



COMMITMENT 8



LEARN, SHARE AND BE INSPIRED

LEARNING FROM ILC DATABASE OF GOOD PRACTICES

INTERNATIONAL
LAND
COALITION

TRANSPARENT AND ACCESSIBLE INFORMATION

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TRANSPARENT AND ACCESSIBLE INFORMATION

The International Land Coalition's **Commitment 8** seeks to ensure transparency and accountability, through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues. **ILC's Database of Good Practices** provides concrete examples and guidance to Coalition members and partners on how to achieve this commitment.

What processes, tools, and methods have ILC members successfully used to overcome some of the challenges they face in ensuring transparency and accountability? Learn about:

ESTABLISHMENT AND STRENGTHENING OF LOCAL INSTITUTIONS

How ILC members have worked with communities to create and strengthen the capacity of institutions and mechanisms for accountable land governance.

LEGAL ASSISTANCE, LEGAL EMPOWERMENT, AND ACCESS TO JUSTICE

How ILC members and partners introduced international best practices to the courts in order to protect the land rights of farm labour tenants.

USE OF MEDIA AND COMMUNICATION

How ILC members and partners have linked national and international campaigns, built the capacity of journalists and used participatory video making to expose land corruption.

ADVOCACY AND CAMPAIGNING

How ILC members have held campaigns to challenge unfair expropriation of community land and for transparent supply chain management.

ESTABLISHMENT AND STRENGTHENING OF LOCAL INSTITUTIONS

► **Land claim verification processes** can strengthen transparency in land redistribution to previously disadvantaged groups. In **South Africa, Nkunzi (C0070)** worked with the Marobala-O-Itsoše community to form Community Property Associations (CPAs) that would assist in the administration and redistribution of land to the community. Nkunzi worked with the community to collect information on previous court cases in which farm tenants sought redistribution of land, and consolidating all claims into a class action lawsuit. To do this, Nkunzi engaged in information verification, mapping of all claimed land, in loco inspections to verify land boundaries, and collection of supporting documentation. Most importantly, Nkunzi held community workshops to enable the community to make informed decisions about the property administration regime they would pray for in the court documents. With the relevant information on their options, the community agreed to establish CPAs. Pursuant to a court order recognising the Marobala-O-Itsoše community's collective land rights, Nkunzi and the community established CPAs that would administer and oversee land redistribution to the community. As a result, the CPAs were instrumental in allocating land to the

local communities, regularly updating beneficiaries and verify claimants in consultation with a panel of elders. Furthermore, the CPAs worked with the Department of Rural Development and Land Reform of South Africa in allocating land to the community.

► Setting up **mechanisms for inclusive and accountable local land governance** prioritises accountability, transparency and participatory processes in traditional land governance structures. In **Liberia**, traditional land governance institutions constantly entered into prejudicial land deals with private sector investors, to the disadvantage of local communities. Amongst other challenges, the asymmetries in access to information and land data made it difficult for the traditional leaders to understand the impact of their decisions. **NAMATI** and its partner, **SDI (C0086)** worked with the Duah local community to promote accountability in the process of granting land concessions to local private investors. They worked with communities who already had common grievances with the traditional decision-making structures, to create community development plans that sought to address community land rights, decision making structures and to establish accountability mechanisms. The governance structures included the establishment of a Land Governance Council that promotes accountability and compliance with community by-laws, and the creation of community by-laws that govern the administration and management of their land and natural resources. With the new governance structure in place, the community leaders and the Council have access to

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GPS-recorded maps to assist them to understand the amount of land they are selling. As a result, the traditional leaders are accountable to the community.

LEGAL ASSISTANCE, LEGAL EMPOWERMENT, AND ACCESS TO JUSTICE

► The introduction of international best practices such as **the appointment of a Special Master of Labour Tenants** can assist in availing information on land redistribution for farm tenants. In **South Africa, AFRA (C0130)** partnered with the LRC, a South African Human Rights organisation, to lodge a class action law suit on behalf of 19,000 farm labour tenants, against the government for its failure to implement the Land Reform (Labour Tenants Act, No. 3 of 1996). AFRA undertook research to establish the extent to which labour tenant claims had been neglected by the Department of Rural Development and Land Reform. This included desk research of information published by the Department relating to labour tenant claims, and intensive field visits to two identified locations. They also held workshops with farm tenants and gathered details of all labour tenant claimants in the area. To enhance transparency in the land redistribution process, AFRA and LRC successfully introduced the South African court to the concept of the “Special Master” to



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oversee and supervise the farm tenant land redistribution process. Following their court success, the Department established a dedicated Labour Tenant Project, and appointed a Project Manager. The Department has undertaken extensive desk and field research to create a database of claimants and release a claims implementation plan. The Department has also established national and district labour tenant forums in the province of KwaZulu Natal, which has the highest number of labour tenants. For the first time, labour tenants have access to information on land reform and a chance to directly engage in decision-making.

USE OF MEDIA AND COMMUNICATION

► **Participatory video making** can empower women to interrogate traditional land practices that affect their land rights. In **Ghana, Transparency International (C0120)** gave ten widows from Kulbia village an opportunity to tell their land rights stories. Participatory video making enables people to use video as a conduit, facilitating and enhancing communication between people who might otherwise never converse. The women collaborated in authoring a short documentary about their experiences of discrimination and landlessness as a result of widespread corruption by traditional land custodians.

Transparency International and its partners held a workshop in which the participants were supported to undertake further community investigations and video production, over the course of a two-month period. The 15 minute documentary titled “Pakorpa Susangho” (“Widow’s Cry”), was screened at a one-day event that was attended by local government officials, customary leaders (including chiefs and traditional land custodians), community members, and civil society representatives. The documentary was also screened at UN-Habitat III conference in Ecuador and at the International Anti-Corruption Conference in Panama, and featured at the World Bank’s Land and Poverty Conference in the USA. The video has resulted in senior chiefs and “queen mothers” participating in an advocacy programme to promote legal protection for widows, under both customary and statutory law; and in mobilising grassroots support for women’s land rights.

► **Linking international and national media campaigns** through international tours and publication on the media can strengthen accountability and access to land information. In **Guatemala, Oxfam Guatemala, Oxfam International, and Oxfam Intermón (Spain) (C0091)** worked with local NGOs in the GROW Campaign, seeking to expose governments, whose failed policies gave large agribusinesses an unfair opportunity to exploit local land, to the disadvantage of the local community. Oxfam organised a tour of local communities to develop a lobby and media agenda and to raise awareness about the

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government's failure to remedy land grabs for biofuel agriculture, affecting 769 families. Through coordination of a local and an international campaign, they managed to hold the government to account for their failure to protect the land rights of the Polochic Valley community. As a result of the joint campaign, the government intervened and return titled land to 140 Polochic Valley families.

▶ **Capacity building and training of journalists** can be the basis for a successful media outreach campaign that uses multiple media approaches. With the government of **Malawi** supporting commercial agriculture and the acquisition of land by large-scale land investors (**C0083**), **LandNet Malawi** and local journalists embarked on a media outreach campaign to expose local chiefs that were dispossessing women and widows of land, and selling it to land investors. LandNet conducted a capacity building session for the local journalists on the land rights of communities, and explained the role of the media in holding land grabbers accountable. The journalists attended field visits and media tours for experiential training, community sensitisation and information gathering. Using the findings of the tours, LandNet drafted a policy brief highlighting the need for new legislation that protects communities from land grabbers. Through the publication of their findings and the policy brief, LandNet Malawi was able to influence the government to intervene and pass new legislation for the protection of local communities' land rights from large scale monoculture investors.

ADVOCACY AND CAMPAIGNING

▶ **Campaigning for transparent supply chain management** in the food and beverage industry can encourage multinational companies to avail information about their supply chain; thus strengthening transparency and accountability mechanisms for assess their suppliers' respect for community land rights. Whilst food and beverage companies are not direct landholders, their businesses often source their supplies from large scale land investors, who may be violating the land rights of local communities. Against this background, **Oxfam International (C0041)** led the "Behind the Brands" campaign, ranking the ten largest food and beverage companies on their public commitments and sourcing policies around seven themes, including land, small-scale farmers and transparency. Through the campaign, Oxfam drew a nexus between the operations of food and beverages companies and land right violations through their supply chain, and raised awareness about their responsibility to respect the rights of those living and working in and along their agricultural supply chains. Using traditional print media, public stunts, social media, investor engagement and evidence-based advocacy, Oxfam successfully convinced some companies to provide information on their suppliers. As a result of the campaign, four companies made far-reaching commitments to land rights, including zero tolerance for land

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grabs, and eight committed to adhering to Free, Prior and Informed Consent (FPIC) of local communities. Coca-Cola and PepsiCo disclosed their top sugar suppliers in an effort to increase transparency in their supply chains.

► **Peaceful protests** are essential for the implementation of laws that seek to protect local communities from expropriation of land without compensation and without their free, prior and informed consent. In India, the laws oblige government to acquire consent from 70% of the community before it can expropriate land; and that it pays the community compensation for loss of their land. **MARAG (C0096)** and the local community held a motorbike protest campaign to hold the government of Gujarat to account for expropriation of community land without compensation. Under an economic development project, the government established a Special Investment Region (SIR) in Gujarat, expropriating 50.885 hectares of farm and pasturelands from 44 villages without compensation, affecting 60.000 people's land rights. As a result of the protest, the government and the farmers' representatives negotiated for the withdrawal of 36 communities from the SIR. Building on this momentum, JAAG, a partner of MARAG and the Dholera community successfully challenged the constitutionality of the law that grants the government power to unilaterally take away the power of the

Gram Panchayats (Village Council) to participate in community land governance, by mere notification. The court suspended this provision, giving the community council more power to hold the government accountable for their land-related actions.

The ILC **Database of Good Practices** is organised around the **10 commitments for people-centred land governance**. The case studies in the Database provide concrete examples and guidance to the members and partners of ILC on how to achieve each of these commitments.