

HOW TO ESTABLISH A LAND SECTOR NON-STATE ACTORS MECHANISM

SECURING LAND AND PROPERTY RIGHTS FOR ALL

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1. INTRODUCTION

Non-state actors are non-sovereign entities that exercise significant economic, political, or social power and influence at a national, and in some cases, international level. There is no consensus on the members of this category and some definitions include trade unions, community organizations, religious institutions, ethnic groupings and universities. Land Sector Non-State Actors (LSNSA) include civil society organizations working with the landless, squatters and small landowners, professional associations, community based organizations and the private sector.

Individual organization's purpose in coming together and working on land matters to form LSNSA varies depending on the political environment, status of land reform programmes and the openness of government to involve non-state actors in the land agenda. Generally, the underlying goal would be to ensure comprehensive land reforms through an inclusive and transparent engagement of stakeholder in the land agenda leading to good land governance. The objectives may include, but are not limited to the following: establishment of an effective, vibrant and coordinated network of actors to advocate for comprehensive land and natural resources reforms; enhanced participation of land stakeholders, especially disadvantaged groups in the land agenda; and to create awareness and enhance essential knowledge on sustainable land and natural resource management approaches.

This guide outlines the factors that influence the set up and effective operation of a non-state actor mechanism in the land sector, particularly during a land reform process. Non-state actors (NSA) for the purpose of this guide include civil society organizations, the private sector and professional associations. A land sector non-state actor (LSNSA) mechanism is a means by which a group of NSAs coordinates their interventions and support to enhance their impact in the land sector, particularly during land reform processes.

Land reform processes involve a number of diverse actors who in most cases, bring conflicting perceptions into the discussions making the process complex and lengthy. The NSAs play a catalytic role, ensuring that the all experiences and perceptions are tabled in these processes. This guide has been developed using lessons from the LSNSA mechanism in Kenya; however, the process of establishing a mechanism may be adapted to a specific country context according to the stage it is at in the land reform process, the political will for reform that exists and the level of development partner interest in supporting LSNSAs.

The guide is not intended to be a blueprint for a non-state actor mechanism, but it is expected to provide viable ways to establish such a mechanism and to inform decision-makers engaged in the land sector, including national governments, bilateral and multilateral implementing agencies, about LSNSAs and their value-adding in land reform processes.

2. UNDERSTANDING THE LAND SECTOR CONTEXT

Land usually plays a central role in a country's economic, social and political development and the context is often defined by historical, cultural and political influences. A country's long-term national development strategy usually defines how land issues are to be addressed and it links the land sector to other related sectors for social, economic and political development. As a natural resource, land often determines the livelihoods of poor people in a developing country. In any country, access to land defines people's wellbeing, so LSNSAs must be able to take stock of and represent the needs of the poor to ensure that policy and reform is relevant and that it reflects the needs of citizens at all levels.

Land is one of the most sensitive political issues in any country and the political will for reform is reflected in a government's willingness to have an

open, consultative and inclusive land reform agenda. Often, vested interests create conflict and hinder the effectiveness of land reform processes, so an LSNSA entity needs to engage stakeholders at various levels and build key relations with decision makers and interest groups in order to understand their views and positively influence the reform process. The LSNSAs' ability to engage often depends on whether the government driving the land reform agenda includes and consults with NSAs. Without clear political will, land reform processes are delayed and disrupted, which makes it difficult for NSAs to push for and be part of land reform processes. In addition, land has many technical and legal complexities and NSAs need to have the expertise to interpret and contribute to policies and legislation in the land sector.

3. IDENTIFYING STRATEGIC AREAS OF ENGAGEMENT

A land reform process may be at various stages and the LNSA mechanism should be prepared to adapt and respond accordingly. The following summarizes some typical stages in the reform process and the potential scenario for an LNSA mechanism to evolve and respond. The establishment and success factors for LNSA should be cognisant of the country's democratic context and the government's openness to NSA participation. The following represent contexts

in which the governments are open to the existence and participation of NSAs against strategic options for NSAs:

During the LNSA evolution, it is expected that it will build its capacity and, where necessary, the capacity of its members to participate effectively in the LNSA mechanism and land reform processes. Section 7 summarizes the critical tools and management processes to enable this.

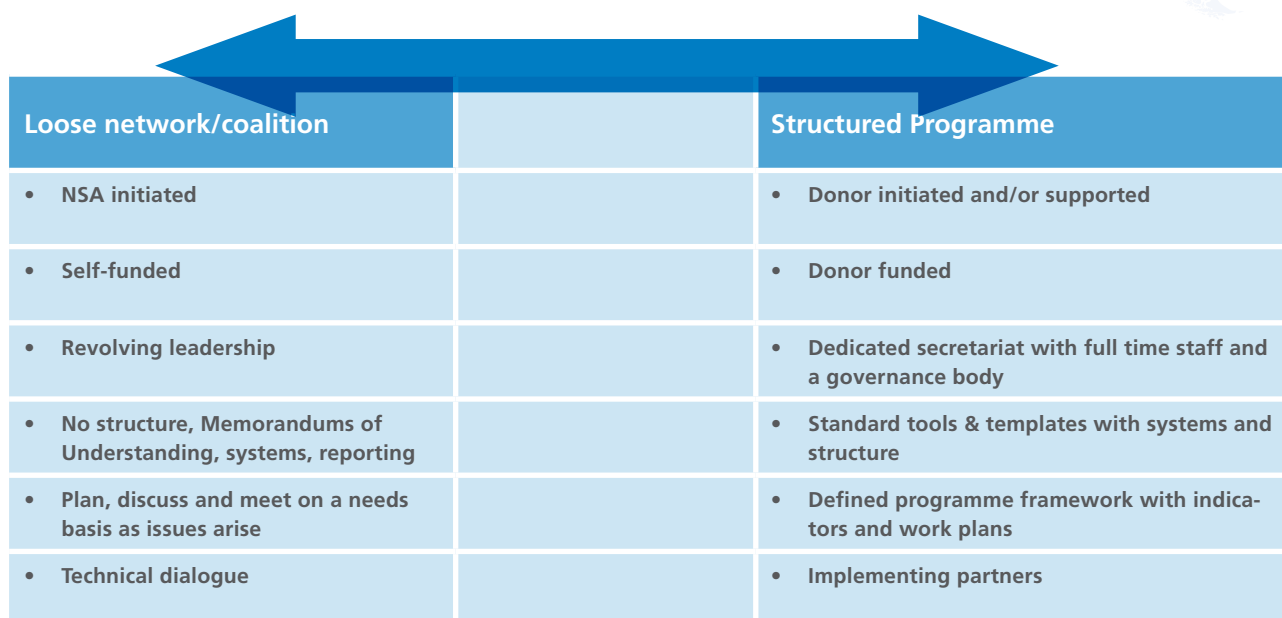
Political will for land reform	Evolution of LNSA mechanism
Government is adverse to reform and changing the status quo	LNSA mechanism's inception allowing for: a coordinated approach; building a common, powerful voice; and making the LNSA mechanism visible to stakeholders.
Government accepts the need for land reform and starts a participatory, consultative policy formulation process	LNSA strategically positions itself to participate in the policy formulation process by: continuing lobbying activities and civic education; influencing key decision makers; performing research to inform policy advocacy; and providing technical expertise in working groups set up for policy formulation.
Government does not create a policy in a participatory consultative process and the policy is rejected by stakeholders.	LNSA mechanism increases dialogue with key stakeholders; continues lobbying and advocacy and brings media attention to the cause.
Government creates a policy in a participatory and consultative process that is accepted by stakeholders; and policy implementation plans are developed in a similar approach.	LNSA strategically positions itself to: continue participating in technical working groups; researches, lobbies and provides input in legislation drafted to enable implementation; influences key decision makers; considers increasing LNSA membership to build expertise in key aspects of the policy implementation; and educates citizens on the policy and legislation.
Government has an on-going implementation of policy	LNSA increases its monitoring of the policy implementation and continues the above activities based on the on-going reform process.

4. CHOOSING A MECHANISM FOR ENGAGEMENT

Depending on how the LSNSA mechanism is initiated, it may be a loose coalition, a structured programme or something in-between. It may be a network of organizations for information exchange or it may be a coalition where a group of networks come together for an agreed purpose.

The following diagram shows the range of factors that influence the type of mechanism that could be created:

reform process. For example, being a loose coalition during policy advocacy may be suitable, but where there is significant on-the-ground land reform implementation and monitoring, a more structured programme with key management functions may be necessary to ensure a well-organized and managed programme. Further, a mechanism may exist for only a specific period when it is understood that



Loose network/coalition		Structured Programme
<ul style="list-style-type: none"> NSA initiated 		<ul style="list-style-type: none"> Donor initiated and/or supported
<ul style="list-style-type: none"> Self-funded 		<ul style="list-style-type: none"> Donor funded
<ul style="list-style-type: none"> Revolving leadership 		<ul style="list-style-type: none"> Dedicated secretariat with full time staff and a governance body
<ul style="list-style-type: none"> No structure, Memorandums of Understanding, systems, reporting 		<ul style="list-style-type: none"> Standard tools & templates with systems and structure
<ul style="list-style-type: none"> Plan, discuss and meet on a needs basis as issues arise 		<ul style="list-style-type: none"> Defined programme framework with indicators and work plans
<ul style="list-style-type: none"> Technical dialogue 		<ul style="list-style-type: none"> Implementing partners

A LSNSA mechanism may change completely over

its contribution as a mechanism, distinct from the

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