

# Example country

Example region, 2023

On-going, 0%

Image  
Placeholder

## Local Assessment

Name of your organisation

Respondent description

Reviewer description

**Published:**

## Survey Answers

### DATA COLLECTION, RESPONDENT AND METHOD

#### Identification of data collectors

**Please write the name of the region/district and specific locality that the respondents come from**

Location

**Status:** open

**Review status:** Not reviewed

#### Guidance

Please specify location in terms of region or district of the country and then the specific location for example county, sub-county, municipality, village or other relevant locality information.

If the respondents come from more than one location, please list these, for example X district, x sub-county *and* x sub-county.

**If relevant, please give a case name to this submission**

Case

**Status:** open

**Review status:** Not reviewed

#### Guidance

In some situations, you may wish to tag one or more submissions to a particular case or issue that you are investigating. If relevant, you can write the case name here.

This is not compulsory.

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## Name of organisation/entity responsible for the data collection

Information about data collectors

**Status:** open

**Review status:** Not reviewed

### Guidance

Please specify who (organisation or entity) is responsible for the data collection and submission. This is not about who answered the questions.

Please do not write the names of individuals, just the name of the organisation/entity.

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## Please indicate which method was used for data collection

Individual survey

Focus group discussion

Other. Please specify in comment box

**Status:** open

**Review status:** Not reviewed

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## How many respondents have been interviewed for this submission?

Number of respondents

**Status:** open

**Review status:** Not reviewed

### Guidance

Please answer "1" if the submission covers the experience of one individual only.

If a group of for example 8 people is interviewed and the responses reflect their situation only, the answer would be "8".

## Respondents

### Who are the respondents?

Female (indicate how many)

Male (indicate how many)

Other gender (indicate how many)

**Status:** open

**Review status:** Not reviewed

### Guidance

Please give respondent(s) options to self-identify by the characteristics *relevant* in the local context and for the purposes of this data collection effort.

In line with the principle of self-identification, individuals should be given the possibility to disclose or withhold information about their personal characteristics.

It is essential that non-response options are provided - especially where personal characteristics may be sensitive (such as religion, sexual orientation, gender identity or ethnicity).

For example, the interviewer can list all the characteristics relevant in the local context and ask which ones the interviewee wishes to identify as for the purposes of this data collection.

The characteristics draw on the prohibited grounds of discrimination under human rights law. Additional characteristics may be added if relevant and important in the local context.

OHCHR "A Human rights-based approach to data" has further guidance on self-identification and do no harm.

### Tick any other characteristics as relevant for the purposes of this data collection effort:

Young (younger than 35) (indicate how many)

Older (35 or older) (indicate how many)

Married (indicate how many)

Divorced (indicate how many)

Widowed (indicate how many)

With disability (indicate how many)

Indigenous (indicate how many)

Ethnic minority (indicate how many)

Language minority (indicate how many)

Religious minority (indicate how many)

LGBT+ (indicate how many)

Other (indicate how many)

**Status:** open

**Review status:** Not reviewed

### Please add any other characteristic if/as relevant in the local context

Other characteristics

**Status:** open

**Review status:** Not reviewed

### What type(s) of land, property and natural resources to you live on/use/rent/possess or own?

Public/state land

Private land

Customary land

Communal land

Open access

Don't know

**Status:** open

**Review status:** Not reviewed

### Guidance

The question intends to clarify the type of land tenure that the rest of the questionnaire concerns.

The Voluntary Guidelines on the Governance of Tenure coined the term “legitimate tenure rights” to underscore the need to consider legally recognized as well as customary or informal tenure rights as legitimate. These concepts are underpinned by and reflected in the content of international human rights and labour law standards whose implementation is overseen by supervisory bodies.

Land tenure is often categorised as:

**State or public:** property rights are assigned to some authority in the public sector. For example, in some countries, forest lands may fall under the mandate of the state, whether at a central or decentralised level of government.

**Private:** the assignment of rights to a private party who may be an individual, a married couple, a group of people, or a corporate body such as a commercial entity or non-profit organization. For example, within a community, individual families may have exclusive rights to residential parcels, agricultural parcels and certain trees. Other members of the community can be excluded from using these resources without the consent of those who hold the rights.

**Customary:** customary tenure is a set of rules and norms that govern community allocation, use, access, and transfer of land and other natural resources. The term “customary tenure” invokes the idea of “traditional” rights to land and other natural resources.

**Communal:** a right of commons may exist within a community where each member has a right to use independently the holdings of the community. For example, members of a community may have the right to graze cattle on a common pasture.

**Open access:** specific rights are not assigned to anyone and no-one can be excluded. This typically includes marine tenure where access to the high seas is generally open to anyone; it may include rangelands, forests, etc, where there may be free access to the resources for all. (An important difference between open access and communal systems is that under a communal system non-members of the community are excluded from using the common areas).

In practice, most forms of holdings may be found within a given society, for example, common grazing rights, private residential and agricultural holdings, and state ownership of forests. Customary tenure typically includes communal rights to pastures and exclusive private rights to agricultural and residential parcels

## How would you describe your tenure situation?

- Own land/property/natural resources
- Rent/lease land, property or resources
- Possess land for a prescribed period of time
- Use land for grazing
- Grow subsistence crops
- Gather forest products
- Squat on land
- Other. Please describe in comment box

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to further understand the nature of the land tenure situation for the individual(s) interviewed.

The Voluntary Guidelines on the Governance of Tenure coined the term “legitimate tenure rights” to underscore the need to consider legally recognized as well as customary or informal tenure rights as legitimate. These concepts are underpinned by and reflected in the content of international human rights and labour law standards whose implementation is overseen by supervisory bodies

# 1. PROTECTION OF LEGITIMATE TENURE RIGHTS

This cluster assesses tenure security from a rights-holder perspective. It contributes to data collection on SDG indicator 1.4.2. The concept of 'legitimate tenure rights' refers to a broad range of rights from formal rights and legal ownership to non-formal rights, more limited rights of use and access, and customary land rights.

## Questions

### 1.1. Do you have a recognized legal personality that can register and own land and resources?

Yes

In process

No

**Status:** open

**Review status:** Not reviewed

## Guidance

The recognition of legal personality is often a precondition for obtaining legally recognized or formal rights to land, property and resources. Often, procedures for obtaining legal personality are complicated, difficult to understand and can be costly. If adequate and accessible procedures are not in place, then this may preclude the recognition of tenure rights.

The question is relevant to ask of both individual and collectives or groups (for example cooperatives or associations or an indigenous community). A legal personality for the purposes of registering and owning land, property and natural resources can be a person, a group of people or a corporation, which are treated by law as if they were persons for the purpose of owning land and resources. In the case of individual rights-holders, the "legal personality" will often be citizenship.

### 1.2 Have you tried to obtain legal personality for the purposes of registration and management of property, land and resources?

(if yes to 1.1 - skip this question)

Yes

No

**Status:** open

**Review status:** Not reviewed

### 1.3 Did you encounter any of the following challenges in the process? (Tick all that apply):

- The process is too costly
- Do not understand procedures needed to obtain the documents
- Location where the documents can be accessed is too far away
- Rejection or discriminatory behaviour by those offering legal documentation
- Non-recognition of customary rights
- Non-recognition of legal identity
- Other. Please write in comment box
- None of the above (no challenges experienced)

**Status:** open

**Review status:** Not reviewed

### 1.4 Do you have formal/legally recognized documents which recognize your right to land, property or natural resources?

- Yes: Most or all of the land
- Some of the land
- None of the land

**Status:** open

**Review status:** Not reviewed

#### Guidance

Formal documentation may include a title deed, certificate of ownership, a concession arrangement, certificate of hereditary acquisition, lease or rental contract/agreement, or other legal documentation, and should be signed. Informal documentation could include a utility bill or tax receipt.

Individuals can hold land in their own name, jointly with other individuals, as a member of a household, or collectively as a member of a group, cooperative or other type of association. A collective or group can also hold land in the name of the group. All models, collective and individual, and all types of tenure, should be considered in this question.

Having formal/legally recognized documents which recognize rights to land, property or natural resources can provide communities and individuals with evidence of their possession, use or ownership of land, property and resources and contribute to tenure security.

Responses to these questions complement data collection on SDG indicator 1.4.2. "Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure". In itself, the responses would not be able to indicate the *proportion* of the population as this requires a full dataset and a representative sample.

### 1.5 Do you have informal documentation of your rights to land, property or natural resources?

- Yes, most or all of the land
- Some of the land
- None of the land

**Status:** open

**Review status:** Not reviewed

### 1.6 Did you encounter any of the following challenges related to obtaining legal documents, if relevant?

- The process is too costly
- Do not understand procedures needed to obtain the documents
- Location where the documents can be accessed is too far away
- Rejection or discriminatory behaviour by those offering legal documentation
- Non-recognition of customary rights
- Non-recognition of legal identity
- Other. Please write in comment box
- None of the above (no challenges experienced)

**Status:** open

**Review status:** Not reviewed



**1.7 In the next 5 years, how likely or unlikely is it that you could lose the right to this land, property or resources, or part of this land, against your will?**

Very unlikely

Unlikely

Somewhat likely

Very likely

Don't know

**Status:** open

**Review status:** Not reviewed

**1.8 What are the reasons why you think it is likely that you could lose the right to use this land, property or resource in the next 5 years? (Tick all that apply)**

The owner/renter may ask me to leave

Disagreements with family or relatives

Death of a household member

Companies may seize this property

Other people or groups may seize this property

Lack of money or other resources needed to live in this property

Government may seize this property

Disagreements with local/customary authorities (e.g., officials/chiefs, elders)

Missing or inaccurate land records

Conflict or terrorism

Difficulty of reclaiming land (post disaster)

Other, please specify in comment box

**Status:** open

**Review status:** Not reviewed

## 1.9. Are you able to use your property, land and resources without restrictions?

- Yes, without restrictions
- 
- Partly, there are some restrictions
- 
- No, significant restrictions apply

**Status:** open

**Review status:** Not reviewed

### Guidance

This question aims to assess the protection of different types of tenure and production systems, including those of tenants, sharecroppers, and pastoralists.

For example, pastoralist or transhumant populations may need access to certain land in different seasons. Hunter-gatherer communities may use land and resources within protected areas or areas used by other communities.

In the case of private land and resources, the question aims to capture restrictions imposed (directly or indirectly) by authorities, a company, community or family members which are considered unlawful and unfair. An example could be a company or family members pressuring or forcing farmer(s) to convert to cash crops instead of food crops against their will. This does not include justified and lawful restrictions caused by for example building or environmental regulation.

This is an issue affecting a large range of human rights, and it is often the case that the law protects certain communities or types of tenure rights-holders better than others. International human rights bodies have raised this issue in respect of the rights of indigenous peoples and other communities, and the issue is specifically addressed under ILO Convention No. 169 as well as reflecting a broad range of human rights enshrined in other instruments.

## 1.10. Have you experienced any conflicts/disputes related to your land, property or resources in the last 3 years?

- Yes
- 
- No

**Status:** open

**Review status:** Not reviewed

### Guidance

Conflicts may include disagreements and disputes over for example the issues listed as response options.

Kindly do not write names of individuals in the free text field and carefully consider whether to name for example specific companies considering any security and legal repercussions for the respondents and the data collectors.

### 1.11 What was the reason for the conflict(s)/dispute(s)? (Tick all that apply):

Ownership due to lack of land registration

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Destruction of land and property

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Evictions or forced evictions

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Multiple sales/allocations of land

---

Land grabbing

---

Access to and control over natural resources

---

Boundaries

---

Inheritance or bequeathment of property or land

---

The value of land/valuation

---

Payment for using/buying land

---

Compensation, resettlement or restitution

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Other. Please specify in comment box.

**Status:** open

**Review status:** Not reviewed

### 1.12 With whom was the conflict? (Tick all that apply):

Conflict with State entity

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Conflict with company, private sector

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Conflict with another community or communities

---

Conflict with the same community

---

Conflict within the same family

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Other. Please specify in comments

**Status:** open

**Review status:** Not reviewed

## 1.13 Please add any other relevant information about the situation.

Information

**Status:** open

**Review status:** Not reviewed

## 2. RESPONSIBLE GOVERNANCE OF TENURE

This cluster concerns the administration of tenure rights in practice. It assesses the accessibility of land related services from a rights-holder perspective.

### Questions

#### 2.1 Has there been a process involving the relevant public authorities to identify, demarcate, map or register your land in the last 3 years?

Yes, concluded

Yes, in progress

No

Don't know

**Status:** open

**Review status:** Not reviewed

### Guidance

This question monitors States' implementation of a fair, independent, impartial, open and transparent process, with participation of concerned rights-holders, to recognize and adjudicate their rights to land, property and natural resources. Authorities here refer to public/State authorities as it regards formal recognition of land, property and resources.

Identification, demarcation, mapping and registration of land and property are essential in order to ensure that they are documented and recognized, and as a basis for communities and individuals to provide evidence of their possession, use or ownership of land, property and resources.

The Voluntary Guidelines on the Governance of Tenure coined the term "legitimate tenure rights" to underscore the need to consider legally recognized as well as customary or informal tenure rights as legitimate. These concepts are underpinned by and reflected in the content of international human rights and labour law standards whose implementation is overseen by supervisory bodies.

## 2.2 How long has the process taken?

If no to 2.1, skip this question about the length of the process.

Less than 6 months

6-12 months

1-2 years

More than 2 years

**Status:** open

**Review status:** Not reviewed

## 2.3 Is information about the official process to demarcate, map and register land easily available?

Yes, it is easily available and made accessible in ways that we understand

Some information is available, but there are gaps in terms of the information or the accessibility of the information

No, it is not available or accessible

Don't know

**Status:** open

**Review status:** Not reviewed

## 2.4. Is the process of identifying, demarking, mapping or registering land affordable?

Yes, it is fully affordable

Somewhat affordable, it costs money but I/we can afford it

No, the cost is too high, I/we cannot afford it

Don't know

**Status:** open

**Review status:** Not reviewed

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### 7.5. Please add additional information about the process and for example the amount paid for the land registration here:

Additional information

**Status:** open

**Review status:** Not reviewed

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### 2.6. Do you know to which government authority to go to register tenure rights, and to sell, buy, or bequeath land?

Yes

No

**Status:** open

**Review status:** Not reviewed

#### Guidance

This indicator measures whether land services, defined here as services related to the registration, acquisition, disposal of land, are accessible from a user perspective in practice.

The VGGT, particularly section 6 on "Delivery of services", details how States should ensure that implementing agencies should serve the entire population and provide prompt, accessible and non-discriminatory services to all, including those in remote locations. States should eliminate unnecessary legal and procedural requirements and strive to overcome barriers related to tenure rights.

**2.7. If you have tried to register, sell, buy or bequeath land in the last 3 years, were you able to easily get information about the application process, user fees, processing times?**

Yes

Partly

No

NA

**Status:** open

**Review status:** Not reviewed

**2.8. Did you get the land related service you were seeking?**

Yes

Partly

No

**Status:** open

**Review status:** Not reviewed

**2.9. Were you able to (tick all that apply):**

	Yes	No
Access the service in a language that you understand?	<input type="radio"/>	<input type="radio"/>
Access the service in a format that enables you to understand the information?	<input type="radio"/>	<input type="radio"/>
Access the service within a reasonable timeframe?	<input type="radio"/>	<input type="radio"/>
Access the service at no fee or a very low fee?	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## 2.10. Please describe any other barriers to availability and accessibility of the service.

Description other barriers

**Status:** open

**Review status:** Not reviewed

## 2.11 Have you tried to access land registration information in the last three years?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This indicator assesses whether land registration information (about ownership, customary rights, concessions) is available and accessible to the public. This is different from the questions about whether an individual or group has registered their own land and the related process and relates to transparency and rights of access to information.

Several sections of the VGGT, including section 17 on “Records of tenure rights”, detail how States should ensure up to date, reliable and accessible land registries recording both individual and collective tenure rights. Records of tenure rights of the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems should be kept within an integrated recording system so as to prevent registration of competing rights in those areas.

The information should be maintained, publicized and be easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions.

The question draws on LANDex 8B and LGAF 6.2. “Completeness of the land registry”.

## 2.12 Were you able to obtain the information you were looking for?

Yes

Partly

No

**Status:** open

**Review status:** Not reviewed



## 2.13 Were you able to (tick all that apply):

	Yes	No
In a language that I understand	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)	<input type="radio"/>	<input type="radio"/>
Within a reasonable timeframe	<input type="radio"/>	<input type="radio"/>
At no fee or a very low fee	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## 2.14. Please describe any other barriers to availability and accessibility of information about land registration.

Description

**Status:** open

**Review status:** Not reviewed

# 3. PROTECTION AGAINST DISPOSSESSION, LAND GRABBING

While this cluster in the national questionnaire focuses on safeguards and protection against dispossession and land grabbing, the indicators and questions in the local questionnaire focus on incidences of dispossession, eviction, displacement or relocation from land, resources or property without adequate consultation.

## Questions

### 3.1 Have you been dispossessed, evicted, displaced or relocated from your land, property or resources in the last 3 years?

No

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Dispossessed of some but not all land/property/resources

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Yes

**Status:** open

**Review status:** Not reviewed

## Guidance

The indicator draws on the following VGGT provisions:

VGGT 16.2 which calls for States to “ensure that the planning and process for expropriation are transparent and participatory.

Anyone likely to be affected should be identified, and properly informed and consulted at all stages.”

VGGT 16.8 which establishes that “States should, prior to eviction or shift in land use which could result in depriving individuals and communities from access to their productive resources, explore feasible alternatives in consultation with the affected parties, consistent with the principles of these Guidelines, with a view to avoiding, or at least minimizing, the need to resort to evictions.”

According to international standards on indigenous peoples and peasants, and the comments of ILO and UN supervisory bodies, safeguards in relation to dispossession should apply to land used and occupied whether or not the community in question has legal documentation or a land title.

According to the UN Guiding Principles on Business and Human Rights (UNGPs), States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication (Principle 1).

“Legitimate representatives” refer to the persons or institutions that a particular rights-holder group has chosen or trusts (i.e., not chosen by external actors) to represent their interest in dialogue or consultations with state or third parties regarding projects or other measures affecting their land, property or natural resources.

Legitimate representatives chosen by rights-holders to represent them could be for example traditional authorities or other forms of representatives such as associations, elders, NGOs, or others.

## 3.2. Were you consulted prior to the dispossession?

If no to question 3.1, skip this question.

Yes

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No

**Status:** open

**Review status:** Not reviewed

## 3.3 Who participated in the consultation process? (Tick all that apply):

If no to question 3.1, skip this question.

- All the people affected
- Our chosen/trusted representatives
- Only some of those affected
- None of the affected people or their representatives

**Status:** open

**Review status:** Not reviewed

### 3.4 Were any of the following groups affected but not consulted directly or through representatives? (Tick all that apply):

- Women
- Men
- Other gender
- Young people (less than 35)
- Older people (more than 35)
- Persons with disabilities
- Indigenous peoples
- Persons belonging to a minority (ethnic, language, religion, or sexual orientation)

**Status:** open

**Review status:** Not reviewed

### 3.5. Were you informed in sufficient time in advance of the consultations and with time to influence the final decision?

- Yes, fully
- To some extent
- Not at all

**Status:** open

**Review status:** Not reviewed

### 3.6 Were your views taken into account in the final decision?

Yes, fully

Partly

No

**Status:** open

**Review status:** Not reviewed

### 3.7 Please further describe the incidence.

Information

**Status:** open

**Review status:** Not reviewed

### 3.8 If you have faced dispossession of your land due to expropriation, was information about procedures for the expropriation easily available?

Yes, it was easily available

Partly, some information was available, but the information is not complete

No, it was not available

**Status:** open

**Review status:** Not reviewed

## Guidance

Expropriation refers to the action by the State or an authority of seizing land, property and natural resources, thereby dispossessing someone of their property, for public purpose.

This question draws directly on human rights law and the guidance that has been given by international human rights bodies and principles of rule of law. It draws on the full list of rights listed in the 'human rights monitored' column and also on recommendations from ILO supervisory bodies as well as the Universal Periodic Review, Committee on Economic Social and Cultural Rights and others relating to essential legal safeguards prior to dispossession including dispossession 'in the public interest', and prevention of forced evictions (see CESCR General Comment No. 7 ([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11)) in this regard).

VGGT 16.2 calls for States to “ensure that the planning and process for expropriation are transparent and participatory. Anyone likely to be affected should be identified, and properly informed and consulted at all stages.”

VGGT section 16.1 establishes that “States should clearly define the concept of public purpose in law, in order to allow for judicial review.”

This indicator should be used in conjunction with additional indicators on consultation and participation.

### 3.9 Was information about procedures for expropriation made accessible in the following ways? (Tick all that apply):

	Yes	No
In a language that I understand	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)	<input type="radio"/>	<input type="radio"/>
Within a reasonable timeframe	<input type="radio"/>	<input type="radio"/>
At no fee or a very low fee	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### 3.10 Please add any other relevant information.

Relevant information

**Status:** open

**Review status:** Not reviewed

## 4. MULTIPLE FUNCTIONS OF LAND, FISHERIES, FORESTS

This cluster concerns the governance of above-surface resources (flora and fauna) and the rights of individuals and communities to these natural resources. The questions seek to uncover whether rights-holders benefit from the exploitation of these resources by

## Questions

### 4.1 Is there any natural resource exploitation conducted by the State or third parties on your land?

Yes

No

**Status:** open

**Review status:** Not reviewed

## Guidance

This question builds on key human rights standards. UN human rights standards on the rights of indigenous peoples and the rights of peasants stipulate that the benefits from the exploitation by the State or third parties of any natural resources pertaining to their lands (resources above and under the surface) should be shared equitably with the rights-holders concerned. The VGGT also specifies that States should develop policies that promote equitable distribution of benefits, including to the poor and most vulnerable, from state-owned land, fisheries and forests and investments by state and non-State actors.

“Third parties” refer to non-State actors who can be considered duty-bearers as they have a responsibility to respect human rights, for instance private companies.

### 4.2 Do you receive any part of the economic benefits from this exploitation?

Yes, directly

Yes, indirectly

No

**Status:** open

**Review status:** Not reviewed

### 4.3 Do you consider what you receive to be equitable?

Yes, we receive a fair share

What we receive is not completely fair

No, we do not receive a fair share

**Status:** open

**Review status:** Not reviewed

#### 4.4 Please provide further information as relevant.

Information

**Status:** open

**Review status:** Not reviewed

## 5. INFORMATION, CONSULTATION, PARTICIPATION

This cluster investigates whether communities affected by decisions, policies, projects, or other measures concerning their rights to land, property or natural resources are meaningfully informed and consulted in a way that lives up to human rights standards.

### Questions

#### 5. 1 In the last 3 years, have any projects or other measures been proposed or implemented that affect your property, land and resources, or result in changes in land use?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This question aims to ascertain whether meaningful consultations and assessments of potential impacts have been undertaken with affected individuals and/or legitimate representatives of communities prior, during, and post decision-making to projects or other measures that may affect their land, property or natural resource rights.

“Other measures” may mean changes in policies, regulations and laws, or a number of different activities that have an impact on land, property and resources.

The concept of meaningful consultation and participation are key human rights concepts and the reference to ‘meaningful’ consultation aims to ensure that consultation is not simply a tick-box exercise.

International human rights and labour standards give us some guidance as to what an ‘adequate’ consultation could look like.

Some of the key elements include but are not limited to:

Prior consultation, giving sufficient time for information to be provided and understood

Full disclosure of information about both potential positive and negative impacts of the project, including possible mitigation measures and potential benefits

Provision of information in a language and format that can be understood by the concerned rights-holders

Good faith

Consultation in a form appropriate to the circumstances or context

Consultation with legitimate representatives of the concerned rights-holders

Providing a genuine opportunity to influence any decisions made

An ongoing process, not a single moment in time

Consultation free of pressure or coercion

Concepts which are also used in this context include consultation, and Free, Prior and Informed Consent (FPIC) which is specifically used in the context of indigenous peoples' rights. In this context consultation should be undertaken with a view to achieving consent.

International instruments on indigenous peoples' rights and the rights of peasants elaborate specifically on consultation in relation to land and resources issues. Other international human rights instruments and international human rights bodies have all addressed this issue in some way, demonstrating how fundamental it is for good land governance.

Numerous international human rights and ILO supervisory bodies have stressed the importance of prior social and environmental impact assessments in relation to land.

The UN Declaration on the Rights of Peasants states that any exploitation of the **natural resources** traditionally held or used by peasants or persons working in rural areas should be subject to a duly conducted environmental and social impact assessment.

Likewise, international instruments on the rights of indigenous peoples stipulate that States should conduct social, spiritual, cultural and environmental impact studies prior to any planned development activities that may affect them.

Impact assessments can be conducted by State and third parties. Failure to conduct these can negatively impact on a large range of human rights.

The detailed response options have been added to get insights into the assessment process and what it has covered or not covered. For example, in many cases, impact assessments only look at immediate property affected and do not assess potential impact on the whole area of land used by a community that may be affected directly or indirectly by a project. This is important as it sometimes translates into compensation considerations only considering inhabited property or the land immediately surrounding it, rather than the whole area of land used by a community. It is a common problem, especially for communities who do not have formal titles but consider large areas of land as their customary land.

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## 5.2 Were you consulted before approval of these projects or measures?

Yes

No

**Status:** open

**Review status:** Not reviewed

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## 5.3 Is/was the consultation ongoing during implementation of the measures?

Yes

No



**Status:** open

**Review status:** Not reviewed

#### 5.4 Were any of the potential impacts/consequences discussed with you and information shared before the decision about the project? (Tick any that apply):

- How rights to land, property and natural resources might be affected (including access and use, rent, ownership)  
\_\_\_\_\_
- Impacts on full area of land used by the community (and not just a specific inhabited area for example)  
\_\_\_\_\_
- How the resources for livelihoods might be affected by the project (could include for example agricultural, forestry or fishing resources, non-timber forest products, etc.)  
\_\_\_\_\_
- How work/employment, traditional or informal occupations, income & salary, contractual conditions, health and safety at work, working conditions (including working time, leave, etc), exploitative working conditions (such as forced labour, child labour),  
\_\_\_\_\_
- How the environment (including drinking water, soil, air, vegetation, animal life) might be affected  
\_\_\_\_\_
- The economic consequences of the proposed project or measure, including new employment/work opportunities, income or loss of employment/job opportunities, positive or negative changes in the ability to generate income or access markets, any benefit shar  
\_\_\_\_\_
- How traditional or religious places, or the ability to practice customary beliefs, traditions, or religion, might be affected  
\_\_\_\_\_
- How women especially will be affected by the project or measure  
\_\_\_\_\_
- Other. Please specify in comment box.

**Status:** open

**Review status:** Not reviewed

#### 5.5 Who participated in the assessment/consultation process? (Tick all that apply):

- All the people affected  
\_\_\_\_\_
- Our chosen/trusted representatives  
\_\_\_\_\_
- Only some of those affected  
\_\_\_\_\_

None of the affected people or their representatives

**Status:** open

**Review status:** Not reviewed

**5.6. Were any of the following groups affected by the project or measures but not included directly or through representatives? (Tick all that apply):**

Women

Men

Other gender

Young people (less than 35)

Older people (more than 35)

Persons with disabilities

Indigenous peoples

Persons belonging to a minority (ethnic, language, religion, sexual orientation)

**Status:** open

**Review status:** Not reviewed

**5.7. Was the information provided to you during the assessment/consultation process (Tick all that apply):**

In a language that you understand?

In a format that enabled you to understand?

Inclusive of information about both positive and negative potential effects of the project or proposed measures?

**Status:** open

**Review status:** Not reviewed

### 5.8 Were you informed in sufficient time to discuss potential impacts and deliver your input in advance of a decision?

Yes, fully

---

To some extent

---

Not at all

**Status:** open

**Review status:** Not reviewed

### 5.9 Were your views taken into account in the final decision?

Yes, fully

---

To some extent

---

Not at all

**Status:** open

**Review status:** Not reviewed

### 5.10 Did you give your consent?

Yes

---

Partly

---

No

**Status:** open

**Review status:** Not reviewed

### 5.11 Was the final impact assessment report shared with you/your

## representatives?

Yes

Don't know

No

**Status:** open

**Review status:** Not reviewed

## 5.12 Please add information as relevant.

Information

**Status:** open

**Review status:** Not reviewed

## 5.13. Are there rural land use plans that affect your land, property or resources?

Yes

Partly

No

Don't know

**Status:** open

**Review status:** Not reviewed

### Guidance

This indicator measures the degree to which public decisions related to land use management and changes are made with input from the communities affected.

Land use plans and zoning can apply to public land of all descriptions, including protected areas, forests, and other types of public land.

The types of land use and zoning plans referred to in this question are larger-scale plans, encompassing the land, territory and resources of many, and not just one, community or land-tenure rights entity. Therefore, note that this question is separate from other questions relating to consultation and participation in decision-making about projects that may affect land, property and resources as it focuses more broadly on public participation in decisions affecting areas of land beyond individual rights-holders or entities.

The indicator and related question and response options align with LANDex 7B. Note that the two middle response options have

been merged to one option “to some extent”.

### 5.14 Has your input been sought in the development of these plans, or when changes have been made to these plans?

- Yes. Our input has been sought in preparing and amending rural land use plans (including rezoning) and relevant decisions are arrived at in a transparent and public process

---

- To some extent. Our input has been sought in preparing and amending rural land use plans (including rezoning) but decisions are arrived at in a non-transparent process or comments are not reflected in the finalization of land use plans

---

- No. Our input has not been sought in preparing and amending land use plans

**Status:** open

**Review status:** Not reviewed

### 5.15 Please add additional information about the plans and the process.

Information

**Status:** open

**Review status:** Not reviewed

## 6. ACCESS TO REMEDY

The questions in this cluster concern legal remedy related to land, property or resource related disputes. It investigates the access to informal and formal justice mechanisms for rights-holders and the outcomes of the processes.

### Questions

#### 6.1. Have you tried to seek legal remedy related to a land, property or resource related dispute in the last 3 years?

- Yes

---

- No

**Status:** open

**Review status:** Not reviewed

## Guidance

Legal support can include for example legal advice and representation. Civil proceedings mean any proceedings in or before any court or tribunal that are not criminal proceedings.

The partial option may be relevant if the respondent was able to get some support but not what was required or asked for.

From a human rights perspective, legal support is essential for ensuring access to justice and the right to remedy, in particular for those who experience, or are at risk of experiencing, discrimination, but also for all rights-holders in general.

The VGGT specifies that dispute resolution services should be accessible to all, women and men, in terms of location, language and procedures (section 21.1) and that States should strive to provide legal assistance to vulnerable and marginalized persons to ensure safe access for all to justice without discrimination (section 21.6). VGGT section 6.6. specifies that legal support, such as affordable legal aid, may also include the provision of services of paralegals, and mobile services for remote communities and mobile indigenous peoples.

## 6.2 Were you able to access legal support?

Yes

Partly

No

**Status:** open

**Review status:** Not reviewed

## 6.3 Did you face any of the following barriers? (Tick all that apply):

Legal proceedings and/or support are too costly

Do not understand procedures needed to access civil proceedings and/or support

Location where legal support and/or proceedings can be accessed is too far away

Case is considered too sensitive or political

Rejection or discriminatory behaviour by those offering legal support

Non-recognition of customary rights

Non-recognition of legal identity

Other. Please specify in comments box

**Status:** open

**Review status:** Not reviewed

## 6.4 Please add information as relevant.

Information

**Status:** open

**Review status:** Not reviewed

## 6.5 Have you received redress, restitution or compensation related to displacement, eviction or relocation?

Yes, fully

To some extent

Not at all

**Status:** open

**Review status:** Not reviewed

### Guidance

This will be a subjective assessment, but issues to consider in these responses include whether there was a negotiation of compensation levels or redress, whether the compensation or redress allows for the community to continue with a similar standard of living as they had prior to dispossession or displacement, and if there was any economic reliance on the land and proximity to markets, is this similar or better following redress or compensation (if compensation is in the form of alternative land). Also, if there was access to or ownership of any resources on the land, has this been considered in redress or compensation levels, and what is the legal status of any land provided as compensation.

Other things to consider include compensation (in land of at least equal legal status and value, or of access to resources, or in kind, if the community had negotiated or expressed a preference for doing so) or restitution (right to return) and to what extent.

## 6.6 If you have experienced violations of rights to land or property in the last 3 years, have the perpetrators been sanctioned by the judicial system?

Yes

---

No (or not yet)

**Status:** open

**Review status:** Not reviewed

### Guidance

Prompt implementation of judgments is essential to ensure justice and protection of legitimate tenure rights-holders and avoid impunity.

The VGGT paragraph 3.1.4. specifies that “States should: Provide access to justice to deal with infringements of legitimate tenure rights. They should provide effective and accessible means to everyone, through judicial authorities or other approaches, to resolve disputes over tenure rights; and to provide affordable and prompt enforcement of outcomes.”

## 6.7. Have you tried to bring a land, property or natural resource related case to a community-based, informal or customary dispute resolution mechanism in the last 3 years?

Yes

---

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This question concerns the non-judicial (informal) justice system for example a traditional/customary institution at local level.

Kindly note that there is a separate question on non-judicial grievance mechanisms set up by companies later in the questionnaire, so this question does not cover those types of mechanisms.

The VGGT section 21.3 provides that “States should strengthen and develop alternative forms of dispute resolution, especially at the local level. Where customary or other established forms of dispute settlement exist, they should provide for fair, reliable, accessible and non-discriminatory ways of promptly resolving disputes over tenure rights.”

## 6.8 Has the conflict been satisfactorily resolved through the dispute mechanisms?

Yes

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Partly

No

**Status:** open

**Review status:** Not reviewed

## 7. PREVENTION OF CORRUPTION

This cluster addresses issues of corruption in the administration of land related services and contributes to data collection efforts on SDG indicator 16.5.1.

### Questions

**7.1. Were you asked for a bribe, or do you know people who were asked for a bribe by a public official related to accessing a service related to a land, property or natural resource matter during the previous 12 months?**

No

Yes

**Status:** open

**Review status:** Not reviewed

### Guidance

Please inform respondents that the intention of the question is not to collect names of officials or document whether they personally have paid a bribe. It seeks to document whether corruption is an issue in the process of accessing land related services.

Services related to a land, property or natural resource could include for example the valuation, acquisition, registration, disposal of land or access to legal advice or representation.

Multiple sections of the VGGT, including section “6. Delivery of Services” call on States to prevent corruption including in the delivery of services. Paragraph 6.9 provides that “States should adopt and enforce anti-corruption measures including applying checks and balances, limiting the arbitrary use of power, addressing conflicts of interest and adopting clear rules and regulations. States should provide for the administrative and/or judicial review of decisions of implementing agencies.”

The indicator aligns with SDG indicator 16.5.1. “Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months”, which measures target 16.5 “Substantially reduce corruption and bribery in all their forms”.

## 8. PROMOTION OF RESPONSIBLE INVESTMENTS

This cluster focuses on the corporate responsibility to respect human rights and provide remediation. It assesses the existence and accessibility of grievance mechanisms set up by companies from a rights-holder perspective.

## Questions

**8.1. If you have faced a land, property or natural resource-related conflict/ dispute, that involved the activities of a private company, did you attempt to submit a complaint directly to the company?**

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This indicator measures whether rights-holders have been able to file a complaint with a company in cases where their tenure rights have been violated.

The UN Guiding Principles on Business and Human Rights (UNGPs) pillar 2 on the 'corporate responsibility to respect human rights' prescribes that business enterprises should have in place processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.

Grievance mechanisms set up by business enterprises (non-judicial grievance mechanisms) must be legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on engagement and dialogue with stakeholder groups for whose use they are intended according to the UNGPs.

### Additional resources

OHCHR Working Group on Business and Human Rights website on Access to Remedy is a good source of additional resources on the topic:

<https://www.ohchr.org/en/special-procedures/wg-business>. ([https://www.ohchr.org/en/special-procedures/wg-business/access-remedy#:~:text=Access%20to%20effective%20remedy%20is.their%20territory%20and%2For%20jurisdiction](https://www.ohchr.org/en/special-procedures/wg-business/access-remedy#:~:text=Access%20to%20effective%20remedy%20is.their%20territory%20and%2For%20jurisdiction)...))...

**8.2. Were you able to easily access information about the procedures for submitting a complaint?**

Yes

Partly

No

**Status:** open

**Review status:** Not reviewed

### 8.3. Was the outcome of the process satisfactory?

- Yes. The company addressed the complaint, and the outcome (in terms of change or compensation) was satisfactory
- 
- Partially. The company addressed the complaint, but the outcome (in terms of change or compensation) was not satisfactory
- 
- No. The company did not address the complaint

**Status:** open

**Review status:** Not reviewed

## 9. PROTECTION OF HUMAN RIGHTS DEFENDERS

This cluster concerns the situation for human rights defenders working on issues related to land, property and natural resources.

### Questions

#### 9.1. Have there been any verified cases of the following atrocities against human rights defenders working on issues related to land, property or natural resources over the last three years in this community?

	Yes	No	Not known
Killings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Kidnapping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforced disappearance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Arbitrary detention	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Torture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

A human rights defender is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. See more details under concepts and additional resources.

The indicator aligns with global SDG indicator 16.10.1 which focuses on the number of verified cases of killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts committed against journalists, trade unionists and human rights defenders on an annual basis. This measures SDG target 16.10 “Ensure public access to information and protect

fundamental freedoms, in accordance with national legislation and international agreements”. Hence, information collected in response to these questions could contribute to national data collection and reporting on the indicator.

While there is no specific definition of who is or can be a human rights defender, the OHCHR states that “human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. See description of what human rights defenders do under additional resources.

Article 1 of the UN Declaration on Human Rights Defenders states that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.” The term “human rights defender” has been used increasingly since the adoption of the Declaration in 1998. The binding regional treaty “Regional Agreement on Access to Information, Public Participation and Justice In Environmental Matters in Latin America and the Caribbean”, known as the Escazú Agreement (<https://treaties.un.org/doc/Treaties/2018/03/20180312%2003-04%20PM/CTC-XXVII-18.pdf>), from 2018 Article 9 specifies that States shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, and shall recognize, protect and promote all the rights of human rights defenders in environmental matters.

**Additional resources**

OHCHR description of what human rights defenders do

<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders> (<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>)

Model Law which provides guidance to States on how to implement the UN Declaration on Human Rights Defenders at the national level.

<https://ishr.ch/defenders-toolbox/resources/model-law/> (<https://ishr.ch/defenders-toolbox/resources/model-law/>)

The Danish Institute on Human Rights has developed a tool specifically to monitor the enabling environment for human rights defenders

*NB: Insert link to upcoming HRD tool when ready*

Link to metadata on SDG indicator 16.10.1:

<https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf> (<https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf>)

**9.2 If yes, how many cases?**

	<b>Number of cases</b>
Killings	<input type="text"/> Killings: Number of cases
Kidnapping	<input type="text"/> Kidnapping : Number of cases
Enforced disappearance	<input type="text"/> Enforced disappearance : Number of cases

Arbitrary detention	<input type="text"/> Arbitrary detention : Number of cases
Torture	<input type="text"/> Torture: Number of cases

**Status:** open

**Review status:** Not reviewed

### 9.3 Please provide all available information for the cases relating to:

#### 9.3.1 Gender of HRD (Number of cases)

Male

Female

Other

**Status:** open

**Review status:** Not reviewed

#### 9.3.2 Age of Human Rights Defenders (Number of cases)

Over 18

Under 18

Unknown

**Status:** open

**Review status:** Not reviewed

### 9.3.3 Other provided characteristics (tick all that apply):

- With a disability
- Indigenous
- Belonging to a minority (ethnic, language, religion, sexual orientation)

**Status:** open

**Review status:** Not reviewed

### 9.3.4 Profession (tick the one that applies)

- Trade unionist
- Media personnel
- Journalist
- Community leader
- Other

**Status:** open

**Review status:** Not reviewed

### 9.3.5 Perpetrator status (tick the one that applies):

- State actor
- Non-State actor
- Unknown

**Status:** open

**Review status:** Not reviewed

## 9.4. Please provide further information on the harmful acts, including any available links to documentation that would support your response.

Information

**Status:** open

**Review status:** Not reviewed

## 9.5. In the last three years, have there been any cases of threats to individual human rights defenders within your group, association, or network for promoting and protecting human rights?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This indicator measures threats against human rights defenders working in the area of land rights.

Please do not include names of perpetrators or victims. Please describe the receivers of the threats by characteristics (for example gender, other characteristics as relevant, and profession).

While there is no specific definition of who is or can be a human rights defender, the OHCHR states that “Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. See description of what human rights defenders do under additional resources.

Article 1 of the UN Declaration on Human Rights Defenders states that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.” The term “human rights defender” has been used increasingly since the adoption of the Declaration in 1998. The binding regional treaty “Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean”, known as the Escazú Agreement (<https://treaties.un.org/doc/Treaties/2018/03/20180312%2003-04%20PM/CTC-XXVII-18.pdf>), from 2018 Article 9 specifies that States shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, and shall recognize, protect and promote all the rights of human rights defenders in environmental matters.

#### Additional resources

OHCHR description of what human rights defenders do

<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders> (<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>)

Model Law which provides guidance to States on how to implement the UN Declaration on Human Rights Defenders at the national level.

<https://ishr.ch/defenders-toolbox/resources/model-law/> (<https://ishr.ch/defenders-toolbox/resources/model-law/>)

## 9.6. Who issued the threat(s)? (Tick the ones that apply):

State actor

---

Non-State actor

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Unknown

**Status:** open

**Review status:** Not reviewed

# 10. TAXATION AND VALUATION

This cluster focuses on the transparency and quality of valuations of land, property and natural resources. These issues are closely linked to issues of corruption prevention under cluster 7 and access to remedy under cluster 6.

## Questions

### 10.1. Have you tried to access valuation information on land and properties (your own or that of others)?

Yes

---

No

**Status:** open

**Review status:** Not reviewed

## Guidance

The VGGT section 18.5 specifies that implementing agencies should make their valuation information and analyses available to the public.

In some countries valuation information is held in “valuation rolls” which may also be called for example land and property information or assessment records. Information may be held in central databases or at local level for example at municipal level. Valuations are important in ensuring fairness when dealing with exchanges and acquisitions of tenure rights. Reliable and transparent valuations can provide reassurance to individuals and businesses regarding the fairness of transactions in tenure rights and help reduce disputes.

The indicator aligns with LGAF Module 7 1.1.2 “Valuation rolls are publicly accessible” and hence a country report, if available, might give guidance as to where valuation information can be found.



## 10.2 Were you able to obtain the valuation information you were looking for?

Yes

---

Partly

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No

**Status:** open

**Review status:** Not reviewed

## 10.3. Do you consider the method used to value land property and natural resources transparent?

The method is transparent

---

It is not transparent

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I don't know/not possible to answer

**Status:** open

**Review status:** Not reviewed

### Guidance

The VGGT section 18.5 specifies that States should endeavour to prevent corruption in valuation through transparency of information and methodologies, in public resource administration and compensation, and in company accounts and lending. The VGGT section 18.2 underlines that valuation systems should promote broader social, economic, environmental and sustainable development objectives and should strive to take into account non-market values including social, cultural and environmental benefits that the tenure rights confer.

Non-market values are typically not reflected in market prices as they are not traded and sold. They are challenging to convert to prices but must be recognized and considered in the valuation.

An example of an environmental non-market value could be the services that ecosystems provide in the form of clean water to a community, while a social or cultural value could relate to a community's ancestral land and ability to practice customary beliefs, traditions, or religion

## 10.4. Does the valuation method take into account non-market values?

Yes, fully

---

Partly

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No

---

Don't know/not possible to find out

**Status:** open

**Review status:** Not reviewed

### 10.5. Have you felt a need to appeal a valuation of your land or property in the last two years?

No

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Yes

**Status:** open

**Review status:** Not reviewed

### Guidance

This indicator measures whether options to appeal a valuation of property, land and resources is available and accessible in practice.

The VGGT section 19.3 specifies that States should provide taxpayers with a right to appeal against valuations. This is linked to the right to remedy.

### 10.6 Were you able to submit an appeal concerning the valuation with the relevant local or national entity?

Yes

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No

**Status:** open

**Review status:** Not reviewed

### 10.7 Were your concerns addressed?

Yes

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Partly

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No

**Status:** open

**Review status:** Not reviewed

## 11. INTERNATIONAL COOPERATION

This cluster concerns the governance of tenure rights that cross nation State boundaries. It investigates whether customary tenure rights are respected in practice.

### Questions

#### 10.1. Do you/your community traditionally or customarily use land and resources in more than one country?

Yes

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No

**Status:** open

**Review status:** Not reviewed

### Guidance

This question is only relevant where a community traditionally or customarily uses land and resources across nation State boundaries. This would typically apply to transhumant, fisher, pastoralist and hunter-gatherer communities who use land on a seasonal basis.

#### 10.2. Have you/your community ever been prevented from or restricted in doing so?

Yes

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No

**Status:** open

**Review status:** Not reviewed

Respondents

Operate Technology (support@operate.dk)

Co-respondent(s)

Reviewer(s)