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Improving Governance of Tenure in Policy and Practice: Monitoring in a Space for Multiple Views

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Abstract: The dynamics of current global challenges—like food and nutrition security, environmental degradation, climate change, and emergencies—reduce the availability of and/or access to natural resources, and thereby underline the urgency of achieving transformational changes in the governance of tenure. This is increasingly required to bring the greatest good to the most people, in line with human rights. The globally applicable “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (VGGT) were developed to promote responsible tenure governance. The importance of instituting effective monitoring for the implementation of the VGGT at the country level in order to ensure that they have an impact on the ground is well accepted. However, little progress has been made to date. This paper explores plural perspectives on monitoring by the different stakeholders involved because of the multi-dimensional nature of the VGGT implementation, and because tenure governance is a complex system. Allowing space for multiple views means leaving no one’s view behind. It is proposed to map the multiple pathways of change to achieve responsible tenure governance in a causal framework using the concept of theories of change. A pluralistic approach will entail different theories of change operating simultaneously, which will provide an inclusive and comprehensive tool for monitoring by showing the preferred pathways of progress on the ground, and by contributing to future trajectories.

Keywords: tenure governance; Voluntary Guidelines on the Responsible Governance of Tenure (VGGT); monitoring; accountability; human rights; soft law; theory of change; pathways of change

1. Introduction

Tenure systems increasingly face stress as the world’s growing population requires food and nutrition security, and as environmental degradation, climate change and outbreaks like the COVID-19 pandemic reduce the availability of and/or access to natural resources, such as land, fisheries, forests, minerals and water [1–4]. These issues have shown, among others, the fragility of food supply chains, especially where these are labor-intensive [5]. At the same time, urbanization, the expansion of food production and high-input dependency, bio-economy strategies, climate change mitigation strategies, and natural disasters amplify the demands on the limited land and natural resources often resulting in disputes and conflicts [6]. In addition, historical and social injustices and calls for equity contribute to natural resources’ related disputes and conflicts. These dynamics of current global challenges underline the urgency of achieving the desired transformational changes [7].

The globally applicable “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (in short “VGGT”) were developed to promote responsible governance of tenure of all forms of tenure in the context of national food security. While supporting efforts towards the eradication of hunger and poverty, the VGGT also contribute to achieving sustainable livelihoods, social stability, housing security, rural development, environmental

protection, and sustainable social and economic development. The VGGT are meant to benefit all people in all countries, with an emphasis on those who are more vulnerable and marginalized [8,9].

“*Governance of tenure*” is the way in which the access to, control over, and use of land and natural resources are managed in a society. It includes, among other things, the ways in which the competing priorities and interests of different groups are recognized, reconciled and synergized, and trade-offs are mitigated. The responsible governance of tenure, i.e., governance that is consistent with “existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments” [8] (p.1), is required to ensure fair and equitable governance to bring the greatest good to the most people. The responsible governance of tenure minimizes adverse impacts on individuals or groups, while keeping in mind the principle of sustainability.

“*Tenure rights*” are not defined in the VGGT, but are often described as a “bundle of rights” comprising rights to access, use, manage, exclude others from, withdraw and alienate land and natural resources [10]. The different rights in the bundle may be shared or divided in several ways and among different stakeholders, along with the obligations and responsibilities associated with tenure rights. The nature of the resource (e.g., in a fixed location, such as trees; something that moves, such as animals (both wildlife and in pastoralism), or something that flows like water) changes the nature of tenure and its governance.

The emphasis in the VGGT is on the most disenfranchised because, for example, the recognition and safeguarding of customary tenure rights to land and other natural resources of indigenous peoples and local communities is crucial, as such rights are the cornerstone of their livelihoods [8]. Another example is that significant gender inequities continue to exist with regard to the use of and control over land and other natural resources, even though women are the main farmers or producers in many parts of the world [11–13]. In these contexts, the governance of who can control and access which resources, for what purpose, for how long, and under what conditions gains increased meaning. Such disenfranchised stakeholders often lack the ability to protect their legitimate tenure rights, and therefore deserve particular focus so as not to be left behind.

Since the VGGT’s endorsement on 11 May 2012 by the United Nations’ Committee on World Food Security (CFS), the importance of instituting effective monitoring for the implementation of the VGGT has been well accepted, and it is clear that successful progress in this area will be essential to their future long-term uptake. To help voluntary instruments like the VGGT develop real traction, monitoring at various levels is crucial. It is important to focus not only on the participatory nature of the VGGT, but also to ensure that they have an impact on public and private strategies at different scales [14]. Monitoring will also provide guidance on how to move ahead in the implementation at the country level of the VGGT. This is also important in view of the Agenda 2030 in achieving sustainable development where the world pledged “to leave no one behind” [15].

The broader concern of monitoring the impact of the global public good of the VGGT has been the subject of discussion in several fora. Notably, the CFS adopted the recommendations of their Open-Ended Working Group on Monitoring the Impacts of CFS Outcomes, including specifically the VGGT, at their 41st session, and received the results of the first survey under that framework at their 42nd session, in 2015. Since then, no country has yet come forward to report within the Country Comprehensive Assessments on the impact of CFS outcomes within their borders. The Global Donor Working Group on Land, established in 2013, has touched on the issue of monitoring in a side event during the CFS in October 2018 [16], and the evaluation of the first phase of the FAO’s global programme to support the VGGT implementation, covering 2012–2016, indicated that progress in this area is important [17].

Working in parallel in many different countries on the VGGT implementation provides an excellent opportunity for an analytically-deeper look into the governance of tenure to bring forth insights on how improved governance transforms countries and people’s livelihoods. Too often, transformational change is assumed to be desired without a proper knowledge base. A better understanding of an improved, responsible governance of tenure will be achieved by building a strong evidence base,

and by systematically collecting the lessons learnt through the assessment of the wide range of interventions being implemented to achieve improved, impactful, responsible governance of tenure. All of the stakeholders involved in improving governance of tenure would benefit from these obtained experiences, expertise and knowledge. There is a recognized lack of supporting evidence on the driving factors, contextual factors, and timeline of how and when tenure governance interventions lead to the desired impacts among beneficiaries, the distribution of such impacts among beneficiaries (e.g., women and men, youth and elder generations, etc.), and any interlinkages between the contributing factors [18]. Paying insufficient attention to tenure risks undermines the delivery of socioeconomic benefits [19]. Monitoring forms the basis of strengthening such an evidence base, thereby contributing to an improved understanding around a complex multi-faceted issue. The evidence base on what kinds of tenure governance interventions are effective is still in its infancy, though some efforts are worth noting, such as one covering the household level in Africa and Latin America [20], one on women's land rights [21], and one providing guidelines for impact evaluation [22]. Because of this lack of evidence, it is difficult to develop objective conclusions regarding what driving factors, contextual factors, and timelines contribute to "success" because no objective causality can be established between what works well, what does not work well, and why, to achieve improved tenure governance.

While no internationally-accepted monitoring framework for the VGGT exists, suggestions for approaches have been made, which are explored in this paper, and there are lessons to be learnt from the environmental sciences, where monitoring has been explored in depth. Especially in the field of change dynamics, a lot of (applied) research has been carried out. These lessons are equally useful for the monitoring of responsible tenure governance.

This paper first describes the exploratory research methodology (Section 2), followed by exploring the VGGT, as a soft law instrument, and the CFS in the context of monitoring (Section 3). It then looks at monitoring from the ownership and accountability viewpoints, highlighting situations with multiple legal systems (Section 4), followed by multiple perspectives on monitoring and different approaches to monitoring (Section 4). It then focuses on monitoring as a space for multiple views (Section 6) and the pathways of change (Section 7). The discussion and way forward (Section 8) center on the need for applied research to advance the understanding of the improvement of tenure governance through VGGT implementation because it is a complex, multi-dimensional system.

2. Methodology

The monitoring of the VGGT implementation has not been thoroughly investigated since their endorsement in May 2021. This is a problem, because in order that "all relevant actors learn from each other's experiences, and assess progress toward the implementation of these Guidelines and their relevance, effectiveness and impact" [8], it is imperative that monitoring is conducted to become more effective and efficient in terms of contributing towards longer-term sustainable development goals [23,24]. The hypothesis of this exploratory research is that monitoring the governance of tenure will bring forth insights and create an empirical evidence base on how improved tenure governance transforms countries and people's livelihoods. The choice of exploratory research is explained by the dearth of available research on the monitoring of the VGGT implementation [an example is 6], as well as that it provides a foundation for exploring ideas for monitoring approaches.

This exploratory type of research is conducted to gain a better understanding of what would be required to monitor the VGGT implementation. First, this paper is exploring—based on secondary sources of data (online and literature research), and based on discussions—what monitoring means in the context of the VGGT and the CFS, followed by why instituting effective monitoring is so important, and the value of different existing monitoring perspectives and approaches.

Subsequently, an approach to monitoring is proposed to capture the multiple dimensions of tenure governance, allowing to map pathways of change in a causal framework using a "theory of change" approach, which allows the exploration and representation of changes that reflect a more complex and systemic understanding of sustainable development [25,26]. A "theory of change" is

essentially a comprehensive description and illustration of how and why a desired change is expected to happen in a particular context. It provides a detailed narrative of an impact pathway and the ways in which changes are anticipated to happen [23,24]. The approach argues for a combination of inductive and deductive reasoning, through reflection on the underlying assumptions about the ways in which tenure governance change happens that have been made explicit at the outset, with which it is possible to build a theory of the ways in which change happens, as it happens [23,24,27]. There is no single definition of a theory of change, and no set definition. The methodology allows for flexibility according to the needs of its user [24]. The development of a theory of change can be iterative, and one should recognize that its use takes time and needs resources [23]. It features the mapping out, or filling in, of what has been described as the ‘missing middle’ between what a programme or change initiative does (i.e., its activities or interventions) and the ways in which these lead to the desired goals being achieved [27]. In this way, it makes the implicit explicit. It does this by first identifying the desired long-term goals, and then works back from these to identify all of the conditions (i.e., outcomes) that must be in place (and the ways in which these relate to one another causally) for the goals to occur. A theory of change identifies the precise link between activities, and the achievement of the long-term goals is more fully understood [27].

Approaches based on the theory of change can address the well-documented need for learning as a critical element of innovation in complex systems. This is the main reason why these approaches hold such promise, even if robust evidence for their effectiveness in delivering the desired outcomes and impact is still in the process of being generated [23]. Theory of change approaches can help to facilitate the broad commitment to learning from individuals and organizations that is increasingly being seen as an essential element of sustainable development and monitoring [23]. It is also a complexity-aware approach to monitoring the governance of tenure, and the application of theories of change within the sustainability science domain is seen as a new trend [23,24,28]. By shaping a theory of change in a participatory manner, not only is shared understanding generated but also synergies among multiple stakeholders will be strengthened and enhanced [29], as well as ensuring the relevance and buy-in of all of the stakeholders [23]. Consequently, the approach has two advantages: (1) it leads to better planning, because activities are linked to a detailed understanding of the ways in which change actually happens; and (2) it leads to better monitoring, both qualitatively and quantitatively, because it is possible to measure progress towards the achievement of longer-term goals.

Such a theory reflects the pathways by which an intervention is expected to lead to changes in outcomes for a group of beneficiaries and related assumptions that must hold true. The results per beneficiary may, of course, differ. The assessment of pathways of change for tenure governance is in its infancy. There is a lack of understanding of which pathways lead to the improved governance of tenure, let alone what drives the change and the multitude of potential pathways to improved governance of tenure. Using a monitoring approach with theories of change will allow applications by multiple actors reflecting multiple views. In this way, no one’s view is left behind.

3. Monitoring in the Context of the VGGT, Being a Soft Law Instrument, and the CFS

“Monitoring”, as defined in this paper, is a systematic, continuous, and long-term process that gathers information concerning the progress, from the established baseline, if the defined (set of) targets and objective(s) are being achieved within a specified timeframe for the envisaged beneficiaries. A definition of monitoring is not provided in the VGGT, and the one in the so-called “Peoples Manual” [30] is unsatisfactory because it is missing several elements provided in the definition above. Monitoring, defined in this way, provides feedback, fosters continuous learning, can identify problems, and captures valuable lessons learnt for replicability and scaling. Monitoring is not an end in itself, but it can contribute to the defined objective(s).

The VGGT pay attention to the monitoring of their implementation in various places, notably in one of the principles of implementation, i.e., the principle of continuous improvement, and two articles in paragraph 26 (underlining by the author) [8]:

Principle 10. Continuous improvement: States should improve mechanisms for monitoring and analysis of tenure governance in order to develop evidence-based programmes and secure ongoing improvements.

- 26.1 *In accordance with the voluntary nature of these Guidelines, States have the responsibility for their implementation, monitoring and evaluation.*
- 26.2 *States are encouraged [...]; to monitor and evaluate the implementation in their jurisdictions; and to evaluate the impact on improved governance of tenure of land, fisheries and forests, and on improving food security and the progressive realization of the right to adequate food in the context of national food security, and sustainable development. [. . .].*

The VGGT also state explicitly the principles to which the process of monitoring should adhere to by stating that they “should be inclusive, participatory, gender sensitive, implementable, cost effective and sustainable” (VGGT paragraph 26.2 [8]).

Further, reference is made to the creation of frameworks through which monitoring can be facilitated [8]:

- 26.2 *States are encouraged to set up multi-stakeholder platforms and frameworks at local, national and regional levels or use such existing platforms to collaborate on the implementation of these Guidelines; [...].*

The recommendation of the VGGT for states to set up such multi-stakeholder platforms should be implemented carefully though, as a criticism often raised by civil society on states creating such multi-stakeholder platforms is that these come “from above”, and may not always be closely connected to the realities on the ground [31]. There are exceptions, such as South Africa, where the national multi-stakeholder platform was created organically through a bottom-up process [32] (pp. 90–91), [33].

In addition to the mechanisms for the monitoring at the national level, the VGGT clearly state that “The Committee on World Food Security [CFS] should be the global forum where all relevant actors learn from each other’s experiences, and assess progress towards the implementation of these Guidelines and their relevance, effectiveness and impact” (VGGT paragraph 26.4 [8]). As a political, intergovernmental body, the CFS is not independent of the concerns and priorities of its member states, some of which might have limited interest in meaningful, independent, international scrutiny [34]. The CFS is “the central United Nations political platform dealing with food security and nutrition” [35]. Of note, the reform of the CFS in 2009 led to new institutional arrangements with the inclusion of a wide range of stakeholders (see [36] for an analysis of the Civil Society and Indigenous Peoples’ Mechanism) and the creation of a mechanism that produces scientific and professional expertise on controversial issues in order to inform policy makers, the High Level Panel of Experts on Food Security and Nutrition (HLPE). This panel represents the science–policy interface, and produces one report a year on topics chosen by the CFS (e.g., on land tenure and international investments in agriculture [37], on multi-stakeholder partnerships [32], and on tenure governance as an enabling condition [38] (p. 56–57). These reports facilitate, clarify, and structure the debates in the CFS [39]. The CFS has radically changed the internal power dynamics by giving a voice to groups that do not represent a country [40] (modified). The wide range of stakeholders involved in the CFS ensures a robust exchange of views and experiences, and ultimately leads to a global consensus on cross-sectoral policy recommendations and guidance to achieve food and nutrition security. Because of its multi-stakeholder nature and attention to the voices of the food insecure, the CFS policy guidance has a wide legitimacy. The VGGT are considered to be an example of a constructive multi-stakeholder policy negotiation at the global scale [14] that can have a tangible impact on the ground.

There is explicit mention of the role of multi-stakeholder platforms at various levels in the VGGT implementation. A question remains over whether such multi-stakeholder platforms exists (e.g., in countries where there is a multi-stakeholder process without a platform), and the efficiency of such platforms in terms of their representativeness and power balance (see [32] for an extensive review of multi-stakeholder partnerships, and [33] for an example of South Africa [32] (p. 91). The VGGT refer

to “states” concerning the monitoring of the implementation and to evaluate their impact, but there seems to be no particular reason why multi-stakeholder platforms, or groups within such platforms, may not contribute to the monitoring. The FAO has been frequently asked to undertake the monitoring of the VGGT implementation at the country level, but its being an intergovernmental agency makes this seem inappropriate.

The CFS has stated that progress in monitoring the VGGT and other CFS products should be achieved quantitatively and qualitatively, to obtain comprehensive and well-documented results [41]. However, data and information are needed to assess such progress. This data and information can come from multiple sources that complement one another. The different actors in the Global Donor Working Group on Land, a network of 24 bilateral and multilateral donors and international organizations committed to improving land governance worldwide, recognize that data and information on tenure rights to land and natural resources is a key element in the improvement of its governance [42]. The lack of such accurate data and information, as well as the weakness of the systematic monitoring, remains a major issue, including in the context of the VGGT implementation [31].

The VGGT are a “voluntary”, i.e., legally non-binding, instrument intended to have a direct influence on the governance of the tenure practice of states by providing an internationally recognized set of principles, and by simultaneously encouraging good practices. The VGGT do not replace existing national or international laws, commitments, treaties or agreements. At the same time, they do not limit or undermine any legal obligations which states may have under international law. Although they are located outside the realm of international law, and are the result of a very different process than hard law, the VGGT provide relatively detailed authoritative guidance for state and non-state actors on wide-ranging tenure governance issues [43]. Compared to international treaties, the VGGT also involve a different “theory of change” that promotes reform through multi-stakeholder dialogue, political consensus and international good practice, rather than binding norms [44]. The use of the VGGT also provides an opportunity to monitor the life trajectory of the instrument itself, and, consequently, the ultimate effectiveness in delivering change. However, their being a voluntary instrument also has an impact on the monitoring, because there is no legal obligation to do so.

This non-binding nature has worked positively by lowering the hurdle to reach an agreement on the VGGT contents, and by producing a baseline for further policy discourses [45]. Though soft law is not recognized as a formal source of international law, and it is even doubted as having any effects other than declaratory ones, it has proven to be a useful tool to engage states in the discussion and elaboration of an international document that shows the status quo of the governance of tenure at a specific moment in time [46] (modified). Endorsement through the CFS shapes the expectation of all CFS members bound by the underlying obligation. Though the VGGT are not legally binding, they are legally relevant and politically imperative because such voluntary instruments “may encompass strong political commitments or moral obligations, even though they are not legally binding” [47], referring to the Vienna Convention on the Law of Treaties, art. 34. Despite possessing no legal force and wielding no coercive mechanisms, such an instrument can be widely adopted and, maybe perplexingly to some, generally followed [48,49]. If the acceptance of the increase of soft law instruments increases, what we today call “soft” would not be soft anymore [50].

The existence of so-called “soft law” is an integral part of the international legal system [43,49,51], and it is often generated through the United Nations, of which the CFS is a body. Soft law has a range of political and legal effects, and it interacts, or overlaps with, or is a precursor to, one or more of the traditional sources of law. Like the traditional “hard” law, it is an expression of cooperation and a tool to guide behavior [49]. Though international law has the greatest binding force, soft law has a number of significant advantages, including that it is easier to achieve, as stated above, infringes less on state sovereignty, and facilitates compromise among different actors [50,52]. Soft law is the result of reality modeling international law, and of international practices modeling the sources [50]. Though usually applied to global problems, such as climate change, which no single state can prevent, most governance of tenure issues can be solved within a state. This would allow, for instance, a state to see opportunity

in the prospect of greater investment inflows, and therefore in generating favorable conditions for competition for and attracting such investments in land, maybe at the cost of tenure rights and tenure right holders, and/or at the cost of environmental and social development, leading to land dispossession, environmental degradation, and the marginalization of smallholder family farmers [43]. To avoid such unfair competition at the costs of tenure rights and right holders (e.g., a “race to the bottom”), the VGGT advocate for international cooperation in today’s interdependent world to achieve harmonized, efficient approaches to the governance of tenure of land and natural resources. The adoption of the VGGT implies cooperation between states to overcome sub-optimal or even negative outcomes affecting sustainable development, especially in the case of transboundary tenure issues [8] or unfair competition. However, regulation at the national level is possible in both cases [49].

There are two main reasons why soft law instruments play a crucial role in contemporary international law [50]: (1) soft law instruments constitute legal texts that are generally complied with, but free from, the pressures of the principle that agreements must be kept, as well as from the rules of customary international law; (2) soft law is a helpful technique in situations where states want to act collectively, but at the same time do not want to restrain their freedom of action, and opt for the possibility to be part of something without committing to it. It is, of course, not an ideal situation, but it is a very pragmatic solution.

The other side of the coin is that, by transferring the soft lawmaking authority to non-state entities, such as the CFS, states circumvent the requirement that they must consent before being bound by a legal obligation. Soft law avoids the problem of states having to go through a lengthy ratification process, as is the case for international treaties, with legal and constitutional control, and which, perhaps, limit democratic accountability for the policy to which they have agreed [50]. Pronouncements through the CFS are non-binding with respect to future governance of tenure conduct. Instruments like the VGGT can, therefore, be seen as internationally customary law. However, non-binding instruments endorsed through the CFS, rather than through formal adoption and ratification, can have legal significance when they shape expectations as to what constitutes compliance. Such non-binding instruments can enhance international coordination and cooperation over time [53].

It should be noted that voluntary instruments can have a substantive function in the rule-making process. The broad-based FAO soft law instruments like the “Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security” [54], “Code of Conduct for Responsible Fisheries” [55], “Responsible Management of Planted Forests: Voluntary Guidelines” [56], and the CFS instrument the “Principles for Responsible Investment in Agriculture and Food Systems” [57] and the VGGT [8] have gained international recognition and wide acceptance. These soft laws are more comprehensive, and provide more details, hence they are considered to be better suited for technical matters and good practices. It is FAO’s experience that they have a positive impact in guiding national policies and legislation in many countries.

Such instruments are susceptible to network effects; where these are present, soft law stands a good chance of succeeding [48]. The network effect appears when the value of the instrument increases with each additional user of the same instrument, which in turn draws more users. This is a kind of “snowball effect”. The network effect induces more and more recognition, which leads to ever wider adoption, and, over the long run, to convergence. It may be tempting to think that soft law instruments possess only limited force because they lack concrete coercive mechanisms, but they can exert significant adoption and even compliance pressure (e.g., peer pressure among neighboring states). Thus, for successful soft law instruments, there is no need for a centralized authority to legislate, because they “self-standardize” [48]. Another advantage of soft law instruments is that they make principles and practices clear. Being commonly agreed upon, in cases such as that of the VGGT, makes these instruments all the more attractive for adoption, especially as there are no competing standards.

Soft law is also effective as a “testing ground” for new, innovative ideas in reviewing and improving national policies and laws on land, fisheries and forests in a world of rapid change and

future upcoming challenges. It is thus far more likely to be relied upon in greater amounts in the future. Soft law also plays a complex role in norm creation while interacting with hard laws [52]. The voluntary nature of soft law, like the VGGT, is only one component of being soft. In refining the concept of soft law, the levels of “softness” or “hardness” are determined not only by the dichotomy of binding versus non-binding, but with three additional criteria being obligation, precision and delegation [45,52]. The VGGT are an instrument with clear subjects and statements of obligations and responsibilities. The rights and obligations they impose on states and non-government actors (VGGT parts 3 and 4 in [8]) and the delegation of authority to implement them (VGGT paragraph 5 and 7) are well stipulated. The VGGT cover not just land, fisheries and forest law, but all of the institutions that enable land, fisheries and forest law instruments. The subject of the VGGT is not just the state, but also non-government actors, which have a responsibility to respect human rights and legitimate tenure rights (VGGT paragraph 3.2). The VGGT acknowledge not just customary tenure systems, but also informal tenure. They are more comprehensive and inclusive regarding a variety of tenure systems that exist in various contexts, and that are the basis for sustainable economic and social development. The ways in which a society ultimately defines its tenure systems will influence their development trajectory. The VGGT underline the availability of multiple methods of governing land, fisheries and forests.

Finally, it should be stated that states and other actors may adopt soft law provisions in order to elaborate the provision of existing hard law [53]. Over time, the international consensus embodied in the VGGT can provide the foundation for the development of legally binding norms [43]. Thus, when a country enacts all or part of an international soft law instrument like the VGGT, that soft law becomes hard law in that country. One should, however, realize that whenever there is a lack of connection with the national parliament and other democratic bodies for the legitimacy of the VGGT implementation, this makes it comparatively harder to implement such soft law, especially when public support, public funding and legislation are needed [50] (modified).

4. Monitoring: Ownership and Accountability

Monitoring, as the measuring of the evolution of tenure governance over time, can also be seen in a different light [6]:

1. Increasing the ownership of the VGGT through national dialogues can successfully support identified national priorities. Monitoring, in this sense, is not about measuring progress, but actually about making people aware, increasing commitment, and driving change.
2. Increasing the accountability of the government and its agencies by emphasizing the link between the VGGT and human rights obligations.

The reformed CFS, as an intergovernmental committee, committed itself to “take into consideration the views of all participants and stakeholders to the fullest extent possible in order to foster ownership and full participation” [35]. Participation in the CFS includes participating in negotiation, on par with states up to the point where the states reach a consensus. The underlying reasoning, and the prevalent logic, is that states are responsible for taking final decisions because they are accountable for implementing them [58] (modified). This means that the states are the empowered space, whereas the CFS provides a so-called “public space” in which a diversity of viewpoints and wide-ranging discourses interact (ideally without legal restrictions) [59].

Monitoring is a precondition of accountability, i.e., the responsibility for actions and decisions according to the rule of law. The specific issue of accountability, within and outside the CFS framework, is one of the most critical issues for enhanced food and nutrition security [14]. The Working Group on the Monitoring of the Civil Society Mechanism (CSM) for relations to the CFS, stated that “even though decisions and recommendations of the CFS are voluntary, accountability is vital, connecting what happens at the local and national level with decisions made at the global level” [31]. For social

movements and civil society organizations, monitoring is a precondition for accountability, which in turn is a key element of human rights based governance [31].

This is particularly relevant for social movements and civil society organizations in countries with dual, or multiple, legal systems: statutory, customary and informal systems. The users of these systems can be found in urban areas, rural areas, informal settlements or squatting areas, respectively. Having multiple systems often leads to tenure insecurity and disputes. The way in which to effectively integrate all these different forms of tenure is a policy challenge in many countries. The more so as approximately two billion people are estimated to live under customary tenure systems. Thus, customary tenure systems are a major global system. These systems are as much a social system as a legal code, and from the former they obtain their enormous resilience, continuity, and flexibility [60]. When these systems are not valorized, people lose rights that are critical to their livelihoods, causing resistance, and increasing poverty among already vulnerable and marginalized communities and groups [61]. For example, women stand to lose more as they often hold secondary and derived tenure rights (e.g., gathering rights) in customary tenure systems, and they do not hold the primary use rights [62]. Facing this policy challenge is of the utmost priority because land is being sought for foreign and domestic agricultural investments, forest resources are being commoditized, tourism is expanding, mineral resources are being exploited, carbon markets are being created, and new land markets are being created in peri-urban areas. Customary tenure is not only a policy challenge, it is also a practical challenge because very little is known about the diversity in and complexity of customary tenure systems. The reason is that customary tenure systems are inherently unique to the localities in which they operate. They often comprise complexities not found in statutory systems that address more general principles and concerns [61].

Governments and other institutions (including customary authorities and organizations) are accountable to the right holders, among which are the vulnerable and marginalized people. Conceptually, the accountability between right holder and duty bearer is key to the responsible governance of land, fisheries and forests. A clear accountability framework is needed for CFS decisions and recommendations to translate into changes on the ground [14]. The use of “voluntary” in the Working Group on Monitoring of the Civil Society Mechanism (CSM) for relations to the CFS citation should be read while knowing that the decisions and recommendations of the CFS represent a consensus. The members of the CFS do have a responsibility when they are part of this consensus (see also paragraph 3, in which soft law is discussed).

This procedural dimension of governance and the ways in which it is developing are not well captured in the “2030 Agenda for Sustainable Development” goals (SDG) and the indicator framework (adopted by 193 Member States of the United Nations after broad global multi-stakeholder consultation, thereby committing the international community to end poverty and hunger and achieve sustainable development in the social, economic and environmental dimensions). It will take some time before the tenure governance relevant indicators 1.4.2, 5.a.1 and 5.a.2 (Table 1) are actually actively monitored. The same applies to the indicators related to the procedural aspects of governance on responsive and inclusive decision-making (16.7.1 and 16.7.2) and access to information (16.10.2) [6].

Table 1. SDG goals and indicators that are directly relevant to tenure rights, decision-making, and access to information [63].

SDG Goals	SDG Indicator	Description
No poverty	1.4.2	Proportion of total adult population with secure tenure rights to land, with (1) legally recognized documentation and (2) who perceive their rights to land as secure, by sex and by type of tenure.
Gender equality	5.a.1	Proportion of total agricultural population with ownership or secure rights over agricultural land by sex; Share of women among owners or rights-bearers of agricultural land, by type of tenure.
	5.a.2	Percentage of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.
Peace, justice and strong institutions	16.7.1	Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions.
	16.7.2	Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group.
	16.10.2	Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

Thus, instituting responsible tenure governance and improving accountability continue to be daunting tasks.

5. Plural Perspectives on Monitoring

Monitoring can take different perspectives according to different actors. Several approaches to monitoring exist, such as a result-based management approach, the human rights based approach, and the good practices approach (described in more detail in Sections 5.1–5.3). All of these approaches have their own merits.

The concept of tenure governance is interpreted as referring to [11,64–66]:

- *Structures*, i.e., the legal structures (e.g., constitution, statutory and customary laws) in place in the state, and the rules that govern and mediate relationships, decision-making and enforcement.
- *Processes*, i.e., (1) the policies, programmes and measures necessary to give effect to and actually implement what is laid out in the constitution and laws; and (2) the ways in which the formal institutions and informal arrangements actually implement the programmes and other measures. Thus, this refers to the ways in which decisions are made, and by whom; the ways in which decisions are implemented and accounted for; and the ways in which disputes are managed (i.e., people-oriented).
- The *outcomes and results* achieved because of policies, administration, and programmes, etc. (e.g., the actual patterns of tenure and stakeholders' access to, control over, and use of land, fisheries and forests).

This means that the monitoring of tenure governance could address any of these governance aspects, or a combination of them. This shows how complex such monitoring actually is. Whether it is perceived as a structure, a process, or outcomes and results, tenure governance relates to decision-making processes where multiple actors with different roles and interests interact [67]. Structures and processes are two components of tenure governance that are driven by the human dimension, whereas outcomes and results show the interaction in space and time between the human and biophysical dimensions.

The actors involved in tenure governance can be brought into a space to have a conversation that allows non-consensual views to be expressed [66].

Such monitoring should also cover different levels and, at best, comprise an integrated multi-level architecture taking into account the different roles of different stakeholders [68]. For example, at the national level, the structures, processes and outcomes should be assessed through a participatory approach of, for example, the policy and legal frameworks, the organizational framework, and the existing coordination mechanisms. The monitoring of processes in particular should be carried out with the participation and consultation of the relevant stakeholders. The monitoring of outcomes is related to the realities on the ground, such as the actual or perceived tenure security, and the control of and access to land and natural resources by local communities. The outcomes represent the level at which people experience whether tenure governance is responsible and whether it is progressing (and may include perceptions). The challenge will be to be able to attribute changes to actions, as for any monitoring exercise.

The multi-dimensional nature of the VGGT requires implementation with a holistic perspective, which includes several policy areas, such as natural resources management, investment in agriculture, trade policy, and other sectors such as energy and infrastructure [69].

Monitoring the VGGT means that indicators have to be defined, and benchmarks should be set against specific goals and timeframes. These benchmarks and indicators are dependent on the objective of the monitoring and the context. Consequently, they can vary from country to country, and within a country, from area to area. The most likely approach to the study of change is the comparison of the state of tenure at a certain point in time to the state at a later moment in time, thereby focusing on a representation of temporal data in which snapshots are created for each moment in time. The result does not contain the immediate link between the spatial and temporal dimensions of the changes that occurred. However, one can also document the relationships between the identified states and the processes that led up to these relationships [70]. The latter is crucial for the (better) understanding of the tenure governance processes. However, indicators—by their very nature—are less suitable instruments to assess the procedural dimension of the governance of land and natural resources. Given the urgent necessity to enhance the accountability of governments and their organizations, there is thus a need to complement the existing indicator-based monitoring approaches [6].

Within the CFS, which—after its reform—created a unique compilation of various views that are not typically represented on United Nations committees [40], the concepts of a result-based management approach and human rights based approach have been put forward by the stakeholders. Each system comes with its own merits, as will be described in the subsequent paragraphs. Considering the length of legal and organizational processes, more time may be needed to gain enough perspective on the integration and use of soft law instruments like the VGGT.

5.1. Results-Based Management Approach to Monitoring

The results-based management approach assumes that the objectives have been clearly defined at the onset, and that it is possible to identify what works and what does not. Results-based management means a life-cycle approach to management in which actors seek to ensure that their actions contribute to the achievement of the desired results by iteratively using actual results to inform their future actions [23,71].

This approach poses a number of challenges to the CFS, such as the definitions of the objectives, and issues of causality and temporality. The definition of a set of specific and measurable objectives for the VGGT is not obvious, nor is the establishment of a baseline. The VGGT are not a stepwise procedure or methodology to obtain responsible governance of tenure, such as could be the case with a technical guide, a strategic plan, or a project. The observed changes in tenure governance are not easily, if at all, attributable to specific interventions, as is required by a cause–effect logic. The VGGT address multiple dimensions and scales in changes in the policy, legal and organizational frameworks. Temporality is also an issue, as changes in tenure governance are long-term processes. More fundamental is the

issue that the CFS is *not* the body to design and implement programmes and projects. This is a task for members, as they are ultimately responsible for implementation. They may want to call on the executing agencies of the United Nations or resource partners, if necessary.

The Open-Ended Working Group on Monitoring of the CFS defined effectiveness as “the extent to which CFS outcomes are achieved, or are expected to be achieved” [72]. To overcome the problems of causality and temporality, most indicators are proposed focus on processes (e.g., coordination and engagement, participation and inclusiveness, evidence-based policy making, etc.). This approach seems to measure the CFS’s effectiveness, with the CFS looking at itself. Do changes in policy and practice ultimately not depend on the members? With this being the case, a number of stakeholders hope for more emphasis on the country level. In addition, giving more weight to processes than outcomes may be too limiting, as ultimately changing the situation on the ground is what matters in the daily lives of citizens.

5.2. Human Rights Based Approach to Monitoring

The VGGT and the “Principles for Responsible Investments in Agriculture and Food Systems” [57], both adopted within the CFS, as well as the 2030 Sustainable Development Agenda, call for people-centered, gender sensitive and human rights based approaches. With the emphasis on non-discrimination and the protection of marginalized groups in the VGGT, a human rights-based approach informs both sustainable development and environmental justice [73].

The VGGT are intended to serve as a reference, and to provide guidance to improve the governance of the tenure of land, fisheries and forests. They do so by referring to “States’ existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments” (VGGT paragraph 1.1), and by establishing provisions on the ways in which to interpret these in the context of the tenure of land, fisheries and forests [64]. The VGGT place tenure rights in the context of human rights. There is currently no international consensus that a tenure right is a human right. However, tenure rights are important for the realization of human rights, such as the right to a standard of living that is adequate for health and well-being, including food and housing (see Article 25 in the Universal Declaration of Human Rights, and Article 11 in the International Covenant on Economic, Social and Cultural Rights) [74]. Countries use the VGGT when developing their own strategies, policies, legislation, programmes and activities. They allow governments, civil society, the private sector, and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices. The VGGT provide practical guidelines on the ways in which to comply with human rights obligations, and provide guidance on the ways in which to ensure that these are upheld: “Given that all human rights are universal, indivisible, interdependent and interrelated, the governance of tenure of land, fisheries and forests should not only take into account rights that are directly linked to access and use of land, fisheries and forests, but also all civil, political, economic, social and cultural rights [8] (paragraph 4.8)

A key element of the VGGT is the recognition of *legitimate* tenure rights and associated duties, meaning all existing tenure rights and associated obligations, whether formally recorded, or socially-recognized but not (yet) formally recorded. Records on legally recognized rights often exist in cadasters and/or land registries, although they may be outdated, but formal records on socially-recognized rights are basically non-existent. It is important to capture the socially-recognized rights (see also Section 4), as these are often indispensable for exercising a series of human rights, such as the rights to food and adequate housing, and the right to water, among others. The concept of legitimate tenure rights will assist in recognizing and protecting such rights and right holders, as well as opening up the discussion on such rights that are based on customs and habits, because these tenure systems are inextricably linked to the principle of protecting human dignity [65].

The VGGT are considered to be a specification of existing human rights obligations for the natural resources [75]. The current global governance framework underpins human rights based, inclusive,

and accountable monitoring [6]. Having a human rights based approach implies going beyond secure access to land to include equitable access to it, ensuring equal opportunities [69].

The human rights based perspective understands monitoring as a mechanism to guarantee the application of agreements, and to hold parties accountable for it. This approach implies that states have obligations to their citizens, i.e., to the people whose tenure rights should be protected [66]. The focus in this approach is on governments that have negotiated and built agreements in the form of CFS decisions and recommendations, such as the VGGT. In-depth, qualitative, and judicial assessments are the basis of this approach, rather than quantitative indicators.

A human rights based approach to monitoring the VGGT does not have to stand on its own, but can contribute by being complementary to the existing monitoring initiatives. For example, it can complement the qualitative indicator of SDG 1.4.2, defined as the “Proportion of total adult population with secure tenure rights to land”, especially in its second part, where it states “who perceive their rights to land as secure, by sex and by type of tenure” [63].

5.3. Good Practices Approach

Detailed cases from specific right-holder groups may highlight the challenges and opportunities to improve responsible tenure governance that may not be highlighted in more general monitoring approaches (e.g., SDG indicators 5.a.1 and 5.a.2 related to women’s land rights). For example, the VGGT principle of gender equality, i.e., ensuring “the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary” [8] (p. 5), may pose challenges and opportunities for women and men.

As an example, case study evidence from Northern Cambodia shows that indigenous women’s access to and participation in community affairs has become more complex by becoming intertwined with legal and administrative structures, markets and networks, or development actors. Norms, values, and the cultural construction of gender brought in by mainstream influences in Northern Cambodia are less inclusive and may act to marginalize indigenous women. When communities move to integrate into these new networks, women are either able to maintain their ground with the support of the community that expresses inclusiveness, or they are left behind [76].

The good practices approach is, in fact, adopted by the CFS. The work on the VGGT was selected as the focus of the “Global Thematic Event on Monitoring the Implementation of CFS Decisions and Recommendations” in October 2016. The event was designed to share experiences and take stock of the use of the VGGT, and to contribute to monitoring progress in their implementation. The CFS called for brief reports on experiences and good practices in the use of the VGGT, and received 62 submissions, comprising 47 country and regional submissions, and 15 global ones. This event was the first opportunity to share experiences and take stock of the use and application of the VGGT, as a contribution to monitoring progress towards their implementation. The CFS concluded that the contributions received from CFS stakeholders show the remarkable uptake of the VGGT in many countries, and that the use of the VGGT should be monitored on a regular basis, in line with the “Terms of reference to share experiences and good practices in applying CFS decisions and recommendations through organizing events at national, regional and global levels” [41] endorsed at CFS 43.

For monitoring to be meaningful, it should not only provide information on the current state, but also on the way forward to promote good practices. The latter is also in line with the VGGT comprising internationally-recognized good practices.

5.4. Complementary Approaches to the Monitoring of VGGT Implementation

The above three approaches show that a single method used by one discipline/sector or stakeholder group to gain an understanding of complex, multi-scale processes does not provide an increasing understanding of the ways in which individuals and groups in dynamic, complex, socioecological settings react to policy, legal, and organizational frameworks that affect their tenure systems.

Rather, a combination of approaches will be needed (combining qualitative participatory monitoring methodologies with technical and statistical ones) in order to increase and enrich our understanding.

Several initiatives are undertaken to collect data on land governance and tenure security for different purposes, such as, in alphabetical order:

- The FAO's forest tenure assessment tool [77]; gender and rights database [78]; legislation assessment tool for gender-equitable land tenure [79]; capacity analysis of the enabling environment, institutions and individuals for the VGGT implementation in the context of a specific country process [80,81]; and the World Programme for the Census of Agriculture [82].
- The Global Donor Working Group on Land governance map and database showing existing funding and its distribution [83].
- The Global Land Indicators Initiative (GLII), which has developed 15 globally-comparable indicators on land designed through extensive consultations with multiple actors. Many of these indicators go beyond the datasets found in formal cadaster systems; they cover aspects of the VGGT, human rights, corruption, and others [84].
- The International Land Coalition's LANDex, which uses the VGGT as an umbrella for land governance monitoring (19 indicators covering 46 VGGT subprinciples) [85].
- The Land Matrix as an independent global land monitoring initiative that promotes transparency and accountability in decisions over large-scale land acquisitions [86].
- The Prindex on perceived tenure insecurity [87].
- The Rights and Resources Initiative collecting tenure data with the Tenure Data Tool and LandMark Map [88].
- SDG reporting (see Table 1).
- The Working Group on Monitoring of the Civil Society Mechanism for relations with the CFS collecting and synthesizing civil society experiences regarding the use and implementation of the VGGT [31,89].
- The World Bank Land Governance Assessment Framework (LGAF) [90].

This list is not exhaustive, but it shows a proliferation of initiatives that are all contributing to various views on tenure governance at various levels (though the country level prevails), but none shows a fully integrated perspective. The main question therefore is: to what extent could these data inform us on improved tenure governance, and can these data be used for monitoring purposes related to the VGGT implementation?

For instance, the LGAF predates the VGGT and, as argued by some, cannot be used as an adequate diagnostic tool to assess tenure governance. This is because it was not designed on the basis of the VGGT. The LGAF indicators were created by the principle of economic efficiency and the assumption that good land governance means the promotion of an efficient land market that would allow the transfer of land towards the most efficient users, rather than by equity or justice [31]. This approach is very different from the VGGT, which promote equitable access to land, fisheries and forests, recognizing the complex and contested nature of tenure governance.

Thus, multidisciplinary applied research in diverse national and international settings on the above data collection initiatives, and others, is essential for the development of an integrated perspective to achieve responsible governance of tenure. Most of the existing initiatives are still sector-specific.

However, one should keep in mind that tenure arrangements in one place do not render similar results if duplicated in other places, at other times, or at other scales. As already concluded for sustainable resource governance [91], no single form of either tenure right or governance is uniformly associated with sustainable resource governance. Simple solutions do not exist for complex ecologies. The same applies to tenure governance and its monitoring.

6. Monitoring as a Space for Multiple Views

Whether we are monitoring sustainable development, climate change or the responsible governance of tenure, we are dealing with complex systems. Governance of tenure relates to a complex system, and often has a contested character. One should realize that the same starting conditions can produce different outcomes, depending on the interactions of the elements in the system [92].

The different stakeholders in the CFS may each have their own objectives and their own criteria for deciding whether the process is working and delivering the expected outcomes. It may be useful to account for this diversity of objectives through a diversity of analytical perspectives [14]. The CFS may of course opt for a single, common approach. As previously discovered in the field of land dynamics, there is more than one perspective on monitoring. Furthermore, no monitoring is neutral. The three approaches to monitoring described above each come with different tools and mechanisms. However, all of these approaches encounter difficulties when applied to the CFS decisions and recommendations, as the VGGT are neither a stepwise procedure to follow to achieve responsible governance of tenure, nor a legal binding agreement. The VGGT are a reference document furnishing a framework comprising principles and good practices. Thus, the issue of monitoring remains a challenge were it not that the CFS is also an inclusive platform on food and nutrition security where multiple views are expressed. Different actors with different views on the monitoring of the VGGT can convene at the CFS to express and exchange their views. The above means that the monitoring of the VGGT is neither a one-size-fits-all exercise, nor one that leads necessarily to the same outcomes.

Such plurality comprises a richness. Allowing space for multiple views means leaving no one's view behind. In the environmental sciences, the diversity of modeling approaches is advocated because the complexity of land dynamics cannot be addressed by a single model [70]. At the same time, several worldviews are allowed to co-exist, as that provides not only a much more flexible approach but also one that makes the world richer [70]. The same applies to monitoring the VGGT implementation.

7. Pathways of Change

The types of pathways of change expected from the improvement of tenure governance will vary among the stakeholders. Organizations with the same overall objectives of improved tenure governance will have different hypotheses of the ways in which the change will happen [93]. What will be required is to define these pathways of change formulated as outcomes in a causal framework. As has already been mentioned, the observed changes in tenure governance are not easily-attributable to specific interventions, as required by a cause–effect logic. However, trying to map this cause–effect logic of pathways of change supported by empirical data may be helpful, especially if simultaneous causal strands to achieve a goal are included. Furthermore, one should be open about assuming that a change is happening as a product of a certain intervention when the causes may be altogether different, or when the intervention is only partially responsible for the change. This causal framework is linked to a complex web of activities and outputs that are part of the logical framework within which interventions take place. These include perspectives and values in determining the ways in which a change is happening, and the ways in which to capture and convey that change [93]. An outcome is a state or condition that currently does not exist but must be in place for the initiative to work. A causal framework can be made using the concept of a theory of change that may shed light on the various pathways expected [24,94]. Various paths may lead to the same outcome. In this manner, the series of outcomes will lead to the desired overarching goal (illustrated by “if–then” relationships between the outcomes). In the accompanying text, one can explain the connections between the outcomes, and why one outcome is needed to achieve another. Assumptions (of risks) may explain the contextual underpinnings of the theory. The graphic model in the theory of change is accompanied by a narrative that explains the logic of the whole framework. Adding causal links and mechanisms to the typical theory of change adds depth, articulates complexity, and increases the usefulness of the developed theory of change. In Figure 1, an example is provided of pathways of change illustrated by “if–then” relationships between outcomes towards the overarching goal of the responsible governance of tenure

(in gray shading). It is important to note that this figure shows only a partial view of simultaneous causal strands to achieve the overarching goal.

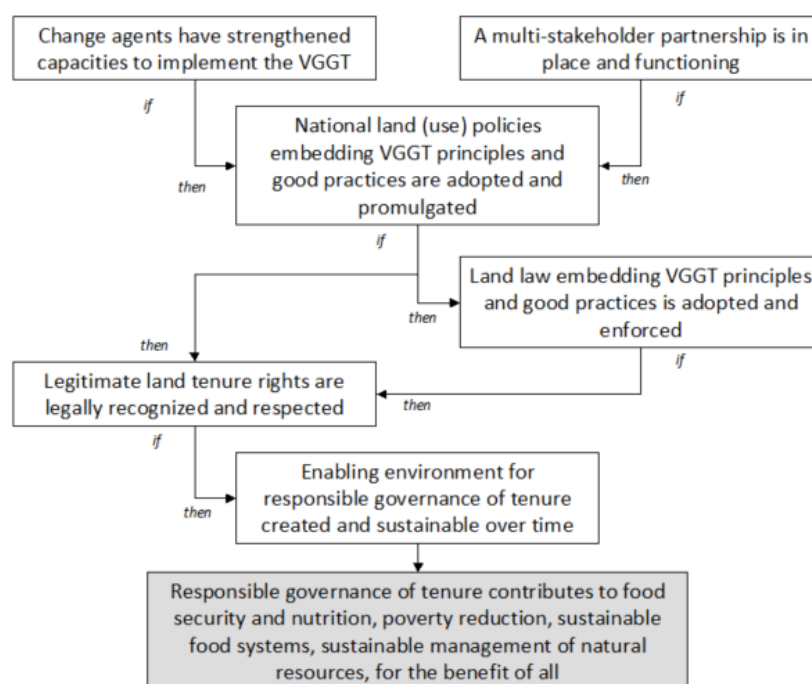


Figure 1. Example of simultaneous causal strands of if–then relationships between outcomes that could be part of VGGT implementation pathways of change towards the overarching goal of responsible governance of tenure (in gray shading).

A theory of change is not stagnant; it can be adapted and fine-tuned based on the evidence collected. This is in line with the VGGT principle of continuous improvement mentioned earlier.

The adoption of a pluralistic approach to allow space for multiple views would entail different theories of change. This may address the CFS’s need to assess the effects on interim and long-term outcomes, and the need for information on the ways in which the interventions produce such outcomes. The theory of change approach applies critical thinking to the design, implementation, and evaluation stages of initiatives and programmes (Table 2) intended to sustain change in the context of support to countries on the VGGT implementation. It will also identify contextual factors that are likely to influence the intended outcomes, and the impact pathways through which these different influences can combine to produce an expected outcome. Case studies at more detailed levels may exemplify the diversity of possible pathways. The theory of change approach explicitly and deliberately covers the structures, processes, and outcomes and results, as described above. Different stakeholders may each have their own theory of change, and these may operate simultaneously. Together, these will provide an inclusive and comprehensive tool for monitoring and evaluation.

The process used to design a theory of change is as important as the theory itself. If the process is participatory and inclusive in nature, those involved at the design stage will show ownership and commitment, thereby greatly facilitating the implementation stage. This echoes the character of the VGGT implementation.

Similar to the field of land dynamics, the examination of pathways of change, as documented in one or more theories of change, is crucial for the design of appropriate policy interventions aimed at the achievement of sustainable development, and the management of land and natural resources. To understand the cause-and-effect relationships of changes in tenure governance, it is critical to study the interactions between the temporal dynamics and the spatial pattern of tenure rights. Interactions

arise from feedback in the human–environment system, heterogeneity in this environment, and the influence of the tenure governance history [70] (modified).

Table 2. The stages of the project or programme at which the theory of change may be useful.

Design Stage
<ul style="list-style-type: none"> • Help find the best scenario by exploring multiple possibilities through a participatory and inclusive methodology. • Strengthen your programme by identifying potential weaknesses and gaps in logic, assumptions and risk. • Build understanding and promote consensus, buy-in (i.e., ownership and commitment) and teamwork
Implementation stage
<ul style="list-style-type: none"> • Assists in visualizing needed adjustments and corrections as your programme unfolds • Assist in decisions about allocating limited resources
Evaluation stage
<ul style="list-style-type: none"> • Facilitate common understanding of the programme • Help clarify what should be evaluated, when and how • Generate questions for the Evaluation Framework

The monitoring framework for the VGGT has to be supported by a pluralistic approach that accounts for different theories of change, reflecting the diversity of the stakeholders involved. A multi-stakeholder mutual accountability framework is also necessary (i.e., different actors are accountable to one another with differentiated responsibilities).

Analytical approaches to past tenure governance and the understanding of current processes and preferred pathways of change will support informed decision-making for improved, equitable, sustainable and environmentally sound tenure systems in the future [70] (modified).

As explained in the context of change dynamics in environmental sciences [70], for the human brain, memories have two functions: (1) to remember the past, because humans define concepts in order to process experiences, store them in the memory, and when necessary recall these experiences from memory; and (2) the ability to construct the future with elements from that past. If one considers the analysis of tenure governance in a similar manner, one could argue that one needs to remember the past tenure governance in order to be able to imagine the future governance of tenure. Thus, the understanding of tenure governance dynamics at various times in the past (“what was”) makes a contribution to the improvement of the understanding of current and future tenure governance changes (“what is” and “what will be”). The human brain is unique in being able to look both backwards and forwards. This ability could be used to improve projections and scenario building (“what if”). The international community could make progress in governance of tenure analysis by looking more frequently at the past in order to furnish those elements to project a future. Preferred pathways from the past may thus make a valid contribution to future trajectories, and to instruments such as monitoring, scenario building and projections [70].

The monitoring of the VGGT implementation through theories of change will be a means to show tangible progress in practice, i.e., on the ground, and will go beyond the CFS achievements of the production of guidelines and conducting global discussions on food security related subjects [39] (modified).

8. Discussion and Way Forward

The involvement of stakeholders in the CFS should be considered an achievement when the VGGT are being effectively used to influence national policies and legislation, and to lift them in favor of the vulnerable and marginalized that they serve.

There are many different understandings from diverse stakeholder groups on what comprises the monitoring of the VGGT implementation and the ways in which it should be executed. The CFS may opt for reaching a consensus on a joint perspective on monitoring within the context of the CFS; this is the way in which the CFS works. The lack of a regular, independent, systematic monitoring mechanism at the CFS opens the way to explore alternative options to conduct such monitoring. The diversity in monitoring approaches, however, should be seen as a richness in perspectives and methodologies that may enhance our understanding of tenure governance and the various pathways to (further) improve it. Thus, the monitoring of tenure governance could comprise partial implementations (e.g., the development and adoption of standards) and systematic approaches; specific contexts (e.g., conflicts, women's rights to land, etc.); implementations that started prior to the VGGT, as the latter comprises the endorsement of existing good practices, and even those that do not make explicit reference to the VGGT. Comparisons between countries or areas may be difficult if such an approach were to be adopted, but it would show the preferred pathways of progress on the ground, and thereby contribute to future trajectories. The use of a theory of change approach will generate an evidence base that will certainly involve multi- and trans-disciplinary research that mixes quantitative approaches that measure the outcome variables with qualitative approaches that establish the causal mechanisms involved.

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