> <p style="padding-left: 20px;">(B) sufficient food and water: and</p> <p style="padding-left: 20px;">© social security, including,</p> <p>(2) the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights.</p> <p>(3) No one may be refused emergency medical treatment.</p>	<p>Everyone has the right-</p> <p style="padding-left: 20px;">(a) to an environment that is not harmful to their health or well-being; and</p> <p style="padding-left: 20px;">(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative ad other measures that-</p> <p style="padding-left: 40px;">(i) prevent pollution and ecological degradation;</p> <p style="padding-left: 40px;">(ii) promote conservation;</p> <p style="padding-left: 40px;">(iii) secure ecologically sustainable development and use of the natural resources while promoting justifiable economic and social development.</p>

<p>restoration of citizenship.</p>	<p>(d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and (e) the purpose of the expropriation. (4) For the purposes of this section - (a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and (b) property is not limited to land.</p>	<p>to comparable redress. (7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress. (8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from</p>			
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		<p>the provisions of this section is in accordance with the provisions of section 36(1).</p> <p>(9) Parliament must enact the legislation referred to in subsection (6).</p>			
21. Freedom of movement and residence	32 Access to information	33. Just administrative Action	34 Access to courts	152. Objects of local government	153. Developmental duties of municipalities
<p>(1) Everyone has the right to freedom of movement.</p> <p>(2) Everyone has the right to leave the Republic.</p> <p>(3) Every citizen has the right to enter, to remain in and to reside anywhere in, the Republic.</p> <p>(4) Every citizen has the right to a passport.</p>	<p>(1) Everyone has the right of access to -</p> <p>(a) any information held by the state; and</p> <p>(b) any information that is held by another person and that is required for the exercise or protection of any rights.</p> <p>(2) National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.</p>	<p>(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.</p> <p>(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.</p> <p>(3) National legislation must be enacted to give effect to these rights, and must -</p>	<p>Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.</p>	<p>(1) The objects of local government are -</p> <p>(a) to provide democratic and accountable government for local communities;</p> <p>(b) to ensure the provision of services to communities in a sustainable manner;</p> <p>(c) to promote social and economic development;</p> <p>(d) to promote a safe and healthy environment; and</p> <p>(e) to encourage the involvement of communities and</p>	<p>A municipality must -</p> <p>(a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and</p> <p>(b) participate in national and provincial development programmes.</p>



		<p>(a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;</p> <p>(b) impose a duty on the state to give effect to the rights in subsections (1) and (2); and</p> <p>(c) promote an efficient administration.</p>		<p>community organisations in the matters of local government.</p> <p>(2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).</p>	
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10.2 NDP summary

Executive summary:

By 2030

Eliminate income poverty – Reduce the proportion of households with a monthly income below R419 per person (in 2009 prices) from 39 percent to zero.

Reduce inequality – The Gini coefficient should fall from 0.69 to 0.6.

Enabling milestones:

- Increase employment from 13 million in 2010 to 24 million in 2030.
- Raise per capita income from R50 000 in 2010 to R120 000 by 2030.



- Increase the share of national income of the bottom 40 percent from 6 percent to 10 percent.
- Establish a competitive base of infrastructure, human resources and regulatory frameworks.
- Ensure that skilled, technical, professional and managerial posts better reflect the country's racial, gender and disability makeup.
- Broaden ownership of assets to historically disadvantaged groups.
- Increase the quality of education so that all children have at least two years of preschool education and all children in grade 3 can read and write.
- Provide affordable access to quality health care while promoting health and wellbeing.
- Establish effective, safe and affordable public transport.
- Produce sufficient energy to support industry at competitive prices, ensuring access for poor households, while reducing carbon emissions per unit of power by about one-third.
- Ensure that all South Africans have access to clean running water in their homes.
- Make high-speed broadband internet universally available at competitive prices.
- Realise a food trade surplus, with one-third produced by small-scale farmers or households.
- Ensure household food and nutrition security.
- Entrench a social security system covering all working people, with social protection for the poor and other groups in need, such as children and people with disabilities.
- Realise a developmental, capable and ethical state that treats citizens with dignity.
- Ensure that all people live safely, with an independent and fair criminal justice system.
- Broaden social cohesion and unity while redressing the inequities of the past.
- Play a leading role in continental development, economic integration and human rights.

Summary of Objectives and Actions

<p>Chapter 3: ECONOMY AND EMPLOYMENT</p>	<ul style="list-style-type: none"> • The unemployment rate should fall from 24.9 percent in June 2012 to 14 percent by 2020 and to 6 percent by 2030. This requires an additional 11 million jobs. Total employment should rise from 13 million to 24 million. • The proportion of adults working should increase from 41 percent to 61 percent.
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	<ul style="list-style-type: none"> • The proportion of adults in rural areas working should rise from 29 percent to 40 percent. • The labour force participation rate should rise from 54 percent to 65 percent. • Gross Domestic Product (GDP) should increase by 2.7 times in real terms, requiring average annual GDP growth of 5.4 percent over the period. GDP per capita should increase from about R50 000 per person in 2010 to R110 000 per person in 2030 in constant prices. • The proportion of national income earned by the bottom 40 percent should rise from about 6 percent today to 10 percent in 2030. • Broaden ownership of assets to historically disadvantaged groups. • Exports (as measured in volume terms) should grow by 6 percent a year to 2030 with non-traditional exports growing by 10 percent a year. • Increase national savings from 16 percent of GDP to 25 percent. • The level of gross fixed capital formation should rise from 17 percent to 30 percent, with public sector fixed investment rising to 10 percent of GDP by 2030. • Public employment programmes should reach 1 million by 2015 and 2 million people by 2030.
<p>CHAPTER 4: ECONOMIC INFRASTRUCTURE</p>	<ul style="list-style-type: none"> • The proportion of people with access to the electricity grid should rise to at least 90 percent by 2030, with non-grid options available for the rest. • Ensure that all people have access to clean, potable water and that there is enough water for agriculture and industry, recognising the trade-offs in the use of water. • Reduce water demand in urban areas to 15 percent below the business-as-usual scenario by 2030. • The proportion of people who use public transport for regular commutes will expand significantly. By 2030, public transport will be user- friendly, less environmentally damaging, cheaper and integrated or seamless • Durban port capacity should increase from 3 million containers a year to 20 million by 2040. • Competitively priced and widely available broadband.
<p>CHAPTER 5: ENVIRONMENTAL SUSTAINABILITY AND RESILIENCE</p>	<ul style="list-style-type: none"> • A set of indicators for natural resources, accompanied by publication of annual reports on the health of identified resources to inform policy. • A target for the amount of land and oceans under protection (presently about 7.9 million hectares of land, 848kms of coastline and 4 172 square kilometres of ocean are protected).

	<ul style="list-style-type: none"> • Achieve the peak, plateau and decline trajectory for greenhouse gas emissions, with the peak being reached around 2025. • By 2030, an economy-wide carbon price should be entrenched. • Zero emission building standards by 2030. • Absolute reductions in the total volume of waste disposed to landfill each year. • At least 20 000MW of renewable energy should be contracted by 2030. • Improved disaster preparedness for extreme climate events. • Increased investment in new agricultural technologies, research and the development of adaptation strategies for the protection of rural livelihoods and expansion of commercial agriculture.
<p>CHAPTER 6: INCLUSIVE RURAL ECONOMY</p>	<ul style="list-style-type: none"> • An additional 643 000 direct jobs and 326 000 indirect jobs in the agriculture, agro- processing and related sectors by 2030. • Maintain a positive trade balance for primary and processed agricultural products.
<p>CHAPTER 8: TRANSFORMING HUMAN SETTLEMENTS</p>	<ul style="list-style-type: none"> • Strong and efficient spatial planning system, well integrated across the spheres of government. • Upgrade all informal settlements on suitable, well located land by 2030. • More people living closer to their places of work. • Better quality public transport. • More jobs in or close to dense, urban townships.
<p>CHAPTER 13: BUILDING A CAPABLE AND DEVELOPMENTAL STATE</p>	<ul style="list-style-type: none"> • A state that is capable of playing a developmental and transformative role. • A public service immersed in the development agenda but insulated from undue political interference. • Staff at all levels have the authority, experience, competence and support they need to do their jobs. • Relations between national, provincial and local government are improved through a more proactive approach to managing the intergovernmental system. • Clear governance structures and stable leadership enable state-owned enterprises (SOEs) to achieve their developmental potential.



10.3 MTSF Outcomes

High level Impact indicators

Outcome 7: Vibrant, equitable, sustainable Rural communities	Outcome 8: Sustainable Human Settlements	Outcome 9: Responsible, accountable, effective, efficient developmental Local Government system
Increase in % ownership of productive land by PDI's	No of H/H living in adequate housing (<i>secure tenure, services, materials, facilities, infrastructure, affordability, habitable, accessible, well located, cultural adequate</i>) (MTSF Target: 745 000 households living in adequate housing provided through the subsidy and affordable housing segments)	Members of society have sustainable and reliable access to basic services (Number and percentage of HHs with access as per norms and standards)
Reduce the number of unutilised land transferred to PDI's	Improved living conditions for H/H living in informal settlements (750 000 households upgraded (provided with access to basic services and security of tenure in terms of the Upgrading of Informal Settlements Programme (Phase 3) ²)	Improved public trust and confidence in local government
Reduce % of H/H vulnerable to hunger	No. of human settlements that are spatially, socially, economically integrated (250 projects implemented by 2019 (number includes 50 Catalytic Projects planned for and implemented that demonstrate integration into wider settlement functionality ³)	Sound financial and administrative management (Percentage of municipalities that improve their audit outcomes)
Reduction in % of Population living below lower bound poverty line	Increase in the no. of homeloans granted by private sector and DFI's to H/H in affordable housing market for new homes (20% increase (203 500) in the number of new homes in the affordable market financed through the Banks (134 200) and DFIs (110 000))	Local public employment programmes expanded through the Community Work Programme
Reduction in rural unemployment rate	Growth and distribution of value in residential property market (20% increase in transactions on properties less than R500000)	



10.3.1 Outcome 7: Rural Development	Indicators	targets
Goals	Vibrant , Equitable, Sustainable rural communities contributing to food security for all	
Sub Outcomes		
Improved land administration and spatial planning for integrated development in rural areas	National SDF developed and approved No. of provinces supported to develop SDF's	National rural SDF approved by March 2018 9 provinces have SDF's
	No. of municipalities implementing SPLUMA PDALFA approved and implemented	234 LM's implementing SPLUMA by March 2019 Implementation of PDALFA
	IGR and Stakeholder management plan developed & implemented	IGR and SMP implemented by March 2015
	No. of internal and external stakeholders contributing to implementation of RD	
Sustainable Land Reform contributing to agrarian transformation	Functional office of Valuer general Functional Land Commission Functional Land Rights Management Board and Land Rights management Comm Functional District land committees	Established Land Admin structures
	No. of strategically located hectares of land acquired and allocated	2million ha by March 2019
	No of acquired ha of land allocated to smallholder producers	50% of acquired land by Mar 2019
	Communal land tenure policy and laws in place and being implemented	Mar 2019
	No of ha of land allocated to people living and/or working on farms	200000 of HA by Mar 2019
	No of sites where strengthening relative rights piloted	50 sites by Mar 2019
Improved Food security	No people benefitting for FS& nutrition initiatives No H/H benefitting No H/H supported	4,3 million
	No. of ha of underutilised land in communal areas cultivated	1 Million ha
Smallholder producers development & support	Policies promoting development & support of Smallholder producers in place & implemented	



	Single support programme for self-built in terms of self-help, PHP, Informal Settlements Upgrading, Rural Housing and non-profitable Rental Housing approved	
	<p>Number of housing opportunities in informal settlements, located in quality living environments:</p> <p>Number of existing Informal settlements assessed, upgrading settlement plans completed and upgrading plans implemented</p> <p>Number of households benefitting from informal settlements upgrading</p> <p>Number of housing units for subsidy housing submarket provided</p> <p>Number of affordable housing loans for new houses in the affordable-gap housing submarket</p> <p>Number of affordable rental housing opportunities provided through government programmes</p> <p>A strategy to respond to the increased demand for housing and amenities by communities in mining towns</p> <p>Backyard rental strategy</p>	
	Hectares of well-located land rezoned and released for new developments targeting poor and lower middle-income households	
	Framework to ensure spatial, social and economic integration (spatial targeting) of human settlements developed	
	Multiyear Human Settlements Development Plans that support spatial targeting, social and economic integration	
	Number of lead catalytic projects that demonstrate spatial, social, and economic integration	
	Human Settlements projects that revitalize and develop hubs, nodes, and linkages developed in historical black townships framed through the HSDG and USDG	
	Minimum standards and finance options for investment in public spaces developed	
	Yearly allocation invested in public spaces targeting poor and lower middle-income households	
	Single Development Finance Institutions (DFI)	

Increase in the volume of home loans granted by the private sector and the DFI'	A strategy to increase the supply of affordable housing and access to housing funding (to reach targets in terms of affordable housing – Banks and DFIs)	
	New housing products for the affordable housing market	
	Increase in volume of home loans granted (over and above that which produces new houses) by private sector and DFI's to households in the affordable housing market	
	Curriculum on the property market and homeownership for the subsidy and affordable housing market reviewed, improved and consumers educated	
	Consumers in the affordable and subsidy housing market exposed to effective consumer education programmes	
	Distribution of sales transactions in the affordable housing market monitored	
	Estate Agencies operating in the affordable housing market	
	Households in the affordable housing (particularly subsidy) market have access to biannual property valuation information	
	Policy and administrative systems that support individual transactions in the affordable secondary housing market developed	
	Sales restriction for government housing subsidy submarket reviewed.	
	Title deeds issued to new homeowners in the subsidy submarket on occupation	
	Backlog on title deeds eradicated	
	All new title Deeds for subsidy submarket endorsed consistent with policy	
	Trends in the residential building plans passed by municipalities and completed housing units reported	
	Trends in new NHBRC enrolments	
Number of ratable properties in the subsidy housing submarket entering the rates roll of municipalities		
Enhanced institutional capability for effective coordination of spatial investment decisions	No of Municipalities assessed for accreditation to undertake the housing function	
	Post- accreditation monitoring, and support programme implemented	
	Appropriate technical support programmes developed and implemented	
	50 community-based organizations, civil society organizations, and other forms of non-governmental entities participating in human settlements development	

	(Prioritizing women and youth development and job creation	
	Mechanism and incentives to mobilise and increase private sector participation is developed	
	Develop mechanism to track employer assisted housing both in the public sector and in the private sector; including commitments in the SLP's as per the Mining Charter	
	Multiyear human settlements development plans are aligned with other sectorial spheres of government to increase coordination and collaboration	
	Set of overarching principles framework to guide coordination of spatial investments and norms for housing and human settlements spatial development	
	Integrated Housing and related Human settlements planning system developed incorporating environment, human settlement, transport, and related human settlement development functions drawing on existing National Treasury and DCoG settlement investments	
	Housing and related Human Settlements component contributing to a National Spatial mechanism to coordinate existing grants to produce definitively targeted spatial interventions develop	
	Monitoring and Evaluation (M&E) system to track and assess the effectiveness of spatial targeting in human settlements developed and implemented	

10.3.2 Outcome 9: Local Government	Indicators	targets
Sub Outcomes		
Members of society have sustainable and reliable access to basic services (Number and percentage of HHs with access as per norms and standards)	<p>The key outputs for this sub-outcome are as follows:</p> <ul style="list-style-type: none"> A pipe line of implementable projects properly costed for maintenance, refurbishment, upgrading and renewal to address demand and needs with respect to water, sanitation, refuse, electricity and roads in the 27 priority districts by March 2017. 	

	<ul style="list-style-type: none"> • Prioritisation and an implementation schedule for the delivery of prioritised projects in these districts including asset management and infrastructure maintenance plan. • Consolidated project register of all infrastructure projects. • Support plans and systems for those with the capacity to plan, implement, operate and maintain infrastructure and alternate delivery models in areas where municipalities lack technical capacity. • Establish integrated monitoring system for tracking the implementation of the pipeline of projects (project register). • Audits of the water and sanitation challenges among Water Services Authorities (WSA) undertaken and priority action plans to remedy the challenges in each affected WSA developed annually. • Greater expenditure on infrastructure maintenance encouraged and financial asset management over the life-cycle of assets enforced at municipal level. 	
<p>Intergovernmental and democratic governance arrangements for a functional system of cooperative governance strengthened.</p> <p>STRENGTHENED INTERGOVERNMENTAL ARRANGEMENTS FOR A FUNCTIONAL SYSTEM OF COOPERATIVE GOVERNANCE FOR LOCAL GOVERNMENT</p>	<ul style="list-style-type: none"> • Effectiveness of provincial COGTAs evaluated with a view to improving their functioning in terms of monitoring, supporting and empowering municipalities to fulfil their mandate. • Norms and standards for the management of concurrency between national and provincial departments of cooperative governance established. • Status of each district established and strategy and action plan developed to ensure district municipalities are able to undertake their functional responsibilities in terms of regional development and coordination, and are able to provide support to weaker municipalities within their jurisdiction. 	
<p>Democratic, effective, capable and well-governed municipal institution</p>	<p>The key outputs for this sub-outcome are as follows:</p> <ul style="list-style-type: none"> • Putting people first – ward committees engage in participatory ward-level planning to produce ward level service delivery plans and municipalities have responsive and viable community complaints systems. 	<p>Municipalities in the “dysfunctional” category supported to progress to “at risk” or better</p> <p>- Indicator: reduction in number of</p>

<p>DEMOCRATIC, WELL GOVERNED AND EFFECTIVE MUNICIPAL INSTITUTIONS CAPABLE OF CARRYING OUT THEIR DEVELOPMENTAL MANDATE AS PER THE CONSTITUTION.</p>	<ul style="list-style-type: none"> • Good governance – strengthened accountability and functional executive structures. Key risk areas associated with corruption and or weak governance identified and responded to, including political interference and non-compliance with tender rules. • Operational capacity – Municipalities monitored and guided to appoint competent and suitably qualified senior managers in line with the Municipal Systems Act and the MFMA. • Management practices measured, monitored and improvements supported. 	<p>municipalities in the “dysfunctional” category.</p> <p>Municipalities in the “at risk” category supported to progress to “doing well” category and maintained at this level - Indicator: reduction in number of municipalities in the “at risk” category</p> <p>Unauthorized, irregular and wasteful and fruitless expenditure curbed from R24billion in 2013/14 to R10 billion by March 2019. Public trust and confidence in local government increases to 65% by 2019 as measured by the Ipsos survey from a baseline of 56%.</p>
<p>Sound financial and administrative management (Percentage of municipalities that improve their audit outcomes)</p>	<p>Key Outputs</p> <ul style="list-style-type: none"> • Financial management maturity and capability is identified through the baseline assessments of the FMCMM and Financial Indicator Ratio undertaken in 2015 and national and provincial treasuries assist municipalities in developing and implementing action plans to address gaps and monitor progress on improvements. • Phase-out and consolidate overlapping infrastructure grants; increase differentiation in the grants and grant design; develop stronger grant management capacity in national departments; incentivise more sustainable investment in existing assets. • Performance of municipalities with bad financial status is monitored and outcomes are published quarterly through in-year monitoring and 	<p>Numbers of municipalities in good financial status are increased: As of 2013/2014, 86 municipalities were in financial distress Improvements in audit outcomes:</p> <ul style="list-style-type: none"> • Decrease in the number of municipalities that have disclaimers and adverse audit opinions to below 15% • Decrease in the number of municipalities that have

	<p>annually through the State of municipal finances report at the end of financial year.</p>	<p>qualified audit opinions to below 20%</p> <ul style="list-style-type: none"> • Increase in the number of municipalities that have unqualified audit opinions to at least 65% • Reduction in the number of infrastructure grants, improved outcomes from spending of existing grants and stronger oversight from national departments
<p>Local public employment programmes expanded through the Community Work Programme</p>	<p>The key outputs for this sub-outcome are as follows:</p> <ul style="list-style-type: none"> • CWP Service Delivery Model developed • Financial model and requirements to upscale • Database of NGOs and community-based organisations • NGOs and community-based organisations trained • Innovation and variety in “useful work” identified 	

10.4 SPLUMA

Purpose:

- Provide a framework for Spatial Planning and Land Use Management
- Specify relationship between Spatial Planning and Land Use management system and other planning
- Provide for inclusive, developmental, equitable and efficient Spatial Planning
- Provide a framework for monitoring, coordination and review
- Provide a framework for policies, principles, norms and standards
- Address past spatial and regulatory imbalances
- Promote consistency, uniformity on land use decisions and development applications
- Establish Municipal Planning Tribunals
- Facilitation and enforcement of land use and development measures



Principles:

- Spatial Justice - Redress through improved access and use of land; Inclusive SDF’s and policies; LUM must provide for redress in access; LUM must apply to all areas, and be flexible and appropriate; Lum must enable access to secure tenure, as well as through incremental upgrade.
- Spatial Sustainability - Must create affordable fiscal, institutional and administrative measures; protect prime and unique agricultural lands; environmental consistent land use decisions; promote effective & equitable land markets; considered current and future cost implications for all parties; sustainable land development and limit urban sprawl; viable.
- Spatial Efficiency - optimize existing resources and infrastructure use; minimise negative financial, social, economic, enviro impacts; efficient and streamlined application procedures.
- Spatial Resilience - Flexibility accommodated to ensure sustainable livelihoods.
- Good administration - All spheres ensure integration in land use and development; all departments comply and provide sector inputs to SDF’s; meet all legal and regulatory requirements timeously; transparent preparation and amendments to plans and public participation and empowerment.

10.5 Sustainable Development Goals

The goals below relate to land:

Goal	Target	Indicator
Goal 1: No poverty	1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance	1.4.2 Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure
Goal 2: Zero Hunger	2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women,	2.3.1 Volume of production per labour unit by classes of farming/pastoral/forestry enterprise size

	<p>indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment</p>	<p>2.3.2 Average income of small-scale food producers, by sex and indigenous status</p>
	<p>2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality</p>	<p>2.4.1 Proportion of agricultural area under productive and sustainable agriculture</p>
<p>Goal 5: Gender equality</p>	<p>5.1 Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws</p>	<p>5.a.1 Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; (b) share of women among owners or rights-bearers of agricultural land, by type of tenure</p> <p>5.a.2 Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control</p>
<p>Goal 11: Sustainable cities and communities</p>	<p>11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums</p>	<p>11.1.1 Proportion of urban population living in slums, informal settlements or inadequate housing</p>
	<p>11.3 By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries</p>	<p>11.3.1 Ratio of land consumption rate to population growth rate</p>
	<p>11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and</p>	<p>11.7.1 Average share of the built-up area of cities that is open space for public use for all, by sex, age and persons with disabilities</p>



	children, older persons and persons with disabilities	
Goal 15: Life on land	15.1 By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements	15.1.1 Forest area as a proportion of total land area 15.1.2 Proportion of important sites for terrestrial and freshwater biodiversity that are covered by protected areas, by ecosystem type
	15.3 By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world	15.3.1 Proportion of land that is degraded over total land area

10.6 FAO- Voluntary guidelines for securing sustainable small-scale fisheries

The most relevant indicators are listed below in three sections; Governance of tenure in small-scale fisheries and management, responsible governance of tenure and sustainable resource management.

Governance of tenure in small-scale fisheries and resource management		
<p>5.1 These Guidelines recognize the need for responsible and sustainable use of aquatic biodiversity and natural resources to meet the developmental and environmental requirements of present and future generations. Small-scale fishing communities need to have secure tenure rights² to the resources that form the basis for their social and cultural well-being, their livelihoods and their sustainable development. The Guidelines support equitable distribution of the benefits yielded from responsible management of fisheries and ecosystems, rewarding small-scale fishers and fish workers, both men and women.</p>		

Responsible governance of tenure		
5.2 All parties should recognize that responsible governance of tenure of land,	5.3 States, in accordance with their legislation, should ensure that small-scale fishers,	5.4 States, in accordance with their legislation, and all other parties should recognize, respect

<p>fisheries and forests applicable in small-scale fisheries is central for the realization of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, economic growth and rural and social development.</p>	<p>fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights to fishery resources (marine and inland) and small-scale fishing areas and adjacent land, with a special attention paid to women with respect to tenure rights.</p>	<p>and protect all forms of legitimate tenure rights, taking into account, where appropriate, customary rights to aquatic resources and land and small-scale fishing areas enjoyed by small-scale fishing communities. When necessary, in order to protect various forms of legitimate tenure rights, legislation to this effect should be provided. States should take appropriate measures to identify, record and respect legitimate tenure right holders and their rights. Local norms and practices, as well as customary or otherwise preferential access to fishery resources and land by small-scale fishing communities including indigenous peoples and ethnic minorities should be recognized, respected and protected in ways that are consistent with international human rights law. The UN DRIP and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities should be taken into account, as appropriate. Where constitutional or legal reforms strengthen the rights of women and place them in conflict with custom, all parties should cooperate to accommodate such changes in the customary tenure systems.</p>
<p>5.5 States should recognize the role of small-scale fishing communities and indigenous peoples to restore, conserve, protect and comanage local aquatic and coastal ecosystems.</p>	<p>5.6 Where States own or control water (including fishery resources) and land resources, they should determine the use and tenure rights of these resources taking into consideration, inter alia, social, economic and environmental objectives. States should, as</p>	<p>5.7 Taking due account of Art. 6.18 of the Code, States should where appropriate grant preferential access of small-scale fisheries to fish in waters under national jurisdiction, with a view to achieving equitable outcomes for different groups of people, in particular vulnerable</p>

	<p>applicable, recognize and safeguard publicly owned resources that are collectively used and managed, in particular by small-scale fishing communities.</p>	<p>groups. Where appropriate, specific measures, inter alia, the creation and enforcement of exclusive zones for small-scale fisheries, should be considered. Small-scale fisheries should be given due consideration before agreements on resource access are entered into with third countries and third parties.</p>
<p>5.8 States should adopt measures to facilitate equitable access to fishery resources for small-scale fishing communities, including, as appropriate, redistributive reform, taking into account the provisions of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.</p>	<p>5.9 States should ensure that small-scale fishing communities are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed. States should recognize that competition from other users is increasing within small-scale fisheries areas and that small-scale fishing communities, in particular vulnerable and marginalized groups, are often the weaker party in conflicts with other sectors and may require special support if their livelihoods are threatened by the development and activities of other sectors.</p>	<p>5.10 States and other parties should, prior to the implementation of large-scale development projects that might impact small-scale fishing communities, consider the social, economic and environmental impacts through impact studies, and hold effective and meaningful consultations with these communities, in accordance with national legislation.</p>
<p>5.11 States should provide small-scale fishing communities and individuals, including vulnerable and marginalized people, access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights in accordance with national legislation, including alternative means of resolving such disputes, and should provide effective remedies, which may include an entitlement to appeal, as appropriate. Such remedies should be promptly enforced in</p>	<p>5.12 States should strive to restore access to traditional fishing grounds and coastal lands to small-scale fishing communities that have been displaced by natural disasters and/or armed conflict taking into consideration the sustainability of fisheries resources. States should establish mechanisms to support fishing communities affected by grave human rights violations to rebuild their lives and livelihoods. Such steps should include the elimination of any form of discrimination against women in tenure practices in case of natural disasters</p>	



accordance with national legislation and may include restitution, indemnity, just compensation and reparation.	and/or armed conflict.
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Sustainable resource management		
<p>5.13 States and all those engaged in fisheries management should adopt measures for the long-term conservation and sustainable use of fisheries resources and to secure the ecological foundation for food production. They should promote and implement appropriate management systems, consistent with their existing obligations under national and international law and voluntary commitments, including the Code, that give due recognition to the requirements and opportunities of small-scale fisheries.</p>	<p>5.14 All parties should recognize that rights and responsibilities come together; tenure rights are balanced by duties, and support the long-term conservation and sustainable use of resources and the maintenance of the ecological foundation for food production. Small-scale fisheries should utilize fishing practices that minimize harm to the aquatic environment and associated species and support the sustainability of the resource.</p>	<p>5.15 States should facilitate, train and support small-scale fishing communities to participate in and take responsibility for, taking into consideration their legitimate tenure rights and systems, the management of the resources on which they depend for their well-being and that are traditionally used for their livelihoods. Accordingly, States should involve small-scale fishing communities – with special attention to equitable participation of women, vulnerable and marginalized groups – in the design, planning and, as appropriate, implementation of management measures, including protected areas, affecting their livelihood options. Participatory management systems, such as co-management, should be promoted in accordance with national law.</p>
<p>5.16 States should ensure the establishment of monitoring, control and surveillance (MCS) systems or promote the application of existing ones applicable to and suitable for small-scale fisheries. They should provide support to such systems, involving small-scale fisheries actors as appropriate and promoting participatory arrangements within the context of co-management.</p>	<p>5.17 States should ensure that the roles and responsibilities within the context of co-management arrangements of concerned parties and stakeholders are clarified and agreed through a participatory and legally supported process. All parties are responsible for assuming the management roles agreed to. All endeavours should be made so that small-scale</p>	<p>5.18 States and small-scale fisheries actors should encourage and support the role and involvement of both men and women, whether engaged in pre-harvest, harvest or post-harvest operations, in the context of co-management and in the promotion of responsible fisheries, contributing their particular knowledge, perspectives and needs. All parties should pay specific attention to</p>

<p>States should ensure effective monitoring and enforcement mechanisms to deter, prevent and eliminate all forms of illegal and/or destructive fishing practices having a negative effect on marine and inland ecosystems. States should endeavour to improve registration of the fishing activity. Small-scale fishers should support the MCS systems and provide to the State fisheries authorities the information required for the management of the activity.</p>	<p>fisheries are represented in relevant local and national professional associations and fisheries bodies and actively take part in relevant decision-making and fisheries policymaking processes.</p>	<p>the need to ensure equitable participation of women, designing special measures to achieve this objective.</p>
<p>5.19 Where transboundary and other similar issues exist, e.g. shared waters and fishery resources, States should work together to ensure that the tenure rights of small-scale fishing communities that are granted are protected.</p>	<p>5.20 States should avoid policies and financial measures that may contribute to fishing overcapacity and, hence, overexploitation of resources that have an adverse impact on small-scale fisheries.</p>	

10.7 Framework and Guidelines on Land Policy in Africa

10.7.1 Tracking progress in land policy formulation and implementation in Africa

Table 1: Formal Tenure System

Pillar	Indicators
Outcome level	
Economic	Perception of tenure security in the past two years



	Percentage of increases in agricultural production in rural areas compared to the base year
	Extent of land market transactions measured by annual registered transactions as a percentage of registered parcels in xx Year
	Annual registered mortgages as a percentage of the total registered parcels in rural and urban areas
Social	Percentage of landless groups who have accessed land in rural areas in the past two years
	Average annual number of men-headed and women headed households forcefully/ unlawfully evicted from their dwellings in urban areas during the past two years
	Percentage of poor household who accessed shelter in the past two years
	Average number of households unlawfully evicted from their farmlands during the past two years
	Awareness of the rural and urban population on existing land policy
Environment	Extent of land with sustainable land management in rural areas
	Extent and coverage of tree plantation on individual holding
Governance	Number of (cases) illegal appropriation of natural resources of rural communities in rural areas within the past five years
	Transparency in accessing land resources for “public” uses and commercial purpose in urban areas
	Prevalence/severity of disputes-Total ongoing land-related court cases in urban and rural areas as %age of the

	total registered parcels
	Transparency in accessing “public land” for “public” and commercial development purpose in rural areas
Output (only relevant for governance pillar)	
Governance	Provision of services
	Number of land related tribunals per/ xxxx km2 in a country land area
	Number of registries per/xxxx km2 in country areas
	Average time required to resolve land-related on-going court case
	Average time required from adjudication to issuing the title certificate
	Average time per parcel for transacting land in urban and rural areas
	Average cost per parcels from surveying to issuing the title documentation
	Cost per parcel when transferring the rights on land
	Clarity in institutional mandates and roles in implementing the land policy
	Efficiency in collecting land related taxes measured as the percentage of land tax to the total tax collected



	Percentage of total parcels registered and tiled (total number of registered parcels/ Total # of parcels)
	Percentage of land user's who are aware of the existing land policy/legislation
Activity (only relevant for governance pillar)	
Governance	Percentage of the trained staff from the total staff assigned in the country land administration office
	No of short-term training provided to "land practitioners" on land related issues per year for land administration ministry
Input	
Economics	Percentage of budget allocated for to administer formal tenure to the total national budget allotted to Land policy and administration
	Percentage of Public expenditure to housing to the poor as proportion of the total annual national budget for housing per Year
Social	Adequacy of the law in protecting the rights of vulnerable groups in urban and rural areas
	The adequacy of the land policy in dealing with dispute resolution mechanisms in urban and rural areas
Environment	Percentage of policies and legislations documents where environmental sustainability issues are streamlined
Governance	Mandate clarity of land administration institutions

	Percentage of budget allocation for land policy formulation and implementation from the total budget
	Institutional capacity of the NLAA in implementing the land policy/legislation
	Participation of key stakeholders in policy/ legislation formulation and implementation
	Clarity of the policy/legislation on accessing “public” land for “public” or “commercialization” purpose
	Adequacy and clarity in settling land related conflicts

Table 2: Customary tenure system

Pillar	Indicator
Outcome level	
Economics	Budget utilization efficiency from allocated national budget in implementing the land policy/ law in areas occupied by customary tenure
	Increase in livestock production and/or productivity
	Perception on tenure security/insecurity
Social	Number and/or percentage of evicted population from the total population under customary tenure due to illegal/unlawful eviction in the last two years



	Number of land related disputes within the tribe/family/group in country during xxxx Year
	Number of land related disputes between tribes/families/groups in country XX during xxxx Year
Environment	Motivation of the local communities in enforcing the policy/legislation to protect the natural resources
	Capacity and strength of the community organizations in managing natural resources (pasture, water, etc.) and/or number of community members who trespassed the law in areas occupied by customary tenure in the past 2 years
Governance	Number of illegal appropriations of natural resources of rural communities in past five years
	Transparency in accessing land resources for “public” uses and commercial purpose
Output (only relevant for governance pillar)	
Governance	Provision of services and goods/outputs
	Average time taken from adjudication to issuance tribal/group certificate in country X from xxx to xxxx during xxxx Year
	Average cost for issuing clan/family/group based title with a territory less than xxx Km ²
	Average time required to settling land related disputes at court and/or customary institutions
	Clarity in institutional mandates and roles

	Efficiency in collecting land related taxes measured as the percentage of total tax to the total land related tax collected
	Accessibility to dispute settlement institutions—number of courts per 100,000 population
	Output of administrative services
	Percentage of tribal/family/group certificates issued from the total # of clans/families/groups in country in year xxx
	Percentage settled farmers and pastoralists/ agropastoralists who are aware of the existing land laws /policy from the total population living in areas occupied by customary tenure
Activity (only relevant to governance pillar)	
Governance	Percentage of the trained staff from the total staff on land administration and legislation reform
	Percentage of “land practitioners” who received short-term training from the total staff working on land in customary areas
Input	
Economics	Budget allocated to implementing the land law in areas occupied by customary tenure from the total national budget allocated for land policy implementation in country X in year xxxx
Social	Adequacy of the law in protecting the rights of vulnerable groups
Environment	Policies and legislations documents where environmental sustainability issues are streamlined



Governance	Mandate clarity of land administration institutions in areas occupied by customary tenure
	Adequacy of the land law to recognize the customary tenure
	Adequacy of the land law to protect the rights of vulnerable groups
	Adequacy and clarity in settling post-conflict
	Institutional capacity in land administration in areas occupied by customary tenure
	Participation of key stakeholders in policy/legislation formulation and implementation
	Clarity of the policy/legislation on accessing “public” land for other “public” use or commercialization (state sovereignty)

10.7.2 ILC Scorecard

Thematic area	Indicators	Target
The Land Policy Development Process	Categories of stakeholders with defined roles written in official documents for the purpose of land policy development processes	CSO, indigenous institutions and land using public roles defined
	Representation of indigenous institutions at relevant administrative levels during land policy development	Local level

	Categories of stakeholders sharing discussion papers with Land Policy drafting team	Government, donors and CSOs
	Number of dialogue forums between Government and CSO's on land issues during land policy development	3 Meetings
The Land Policy implementation processes	Comprehensiveness of the land policy implementation plan	Checklist of activities with concrete timeframe, financial and resource planning
	Timeframe for planning of financial and technological needs, capacity building and mobilization of resources	Long term, medium term ad short term planning
	Percentage of Land Policy Implementation resources raised locally	More than 10% of total implementation resources
	Cost of land registration (land users)	Less than 1% of mean monthly rural income
	Existence of a specialized institution responsible for Land Policy implementation	Presidency
	Level at which decisions related to land reform implementation are affected	Village level

	Mechanisms to implement land policy strategic plans	Enactment of new laws, revision/amendment of existing laws and re-/design of institutions
	Number of meetings per year between stakeholders reviewing policies implementation process	3 meetings
	Number of land policy development and implementation components tracked	7 components
Appropriate institutional framework	Presence of institutions in charge of land related issues at administrative levels	Village level
	Ratio of land corruption cases reported compared to overall corruption cases	Less than 10%
	Percentage of land disputes resolved in a timely manner by community institutions	More than 50%
Adequate resource allocation (financial, human, technical)	Percentage of National budget allocated to land sector	More than 6%
	Percentage of land policy needs covered by the National Budget	More than 16%
	Percentage composition of donor funds in national lands budget	Less than 10%



	Percentage of land budget allocated to capacity building of staff dealing with land	More than 15%
Legal framework	Percentage of persons owning land that is bigger than the average land size	Below 10%
	Percentage of land redistributed to vulnerable groups	More than 20%
	Percentage of landless/ homeless/ squatting households	Less than 1%
	Existence of formal mechanisms land management and land administration	Laws on formal mechanisms are applied in reality
Strengthening the tenure security of women	Percentage of land disputes involving women	Less than 10%
	Proportion of women with documented land rights	More than 20%
	Percentage of parcels legally co-owned by spouses	More than 20%
	Percentage of female staff in land administration institutions	More than 30%

	Number of awareness public campaigns on women's land rights per year	More than 7
	Consideration of gender within official data	Yes
	Acknowledgment of women's individual land rights in the laws	Acknowledgement of women's land rights due to a specific law
Centrality of land in the development process	Number of articles related to land in the national constitution	More than 3 articles
	Degree of reflection of land in the national vision documents	Mentioned as a specific national land vision
	Degree of reflection of land in the PRSPs	Mentioned as a specific chapter

10.7.3 MELA

The MELA framework consists of four Results Areas that cover the five pillars of the AU declaration;⁵⁷

Results Area	Target	Performance Indicators
Enabling policy, legal and Institutional framework	Land issues are prioritized/streamlined in country development agendas	Existence and development of national land policy and law

⁵⁷ Monitoring and Evaluation of Land in Africa (MELA) project, Hosaena Ghebru International Food Policy Research Institute, Malawi National Land Symposium 10 May 2017

		Extent to which land governance is streamlined in the national agenda
	Institutional frameworks are put in place	Existence of dedicated public Land Governance Institutions (LGI) Clear distinction and coordination of roles and responsibilities of LGIs
	Land rights are recognized and enforced	Legal recognition of individual and collective land rights - including customary land rights Existence of a formal system to prevent arbitrary eviction or infringement of legitimate tenure rights
	Participatory processes put in place for land policy development and implementation	Extent to which the land policy/legislation process is transparent and inclusive Existence of regular and public reports indicating progress in policy implementation Existence of a functional national multi-stakeholder platform (CSOs) on land policy and governance
Effective & efficient implementation of land management and administration systems	Human, financial, and technical resources are mobilized	Budget resources allocated to land sector (after mapping the LGIs) Institutional framework and budgetary resources for monitoring land policy development and implementation processes
	Effective land use planning, valuation and taxation system	Extent of development of land use planning Existence of a transparent land/property valuation system Existence of a transparent land taxation system

	<p>Transparent and effective land transfer system in place</p>	<p>Existence of an accessible, effective and efficient system for land transfers</p> <p>% of LSLBIs that have been done as per the guidelines in the national policy paper (or Nairobi declaration)</p> <p>Existence of a transparent and land expropriation system with prompt and adequate compensation</p> <p>% of compulsory acquisitions that have been done as per the national guidelines</p>
	<p>Comprehensive land information systems in place</p>	<p>Extent to which land registry/database is accessible and searchable</p> <p>Extent to which land registry/database is up-to-date</p>
<p>Equitable access to land and land related resources for all users</p>	<p>Access to secure land rights for special groups</p>	<p>Existence of a provision/process of recognized land access for refugees and displaced persons</p> <p>Recognized land rights for socially-disadvantaged and indigenous ethnic groups</p> <p>Existence of a clear pathway (formal/informal) of access to land for youth</p>
	<p>Implementation of dispute and conflict management mechanisms</p>	<p>Access to legally-recognized land dispute settlement institutions (formal or informal)</p>
	<p>Equitable access to land related resources</p>	<p>(Formal/informal) recognition of various land users' rights over different land-based resources (forest, mining, etc.)</p> <p>Extent to which forest/mining land use plans and changes in those plans are based on public input</p>

Strengthened land tenure security for women	Specific legal safeguards for women's right to land and property	<p>Provision of explicit and specific safeguards for women in land and property laws</p> <p>% of land dispute cases deferred to higher dispute resolution institutions- women vs aggregate</p>
	Improved women's participation and representation in decision making processes	<p>% of women in governing bodies of selected LGIs</p> <p>Coverage of programs to ensure women's knowledge of their legally recognized land and property rights</p>
	Increased women's secure rights to land and land-related resources	<p>(Formal/informal) recognition of women land users' rights over different land-based resources (forest, mining, etc.)</p> <p>Existence of programs to sensitize enforcement agents and communities on women's rights to land and property</p> <p>Extent of women's participation in forest/mining land use plans and changes in those plans</p>

10.8 Legal Assessment Tool

Selected indicators related to land are presented below, for a full list of the indicators

Element	Indicator
Element 2: Elimination of gender-based discrimination	The constitution recognises customary law but states that gender-based

in the Constitution	discrimination in customary law is superseded by the principle of non-discrimination in the constitution
Element 3: Recognition of women's legal capacity	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations.
Element 5: Gender equality in property rights	The law recognises gender equality in the right to own or control property regardless of the type of marriage
	The law recognises full or partial community of property as the default marital property regime
	Spousal consent is mandatory for any transaction involving matrimonial property
	The law establishes a presumption of joint ownership of property in consensual unions.
	The legal framework includes special measures to guarantee women's equal rights to land ownership and/or control.
Key element 6: Gender equality in inheritance	The surviving spouse is granted user rights to the matrimonial house for life.
	Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property.
	The law allows partners living in consensual union to inherit from each other.
	Brothers and sisters have an equal right to inherit.
	Brothers and sisters receive an equal share of inheritance.

	A right to compensation of other siblings giving up their claims on the family property exists.
Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice	Decentralisation of land administration services is affected through recognised customary land institutions.
	Decentralisation of land administration services is affected through formal land institutions.
	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.
Key element 8: Women's participation in national and local institutions enforcing land legislation	The law sets quotas for the appointment of women in land management and administration committees.
	The law sets quotas for the appointment of women in land dispute resolution committees.

10.9 LGAF⁵⁸

Indicators	Dimensions
❖ Recognition of a continuum of rights: the law recognises a range of rights by individuals	<ul style="list-style-type: none"> ○ Individual rural land tenure rights are legally recognised ○ Customary tenure rights are legally recognised ○ Indigenous rights to land and natural resources are legally recognised and protected in practice, where relevant according to international treaties ○ Urban land tenure rights are legally recognised
❖ Respect for and enforcement of rights	<ul style="list-style-type: none"> ○ Accessible opportunities for tenure individualisation exist

⁵⁸ World Bank, 2013. *Land Governance Assessment Framework: Implementation Manual for Assessing Governance in the Land Sector*. World Bank, Washington D.C

	<ul style="list-style-type: none"> ○ Individually held land in rural areas is formally registered ○ Individually held land in urban areas is formally registered ○ The number of illegal land sales is low ○ The number of illegal lease transactions is low ○ Women's rights are registered and recognised in practice in both urban and rural areas ○ Women's property rights to land are equal to those by men
❖ Rights to the forest and common lands	<ul style="list-style-type: none"> ○ Rural group rights are formally recognised ○ Even where ownership is with the state, arrangements to ensure users' rights to key natural resources (including fisheries) on land are legally recognised and protected in practice ○ Multiple rights over the same common land and natural resources on these lands can legally coexist ○ Most communal and/or indigenous land is mapped (demarcated and surveyed) and rights are registered
❖ Transparency of land use rezoning in rural areas	<ul style="list-style-type: none"> ○ Restrictions regarding rural land ownership are justified ○ Restrictions regarding rural land transferability are justified ○ Rural land use plans and changes in these plans (incl. rezoning) are based on public input and burden sharing ○ Rural land use changes to the assigned land use in a timely manner. Use plans/rezoning for specific rural land classes (forest, pastures, wetlands, national parks etc.) are in line with actual use ○ There is a clear public process for rezoning of land use classes that result in changes regarding to environmental protection ○ Use plans for specific rural land classes (forest, pastures, wetlands, national parks etc.) Are in line with actual use
❖ Restrictions on rights: land rights are not conditional on adherence to unrealistic standards	<ul style="list-style-type: none"> ○ Restrictions regarding urban land ownership and transferability are justified ○ Restrictions regarding urban land use are justified and enforced (including risk prone and protected areas)

<ul style="list-style-type: none"> ❖ Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups 	<ul style="list-style-type: none"> ○ There is a clear decision-making process for expansion of urban land and associated land use change that respects existing rights and information on change is publicly available ○ In urban areas, land use plans and changes in these plans are based on public input ○ Urban land use changes to the assigned land use in a timely manner
<ul style="list-style-type: none"> ❖ Efficiency in the urban land use planning process: land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth 	<ul style="list-style-type: none"> ○ A policy is in place and progress is being made to ensure delivery of low-cost housing and associated services to those in need ○ Land use planning effectively controls urban spatial expansion in the largest city in the country ○ Land use planning effectively controls urban development in the four largest cities in the country, excluding the largest city ○ Planning processes are able to cope with urban growth
<ul style="list-style-type: none"> ❖ Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and predictably 	<ul style="list-style-type: none"> ○ Applications for building permits for residential dwellings are affordable and effectively processed ○ The time required to obtain a building permit for a residential dwelling is short
<ul style="list-style-type: none"> ❖ Tenure regularisation schemes in urban areas 	<ul style="list-style-type: none"> ○ Formalisation of urban residential housing is feasible and affordable ○ In cities with high levels of informal tenure, a clear, well-documented process to address tenure security, infrastructure and housing, exists ○ A condominium regime provides for appropriate management of common property (rules for common property for management of driveways, parking, gardens, stairways, etc.)
<ul style="list-style-type: none"> ❖ Identification of public land and clear management: public land ownership is justified, inventoried, under clear management responsibilities, and relevant information is publicly accessible 	<ul style="list-style-type: none"> ○ Public land ownership is justified and managed at the appropriate level of government ○ There is a complete recording of publicly held land ○ The inventory of public land is accessible to the public ○ The management responsibility for public land is unambiguously assigned ○ Sufficient resources are available to fulfil land management responsibilities ○ The key information on public land allocations to private interests is accessible to the public

<ul style="list-style-type: none"> ❖ Justification and time-efficiency of expropriation processes: the state expropriates land only for overall public interest and this is done efficiently 	<ul style="list-style-type: none"> ○ There is minimal transfer of expropriated land to private interests ○ Expropriated land is transferred to destined use in a timely manner
<ul style="list-style-type: none"> ❖ Transparency and fairness of expropriation procedures: expropriation procedures are clear and transparent and fair compensation is paid expeditiously 	<ul style="list-style-type: none"> ○ Compensation is paid for the expropriation of all rights regardless of the registration status ○ There is compensation for loss of rights due to land use changes ○ Expropriated owners are compensated promptly ○ There are independent and accessible avenues for appeal against expropriation ○ Timely decisions are made regarding complaints about expropriation
<ul style="list-style-type: none"> ❖ Transparent process and economic benefit: transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited 	<ul style="list-style-type: none"> ○ Public land transactions are conducted in an open transparent manner ○ Payments for public leases are collected ○ Public land is leased and/or sold at market prices ○ The public captures benefits arising from changes in permitted land use
<ul style="list-style-type: none"> ❖ Private investment strategy 	<ul style="list-style-type: none"> ○ Policy and regulations are in place to unambiguously and publicly identify public/communal land that can be made available to investors, in agreement with legitimate land rights holders ○ A policy process is in place to identify and select economically, environmentally, and socially beneficial investments and implement these effectively ○ Public institutions involved in transfer of large tracts of land to private investors are clearly identified; without institutional and administrative overlap ○ Public institutions involved in transfer of large tracts of land to private investors share land information and effective inter-ministerial coordination mechanisms are in place to timely identify and solve competing land use assignment (incl. Sub-soil) ○ Investors' compliance with business plans is regularly monitored and remedial action is taken if needed ○ Safeguards are established and applied to prevent that investments involving large tracts of land infringe on or extinguish existing legitimate tenure rights ○ Cases where resettlement is possible are clearly circumscribed and procedures to carry it out are in place

<ul style="list-style-type: none"> ❖ Policy implementation is effective consistent and transparent and involves local stakeholders 	<ul style="list-style-type: none"> ○ Sufficient information is required from investors for government to assess the cost-benefits of the proposed investments ○ A clearly identified process is in place for approval of investment plans and the time required is reasonable and adhered to ○ There are free, direct and transparent negotiations between right holders and investors; legitimate rights holders have always access to information ○ Contractual provisions are publicly available and include benefit sharing mechanisms with legitimate right holders
<ul style="list-style-type: none"> ❖ Contracts are made public, and agreements are monitored and enforced 	<ul style="list-style-type: none"> ○ Accurate information on spatial extent and duration of approved concessions is publicly available so as to minimise overlap and facilitate transfers ○ Compliance with safeguards is monitored and enforced effectively ○ Avenues exist for legitimate right holders to air complaints if investors do not meet contractual obligations and decisions are timely and fair
<ul style="list-style-type: none"> ❖ Mechanisms for recognition of rights 	<ul style="list-style-type: none"> ○ There is an efficient and transparent process to formalise possession that is in line with local practice and understanding) ○ Non-documentary evidence is effectively used to help establish rights ○ Long-term unchallenged possession is formally recognised ○ First-time registration on demand includes proper safeguards and access is not restricted by high formal fees ○ First-time registration does not entail significant informal fees
<ul style="list-style-type: none"> ❖ Completeness of the land registry 	<ul style="list-style-type: none"> ○ The cost of registering a property transfer is low ○ The mapping or charting of registry records is complete ○ Economically relevant private encumbrances are recorded ○ Socially and economically relevant public restrictions or charges are recorded ○ There is a timely response to requests for accessing registry records ○ The registry is searchable ○ Records in the registry are easily accessed
<ul style="list-style-type: none"> ❖ Reliability: registry information is updated and sufficient to make meaningful inferences on ownership 	<ul style="list-style-type: none"> ○ Information regarding land rights maintained in different registries is routinely synchronised so as to reduce transaction cost for users and ensure integrity of information

	<ul style="list-style-type: none"> ○ Registry/cadastre information is up-to-date
<ul style="list-style-type: none"> ❖ Cost-effectiveness and sustainability: land administration services are provided in a cost-effective manner 	<ul style="list-style-type: none"> ○ The registry is financially sustainable through fee collection ○ Investment is sufficient cope with demand and provide high quality services
<ul style="list-style-type: none"> ❖ Fees are determined transparently to cover the cost of service provision 	<ul style="list-style-type: none"> ○ The schedule of fees is publicly accessible ○ Informal payments are discouraged ○ Service standards are published and monitored
<ul style="list-style-type: none"> ❖ Transparency of valuations: valuations for tax purposes are based on clear principles, applied uniformly, updated regularly, and publicly accessible 	<ul style="list-style-type: none"> ○ There is a clear process of property valuation ○ Valuation rolls are publicly accessible
<ul style="list-style-type: none"> ❖ Collection efficiency: resources from land and property taxes are collected and the yield from land taxes exceeds the cost of collection 	<ul style="list-style-type: none"> ○ Exemptions from property taxes are justified and transparent ○ Property holders liable to pay property tax are listed on the tax roll ○ Assessed property taxes are collected ○ Receipts from property taxes exceed the cost of collection
<ul style="list-style-type: none"> ❖ Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against 	<ul style="list-style-type: none"> ○ There is clear assignment of responsibility for conflict resolution ○ Conflict resolution mechanisms are accessible to the public ○ Decisions made by informal or community-based dispute resolution systems are recognised ○ There is a process for appealing dispute rulings
<ul style="list-style-type: none"> ❖ The share of land affected by pending conflicts is low and decreasing 	<ul style="list-style-type: none"> ○ Land disputes constitute a small proportion of cases in the formal legal system ○ Conflicts in the formal system are resolved in a timely manner ○ There are few long-standing land conflicts (greater than 5 years)
<ul style="list-style-type: none"> ❖ Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided, and information is shared as needed 	<ul style="list-style-type: none"> ○ Policy formulation, implementation, and arbitration are properly separated ○ The responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap) ○ Administrative (vertical) overlap is avoided ○ Information on land ownership and use is shared among responsible institutions and relevant parts are freely accessible to the public ○ Overlaps of rights (based on tenure typology) are minimal and do not cause friction

	<ul style="list-style-type: none"> ○ Ambiguity in institutional mandates (based on institutional map) does not cause problems
<ul style="list-style-type: none"> ❖ Equity and non-discrimination in the decision-making process: policies are formulated through a legitimate decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all 	<ul style="list-style-type: none"> ○ Land policies and regulations exist and are developed in a participatory manner ○ There is meaningful incorporation and monitoring of equity goals in land policy ○ The implementation of land policy is costed, matched with benefits and adequately resourced ○ There is regular and public reporting indicating progress in policy implementation

10.10 GLII⁵⁹

Dimensions: A) Land tenure security, B) Land conflicts and land disputes, C) Land administration services, D) Sustainable land use

Indicator *	Indicator text	Disaggregation	Data Source	Remarks
A-1	Percentage of women and men with legally recognized documentation or evidence of secure rights to land	Gender, age, urban/rural, region, income group, tenure type, source of perceived threat	Administrative data from national land agencies; Purpose designed land module into standardised household surveys	All women, not just women-headed households; standardised definition of age groups; urban/rural might require different survey
A-2	Percentage of women and men who perceive their rights to land are protected against dispossession or eviction	Gender, age, urban/rural, region, income group, tenure type, source of perceived threat	Purpose designed land module into standardised household surveys; opinion polls	All women, not just women-headed households; standardised definition of age groups; urban/rural might require different survey
A-3	Level of legal recognition and protection of land rights and uses derived through a plurality of tenure regimes	Gender, tenure type, urban/rural	Administrative data, legislation, regulations; expert opinion; data gathered for indicators 1 & 2.	Requires definition of tenure typology and categorisation of levels of recognition and protection using clear criteria

⁵⁹ Quan, J., Kumar, R., 2017. *Proposed Global Land Indicators: Status report on GLII indicator formulation, disaggregation, data source and methodology* (No. 3), Working Paper. UN HABITAT/GLTN, Nairobi.

A-4	Level to which women and men have equal rights to land, including rights to use, control, own, inherit and transact these rights	Gender, tenure type, urban/rural	Standardised expert assessment; extended household survey	
A-5	Proportion of indigenous and community groups with claims to land, and percentage of land areas claimed and utilized by them that have legally recognized documentation or evidence of secure rights to land	Gender, age	Administrative data; CSOs; household survey	Focus on proportion of groups whose land rights are recognised; include tenure status of common use areas including those lands not claimed for exclusive use; individual rights within group
B-6	Percentage of women and men, Indigenous Peoples and local communities who have experienced land, housing or property disputes or conflict in the past X years	Gender, age, urban/rural, region, income group, tenure type	Household surveys; opinion polls; administrative data from judicial system	Track changes in prevalence of various kinds of disputes and the availability, suitability and effectiveness of dispute resolution systems and mechanisms to address them
B7	Percentage of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms			
B8	Percentage of women and men, indigenous and local communities who reported a conflict or dispute in the past X years that have had the conflict or dispute resolved			
C-9	Range of times and costs to conduct land transaction	Geographical region, tenure type, urban/rural		Requires standardised typology of types of land transactions and collection of data
C-10	Level to which land information is available for public access	Gender, tenure type, urban/rural, geographical area	Land records (local and centralised)	Requires standardised typology of land information and "levels" of availability of information. Legal restrictions to private information sharing might prevent some information to be publicly available
C-11	Level to which all users, including women and vulnerable groups, have equal access to land administration services		Administrative data; expert assessment; surveys	Requires typology for land administration services and levels of availability. Include geographical and procedural accessibility
C-12	Government tax derived from land-based sources as a percentage of total government revenue	Types of tax		



C-13	Proportion of national land areas with rights holders identified that is incorporated into cadastral maps / land information systems			Purpose is to capture changes and variation in national capacities to incorporate the full range of types and sizes of land parcels and the tenure status into cadastral maps and spatial data systems; extent to which land uses are captured for administration cadastre; Land admin capacity and accuracy
D-14	Changes in the geographical extent of sustainable land use, measured by i) land cover/ land-use change; ii) land productivity change; and iii) soil organic carbon change	Biophysical data, tenure status	Remote sensing verified by ground-based data sources	Land cover change can be used as proxy for land-use change
D-15	Proportions of rural and urban administrative districts or units in which land use change and land development are governed by sustainable land-use plans that take account of the rights and interests of the local land users and land owners	Lowest level of administrative unit, urban/rural	Stakeholder based expert assessment using administrative data	

10.11 Dashboard

The indicators are displayed below per ILC commitment. The indicators marked A are legal indicators, B are implementation indicators, and C are outcome-impact- perception indicators. The indicators tend towards legal indicators, implementation indicators and outcome- impact- perception indicators. Legal indicators measure the presence (or lack) of a legal framework, implementation indicators evaluate the degree to which relevant policies and laws have been implemented, and impact indicators document on-the-ground impacts.

Note: Final methodology still to be adopted. Provisional methodology presented below subject to change.

Commitment 1: Secure Tenure Rights			
Indicator	1 A. Legal and institutional framework in place at national level for securing tenure rights, for different types of tenure and by sex	1 B. Women and men with legally recognized documentation or secure rights to land, disaggregated by type of tenure	1 C. Women and men who perceive their rights to land are protected against dispossession or eviction, disaggregated by type of tenure



Method to be used	Expert-Based Assessment	National or Sub-National Representative Survey	National or Sub-National Representative Survey
Sources of methodology	Global Land Rights Index (GLRI), the Food and Agricultural Organization (FAO) Legislative Assessment Tool (LAT), LandMark for community land rights, and UNDRIP-Indigenous Navigator for indigenous land rights.	PRIndex	PRIndex
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified international agreements and conventions.	PRIndex will collect raw data from a nationally representative survey implemented in Senegal in 2018. Specific questions from this survey will be used to calculate Indicator 1B.	PRIndex will collect raw data from a nationally representative survey implemented in Senegal in 2018. Specific questions from this survey will be used to calculate Indicator 1C.

Commitment 2: Strong Small-Scale Farming Systems				
Indicator	2 A. Legal and institutional framework in place at national level to support family farmers	2 B. National budget and support programs dedicated to family farming	2 C1. Equitable land distribution, by size	2 C2. Productivity Gap
Method to be used	Expert-Based Assessment	Calculation Based on Available Data	Calculation Based on Available Data	Calculation Based on Available Data
Sources of methodology	Dashboard, in consultation with World Rural Form (WRF) and World Agricultures Watch (WAW).	Dashboard	Gini Coefficient for wealth distribution, applied to land	Dashboard
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified	Four data sets are required: <ol style="list-style-type: none"> 1. Total Agricultural Budget 2. Agricultural budget dedicated to family farming 	For this indicator to be calculated properly, you will need a big data set. It should include, at minimum:	For this indicator, you will need two data sets, for a minimum of one and a maximum of three primary crops.



	international agreements and conventions.	<p>3. Total Number of Family Farmers in the Country</p> <p>4. Number of Family Farmers with Access to Support Programs</p>	<p>☒ The total number of registered agricultural landowners or holders of land in your country.</p> <p>☒ The amount of agricultural land registered or held by each owner or holder.</p>	<p>☒ Actual yield of crop, according to unit of measurement.</p> <p>☒ Potential yield of crop, according to [same] unit of measurement.</p>
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Commitment 3: Diverse Tenure Systems			
Indicator	3 A. Legal and institutional framework in place at national level recognizes a continuum of individual and communal land rights, including secondary rights of tenants, sharecroppers, and pastoralists	3 B. Implementation of diverse tenure rights and regimes, including secondary rights of tenants, sharecroppers, and pastoralists	3 C. Community members that perceive their rights to land are protected against dispossession or eviction, disaggregated by sex
Method to be used	Expert-Based Assessment	Expert-Based Assessment	National or Sub-National Representative Survey
Sources of methodology	Global Land Rights Index (GLRI), the Food and Agricultural Organization (FAO) Legislative Assessment Tool (LAT), LandMark for community land rights, and UNDRIP-Indigenous Navigator for indigenous land rights.	Land Mark (adapted)	PRIndex
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified	The information necessary for this indicator can be found in the national budget, documents related to policies to	PRIndex will collect raw data from a nationally representative survey implemented in Senegal in 2018. Specific questions from this survey will be used to calculate Indicator 1C.



	international agreements and conventions. (Block 3 in Indicator 1A).	support diverse tenure systems, and published analyses of how the government is implementing laws to secure the diverse tenure rights.	
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Commitment 4: Equal Land Rights for Women			
Indicator	4 A. Legal and institutional framework surrounding land, in place at national level, is gender responsive	4 B. Share of women among owners or rights-bearers of agricultural land, by type of tenure	4 C. Women who perceive their rights to land are protected against dispossession or eviction, disaggregated by type of tenure
Method to be used	Expert-Based Assessment	Calculation Based on Available Data	National or Sub-National Representative Survey
Sources of methodology	Global Land Rights Index (GLRI), the Food and Agricultural Organization (FAO) Legislative Assessment Tool (LAT), LandMark for community land rights, and UNDRIP-Indigenous Navigator for indigenous land rights.	FAO – SDG 5. a.1	PRIndex
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified international agreements and conventions. (Block 2 in Indicator 1A).	For this indicator, two data sets are necessary. Both of these are most likely going to be available through an agricultural census, typically undertaken by National Statistical Offices and/or Ministries of Agriculture. 1. Number of women living in an agricultural household with legally recognized document on agricultural	PRIndex will collect raw data from a nationally representative survey implemented in Senegal in 2018. Specific questions from this survey will be used to calculate Indicator 1C.



		<p>land OR the right to sell it OR the right to bequeath it</p> <p>a. Important to note: only one of these conditions must be met, not all three.</p> <p>2. [Total] number of individuals living in an agricultural household with legally recognized document on agricultural land OR the right to sell it OR the right to bequeath it.</p>	
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Commitment 5: Secure Territorial Rights for Indigenous People				
Indicator	5 A. Legal and institutional framework in place at national level recognizes indigenous peoples' right to land, territories, and resources	5 B. Implementation of tenure rights on indigenous lands	5 C1. Perceptions of tenure security for a small sub-sector of their dataset (IPs). Still being finalised.	5 C2. Percent of land held or used by Indigenous Peoples that is recognized
Method to be used	Expert-Based Assessment	Expert-Based Assessment		Calculation Based on Available Data
Sources of methodology	Global Land Rights Index (GLRI), the Food and Agricultural Organization (FAO) Legislative Assessment Tool (LAT), LandMark for community land rights, and UNDRIP-Indigenous Navigator for indigenous land rights.	LandMark (adapted)	PRindex	LandMark



Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified international agreements and conventions. (Block 4 in Indicator 1A).	The information necessary for this indicator can be found in the national budget, documents related to policies that support tenure security on indigenous land, and published analyses of how the government is implementing laws to secure indigenous tenure rights.		For this indicator, access to two data sets are necessary, both should be available through LandMark though review data to ensure accuracy and timeliness. 1. Total area currently held or used by indigenous peoples. 2. Total area currently acknowledged as indigenous land, with or without documentation.
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Commitment 6: Locally Managed Ecosystems			
Indicator	6 A. Legal and institutional framework in place at national level promotes the local and sustainable management of ecosystems	6 B. Rural districts where land use change and land development are governed by sustainable land use plans that take account of the rights and interest of the local land users and owners	6 C. Indicator and methodology still being finalised.
Method to be used	Expert-Based Assessment	Expert Assessment Using Administrative Data	
Sources of methodology	Dashboard, in consultation with the Global Land Programme (GLP) and the United Nations Convention to Combat Desertification (UNCCD)	Dashboard, with adapted Global Land Indicators Initiative (GLII)	Rights and Resources Initiative
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and other informal	For this indicator, three data sets are necessary, though the information may be contained in two data sets.	

	commitments made by the national government.	<ul style="list-style-type: none"> ☐ Total number of rural administrative districts or units present at the national level. ☐ Number of rural administrative districts or units with sustainable land use plans in place. ☐ Number of rural administrative districts or units with sustainable land use plans in place that ALSO take account of the rights and interest of the local land users and owners. 	
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Commitment 7: Inclusive Decision Making			
Indicator	7 A. Legal and institutional frameworks in place at national level promotes the equitable representation of women and men in decision making	7 B. Rural land use management and changes are based on public and community input	7 C. Target groups including women, youth, and holders of customary rights have access to and are supported to engage in multi-stakeholder platforms
Method to be used	Expert-Based Assessment	Expert-Based Assessment and Community Reporting	Expert-Based Assessment
Sources of methodology	Dashboard, drawn from principles of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs).	LGAF and Transparency International	Dashboard, ActionAid VGGT Toolkit
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified	Block 1: The information necessary for Block 1 can be found in public documents related to changes to policies regarding land use and	The information necessary for this indicator can be found in the public documents regarding the existence of and



	international agreements and conventions.	management, including records of public meetings. Block 2: The information necessary for Block 2 can be gathered in communities where the implementing organization is working. There are two questions to be answered, per community.	public participation in national-level multi-stakeholder platforms, especially those formed specifically to address concerns of land governance.
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Commitment 8: Transparent and Accessible Information			
Indicator	8 A. Legal and institutional frameworks in place at national level calls for timely, reliable and accessible data on land and land-related issues	8 B. National information on public land deals made publicly available	8 C. Indicator and methodology still being finalised.
Method to be used	Expert-Based Assessment	Expert-Based Assessment	
Sources of methodology	Dashboard, LGAF, Trocaire on Beneficial Land Ownership and Transparency International (adapted)	Dashboard, LGAF, Trocaire on Beneficial Land Ownership and Transparency International (adapted)	Transparency International data – the Global Corruption Barometer survey
Data needed	The information necessary for this indicator can be found in the countries' national laws, policies and other relevant public documents.	The information necessary for this indicator can be found in relevant public documents. If not, it can be obtained by simply accessing the land registry in question or by attempting	



		to access and test the parameters outlined below.	
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Commitment 9: Effective Actions Against Land Grabbing				
Indicator	9 A. Legal and institutional frameworks in place at national level to prevent land grabbing in private and public investments and includes the existence of procedural safeguards	9 B1. Challenges to land rights violation attempts, from official complaints to legal challenges	9 B2. Free Prior and Informed Consent (FPIC) and other safeguards are implemented in large-scale land transactions	9 C. Land grabbing cases where corrective action was taken
Method to be used	Expert-Based Assessment	Calculation Based on Existing Data	Expert-Based Assessment with Multi-Stakeholder Validation	Calculation Based on Existing Data
Sources of methodology	ActionAid VGGT Toolkit and Transparency International	Dashboard, Land Matrix	ActionAid VGGT Toolkit	Dashboard, Land Matrix
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified international agreements and conventions.	For this indicator, two data sets are necessary, though the sources of the data may not be the same. 1. Total number of large-scale land acquisitions (LSLA) recorded in the country over the last 12 months. 2. The total number of LSLA in the past 12 months that involved land conflicts.	The information necessary for this indicator can be found in national laws, policies and public documents relevant to regulations surrounding private and public investments as well as those explicitly addressing requirements of Free Prior and Informed Consent (FPIC).	For this indicator, four data sets are necessary. They will form the basis of two sub-indicators, which will each be calculated in a separate section, or "block." 1. Total number of LSLA in the past 12 months, regardless of whether or not conflict was present. 2. Total number of land grabs in the past 12 months – LSLAs that involved any level of conflict.



				<p>3. Cases of land grabs (above) where actions were taken against violators</p> <p>4. Cases of LSLA where compensatory action was taken.</p>
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Commitment 10: Protection of Land Rights Defenders			
Indicator	10 A. Legal and institutional frameworks in place at national level to protect land rights defenders	10 B. Protective measures ensure the safety of land and environment defenders	10 C. Indicator and methodology still being finalised.
Method to be used	Expert-Based Assessment	Expert-Based Assessment and Calculation	
Sources of methodology	Dashboard, based on the ISHR Model Law for the Recognition and Protection of Human Rights Defenders	Dashboard, with CINEP and Universal Rights Group	Defend the Defenders Coalition
Data needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified international agreements and conventions.	<p>The information necessary for the assessment-based portion of this indicator will likely be found in the corresponding public offices, departments and ministries that work on the fulfilment of human rights and civilian protection.</p> <p>For the calculation-based portion of this indicator, two datasets will be needed:</p> <ol style="list-style-type: none"> 1. The total number of violations against land and environment defenders reported to officials over the past three years. 	

		<p>2. The number of these cases that were investigated, taken to court and resulted in the persecution of those responsible for violations against land and environment defenders.</p> <p>For these datasets, you may look to government databases or those kept by civil society organizations or research institutes, including universities that work on land and environment and other human rights defenders.</p>	
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