



How to Establish an Effective Land Sector



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Abbreviations

HAC	Harmonisation, Alignment and Coordination
LIMS	Land Information Management System
MDGs	Millennium Development Goals
MoU	Memorandum of Understanding
PBA	Programme-based approach
SPA	Strategic Partnership with Africa
SWAp	Sector-wide approach
UN-HABITAT	United Nations Human Settlements Programme

1. Introduction

This guide presents a general overview on institutional harmonisation processes, i.e. the various factors and tools included in fostering institutional harmonisation in a sector. The experiences informing this document mainly result from the tacit knowledge of the land sector in Kenya by UN-HABITAT and the Global Land Tool Network (GLTN). They are complemented by experiences from other sectors (such as water, governance and decentralisation), African countries and from state as well as non-state actors. Non-state actors include civil society organisations, the private sector and professional associations.

Institutional harmonisation processes are complex and span over a long period of time. They involve various actors with distinct, sometimes conflicting, agendas. In most cases the beginning of the process can be clearly identified. However its precise lifespan can hardly be anticipated. Initiating an institutional harmonisation process should be done without the pressure of fixed deadlines and with flexibility as well as courage for innovation.

The guide, although not intended as a blueprint, provides viable approaches of how to pursue institutional harmonisation processes. It also addresses the issue of risk management. The guide aims to inform decision-makers engaged in the land sector, be they representatives from national governments, bilateral and multilateral implementing agencies and donors as well as non-state actors.

2. Harmonisation as sector reform

Institutional harmonisation processes are in the first place reform processes. They aim to change the way business is done in a sector: in other words, how cooperation and coordination is carried out, support and financing modalities are used, consensus is built and decisions are taken. They are guided by the overarching aim of improving the sector's performance in

delivering services for the citizenry, especially those who are economically and socially disadvantaged. Improvement of sector institutions' governance and strengthening their pro-poor orientation, i.e. how well they respond to the needs of people living in poverty, are key issues in every harmonisation process.

Reforms always include revision of stakeholder roles and mandates, adjustment of their relations and development of their capacities. "Reform" also implies that stakeholders change their behaviour, their way of thinking and attitudes. This change of mind-set can, in itself, be a lengthy and challenging process.

The success of institutional harmonisation depends, to a large extent, on the commitment of all actors to create a partnership built on transparency and mutual trust. Actors will have to employ patience and understanding towards one another, especially during the initial stages. Candid dialogue on expectations and risks will help overcome inevitable bottlenecks.

Institutional harmonisation can be especially helpful in post-conflict situations to create more transparency and increase coordination and cooperation. However in such cases harmonisation processes need to be pursued with caution and sensitivity, as political and administrative conditions are still volatile and institutions lack essential capacities. Furthermore, public financial management systems are weak and stakeholders might be reluctant to trust each other. At such times it is even more important to keep everyone's expectations realistic.

2.1 Cross-cutting issues

Crosscutting issues, such as Governance and Subsidiarity, Gender and Equity provide important guiding principles for institutional harmonisation processes to which all stakeholders subscribe. They can help to adhere to the pro-poor orientation and to refocus the reform on its priorities whenever conflicts and misunderstanding are experienced.

Mainstreaming of crosscutting issues into the joint strategic plan and/ or road map for the harmonisation process is key. This can be achieved by formulating specific indicators and identifying priority activities.

UN-HABITAT has created a platform, through the Global Land Tool Network (GLTN) that supports the development of pro-poor, gendered and large-scale land tools. See the GLTN website for valuable information and contacts on the above-mentioned crosscutting issues' (see www.gltn.net).

3. The new aid architecture

The increased attention on institutional harmonisation, often referred to as Harmonisation, Alignment and Coordination (HAC), coincides with intensifying discussions on the effectiveness of aid. Since the early 1990's aid modalities and their effectiveness have been repeatedly scrutinised. A number of challenges have been identified that jeopardize the impact of aid and hence of development as such.

Frequently cited challenges include: the unpredictability of aid flows in terms of timing of disbursement and volume; the establishment of structures for implementation, reporting and monitoring which are parallel to existing recipient government structures; the multiplicity of donor financial reporting and accounting systems; the frequency of donor missions, which overburden the recipient government's administration and increase transaction costs.

A new "aid architecture" has been emerging, aiming to overcome these challenges. On a global level this framework is based on the Millennium Declaration (2000) and the Millennium Development Goals (MDGs), which are a set of prioritised, precise and time-bound development goals. On a national level the framework is based on Poverty Reduction Strategy Papers (PRSPs) and subsequent National Development Plans. The Paris Declaration of Aid Effectiveness (2005) sets a framework of reference points for the international development community. More recently Joint

Assistance Strategies are complementing the Paris Declaration on partner country level. They aim to provide transparent and reliable donor support to the partner country over a certain period of time (see Bibliography for further information).

3.1 Sector-wide approaches

Within this new development framework, assistance at the sector level has gone through different phases, towards more alignment, harmonisation and ownership. Sector-wide approaches (SWAp) have become a preferred approach for financial and technical support. SWAp are more than just a new way of channelling aid. They constitute a vehicle for institutional harmonisation and thus for reform processes.

All significant funding, whether internal (partner government contributions) or external (donors contributions), supports a sector policy in a SWAp. Further, the expenditure programme is under government leadership and the SWAp adopts approaches for planning, financing, reporting and monitoring across the entire sector. It is generally accompanied by progressing towards relying on partner government procedures to disburse and account for all funds.

Most SWAp, even the advanced ones, are in the middle of a process of broadening support from different sources of funding. The nature of the sector, the composition of stake-holders and the political, social and economic framework conditions in the respective country determine the structure and shape of the SWAp and the pace of its progress.

3.2 Programme-based approaches

More recently the concept of Program-based approaches (PBAs) has been introduced. A PBA can be understood as the extension of the SWAp concept. It refers to a generic approach based on comprehensive and coordinat-

ed planning, in a given thematic area, under the aegis of a national Poverty Reduction Strategy Paper. PBAs support locally designed and steered programs of development, i.e. the program of a partner government or non-governmental organisation. Thus the PBA concept offers a higher degree of institutional flexibility by focusing on a policy program and objectives, which can be multi-sectoral, sectoral or sub-sectoral.

The number of SWApS and PBAs is constantly growing worldwide, but with a stronger presence in Africa and Asia. Although education and health have so far been ‘traditional’ sectors for SWAp/PBA development, the attention is now moving to sectors like agriculture, land, environment and natural resources, water as well as to areas like governance, decentralisation and even rural development (see website resources on page 16).

3.3 Support and financing systems

The overarching vision of the new aid architecture is to provide all or the major part of development aid through ‘sector budget support’ and ‘general budget support’ programmes. Management, implementation and monitoring of development aid in future will rely on the recipient government’s administration and financial management systems. Development partners are increasingly engaging in policy dialogue based on agreed policies and sector strategic plans. The box below highlights four ways of providing aid which are commonly used under SWApS or PBAs.

General budget support – Assistance is provided in support to the government budget and can be used to increase spending, reduce borrowing or reduce taxes. Funding is disbursed into the government accounts (on budget) and managed according to the national public financial management procedures.

Sector budget support – This type of support is provided with sector conditions usually requiring agreement between the recipient government and development partners on the sector’s policy. Funds are earmarked for financing an agreed expenditure plan for the sector and

disbursed and accounted for through government systems, at times with additional sector specific reporting.

Sector earmarked support or basket funding – Earmarked support is a variation of the above and used when specific earmarking within the sector’s programme and expenditure plan is required because the donor(s) limit(s) aid to specific expenditure categories within the sector. Basket funds are either administered by government institutions through special accounts or by independent financial management agents (e.g. private auditing companies).

Project aid – This type of support provides a specific earmarking of expenditures to a set of agreed activities. Project aid can use government or parallel (sometimes donor managed) project-specific financial management systems.

It must be highlighted that there is no blueprint on how to best promote and finance SWAps/PBAs. Applying a “one size fits all” approach carries the risk of creating a technocratic and supply-driven process and of ignoring the final beneficiaries and the envisaged objectives of institutional harmonisation processes.

Stakeholders in institutional harmonisation processes need to avoid focusing on one approach only. A flexible and demand-oriented approach that considers the individual characteristics of the situation will have a better chance of success.

4. A conceptual framework for institutional harmonisation

As mentioned above, SWAps/PBAs are anchored in national development plans and/ or Poverty Reduction Strategy Papers. They derive from the priorities that the government of a specific country has set for its socio-economic development. Ideally the driving force comes from a national partner organisation, which calls on donors to align and harmonise their support along a particular strategic plan.

In most cases, however, consultation starts even before a comprehensive strategic plan is prepared, so the harmonisation process evolves along with the development of the strategy. In other words, development of a strategic plan and the institutional harmonisation process will go hand in hand.

A key requisite for successful institutional harmonisation lies in reaching consensus on how the harmonisation process will evolve, the allocation of responsibilities among different stakeholders, the modalities for financing and funding as well as a framework for monitoring progress and performance.

4.1 A tentative approach

Based on observations from SWAps/ PBAs in different countries the management of the process, in regard to realistic deliverables and outcomes, is always challenging. It is vital to agree on pragmatic milestones. Consider the following points when initiating and implementing a harmonisation process:

- i) **Stakeholder analysis:** the lead partner will carry out a preliminary stakeholder analysis. As institutional harmonisation always aims to improve performance of state institutions, the lead partner will be a state institution itself, i.e. a sector ministry or an institution. The analysis should identify all relevant actors including donors, implementing

agencies and state and non-state actors. The analysis will give an overview on the stakeholders' portfolio and on their interest in engaging in institutional harmonisation processes.

- ii) **Outline the 'road map'**: the lead partner will also develop a first outline of the envisaged process. This outline will describe the process' aim. Where a strategy already exists, it can give important guidance for the process. Where a strategy is absent, the outline can be the cornerstone for building a strategy later.
- iii) **Consultation workshop**: the lead partner organisation will invite all stakeholders interested in the sector/ area to a first consultation workshop. The process outline or the strategy will guide the workshop. It is important to include all key stakeholders from government, development partners and non-state actors. The workshop will provide a neutral platform to identify issues of common interest and concern, to agree on a joint vision for the process, to map out the way forward and to allocate responsibilities for each stakeholder group. Also take note of other harmonisation processes going on in the country as well as in the region, i.e. through inviting representatives to the workshop.
- iv) **Identify a focal point**: The lead partner needs to nominate a suitable focal point for the process, considering the political hierarchy of the organisation and country. This focal point will spearhead reforms and needs an in-depth understanding of the technical and political procedures in the sector/ area. In most cases this will be the Permanent Secretary and his Secretariat or another officer with a similar rank of the respective line ministry or institution.
- v) **Establish a coordination unit**: organisation and reporting to the focal point. The lead partner will be responsible for coordinating and monitoring the process, requiring a coordination unit. The unit will elaborate the management structure and maintain the "road map" for institutional harmonisation and/or the strategic plan. This work entails developing mandates and ToRs for the different coordination groups

as well as defining their reporting structures. Ideally, the unit will be staffed with seconded officers from the respective ministry or, if appropriate, from different ministries with common interest in the sector/area.

- vi) **Agree on roles of non-state actors:** these stakeholders will have to agree on, which responsibilities and roles of the harmonisation process they are ready to take on. They will have to develop their own structures of information sharing and coordination. Institutional harmonisation requires allocating personnel, time and financial resources. Non-state actors will have to cover these costs, either through their own revenues or through external support.
- vii) **Set up coordination groups:** Development partners will establish their own coordination group. In partner countries where a Joint Assistance Strategy (JAS) exists, this group will match the JAS-structure for aid coordination. If support to the sector is provided through different methods (e.g. direct technical cooperation, technical assistance and pooled funding) development partners might opt to create subgroups for each support method, for example, a “basket donor” coordination group and technical cooperation coordination group. In other cases some development partners might only support specific areas within a sector (e.g. land information management systems) and may wish to have a role in coordinating activities in their area of interest.
- viii) **Establish technical coordination committees (or task forces):** These committees will work on technical issues aiming at improved efficiency and effectiveness. Encourage development partners and non-state actors to participate in these technical groups. Develop ToRs for each task force.
- ix) **Form a steering committee:** The management structure for the institutional harmonisation process and/or strategic plan will include a joint steering committee, in which partner government organisations, development partners and non-state actors consult on matters arising

during the process, approve work plans and budgets and discuss the way forward. The joint steering committee, with support of the coordination unit, will plan and carry out joint reviews and evaluations. It is also the platform for consultation and decision-making on relevant matters for all actors involved in the harmonisation process.

- x) **Apply a demand-oriented approach:** The management/ organisational structure to coordinate the institutional harmonisation process will always depend on the specific requirements of the sector, the range of stakeholders involved as well as the political and administrative conditions in the partner country. Thus it is important to apply a demand-oriented and flexible approach, which can realistically accommodate stakeholder expectations without losing the momentum for the reform process.

4.2 Choosing adequate support methods

Partners in the sector must consider the following issues before deciding on the adequate way for supporting and financing:

- i) Support and financing are always a means to an end, i.e. the enhancement of sector governance, pro-poor orientation and result-oriented performance through better-harmonised institutions. Thus, they need to be flexible and used according to the demand of the sector and its stakeholders.
- ii) Consideration of the political dimension and the drivers for and against change in the sector is key to achieve institutional harmonisation. Analysing the political landscape can be a first step in identifying reform bottlenecks. The same holds true for creating an environment that allows the domestic demand for development and change to grow. It is useful to identify individual and institutional champions for example, that can be used to strengthen the demand for reform in the sector.
- iii) Identification (mapping) of existing support and financing modalities

for the sector. This will include government sources, donor contributions and financing coming from revenue and taxes or from non-governmental providers. In the health sector, for example, missionary and private healthcare providers give substantial financial support to public health care, which is rarely considered in government budgets.

- iv) Analysis of the development partners' regulations and systems for support and financing. Some development partners might be restricted from pooling their resources or providing budget support. If support to the respective sector mainly comes from development partners, which will not pool their aid, other modalities have to be developed. Therefore it is supportive to assess different approaches before designing support and financing systems.
- v) Thorough assessment of national systems for procurement and public financial management aiming at identifying challenges and at giving recommendations on how to overcome them. Partners will then agree on a coherent and systematic approach with realistic milestones and indicators to measure the improvement of national systems.
- vi) Capacity development is central for institutional harmonisation processes and should be given specific emphasis from the very beginning. A capacity needs assessment will be carried out, which results in a comprehensive capacity development plan and will be implemented along with the institutional harmonisation process.
- vii) Design of a tailor-made support and financing framework will take time, and will need thorough consultation between development partners and partner organisation (lead agency or ministry). The framework will be covered by different agreements, which stipulate the responsibilities of each partner (see tools below).
- viii) Designing a joint financing and support framework is an institutional harmonisation exercise in itself. It is a first step towards enhanced harmonisation of processes and procedures. Thus, it should be regarded as

work in progress, which will evolve over time with increasingly robust national systems and growing mutual trust. Try to create a framework that includes joint reviews and assessments, and that allows for adjustments within an agreed timeframe.

4.3 Selecting tools for harmonisation

Experiences from different countries and sectors reveal a common set of tools for coordination, cooperation and information management among partners in institutional harmonisation processes. The list below covers the main tools for HAC. These tools might be labelled and applied differently, depending on the partners involved and the context.

This especially applies to countries in post-conflict or post-disaster situations. In these countries be careful not to overload the stakeholders with too many tools and too high expectations. Partner organisations already operate under difficult conditions. They are under-staffed and have to cope with various political and administrative challenges. Carefully assess the contextual need and focus on achievable and clearly defined results.

The list below can be extended and/or adapted based on the demand in the respective sector:

- i) **Strategic plan/road map.** A road map aiming at enhanced performance in the sector or area, through improved institutional harmonisation, is a key requisite. Its development will need time and thorough consultation with all actors involved. The plan will set out an agreed framework of priorities, objectives, inputs and outcomes as well as indicators and milestones to measure progress and performance in the sector. Crosscutting issues and principles (e.g. governance, gender and equity) should to an adequate extent guide the formulation of indicators and objectives. The strategic plan or road map will be broken down into quarterly and annual operational work plans, and should be accompanied by comprehensive budget plans.

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- ii) **Partnership principles/code of conduct.** These documents spell out the main principles under which partners agree to coordinate and cooperate in a respective sector/ area. As such, they always relate to the wider policy framework, i.e. Paris Declaration, MDGs, International cConventions and national policies. Further, the principles also explain the guiding vision and aim of partners embarking on a process to enhance institutional harmonisation. All partners in a sector/ area, including at times non-state actors, sign these documents to underline their commitment for more efficient and effective cooperation and coordination.
 - iii) **Joint Statement of Intent (JSI)/ Memorandum of Understanding (MoU).** These documents cover the financing and support framework for a stipulated period of time. JSI and MoU are often closely linked to the lifespan of the strategic plan or road map. Although not legally binding documents, they spell out in detail the requirements and procedures for support and funding of the sector/ area. As such, these documents usually include descriptions of agreed procedures for consultation and decision-making in the sector/ area (including the management structure, joint reviews and monitoring). Further, they include sections on the disbursement schedule of funds and reporting as well as modification, withdrawal and/ or suspension of support and funding. Development partners who commit themselves to funding the sector will sign these documents jointly with the lead government organisation and the Ministry of Finance.
 - iv) **Development partner coordination groups.** ToRs will set out the responsibilities of the different coordination groups in a particular sector. Development partners need to elect a chairperson, who will represent their joint interest in consultations with the lead partner organisation/ ministry. The chair agency is usually supported by up to two deputy chairs. It is the chair's mandate to enable efficient consultation among development partners and to ensure a concerted dialogue with the lead partner organisation or ministry. Chair and deputies are normally

elected for a determined period of time (e.g. 1.5 to 2 years). Some ToRs explicitly outline transition phases, active phases, and the phasing out of lead agencies.

- v) **Development partner secretariat.** Some SWAps/PBAs have opted to establish a secretariat. The secretariat will actively support the donor chair in its coordination and consultation efforts, at least in the initial stages of the process, albeit most commonly in the day-to-day running of activities of the sector. In most cases the secretariat is staffed by seconded or national officers and funded by one development partner (e.g. the donor chair) or sometimes from pooled funding arrangements. The secretariat, in close cooperation with the coordination unit in the lead partner organisation/ministry, prepares and follows up meetings, arranges for joint reviews and ensures an efficient information exchange. Easy access to sector expertise is vital for a secretariat to function effectively, e.g. for input to sector strategy development and harmonisation of donor activities.
- vi) **Coordination unit.** The lead partner ministry or agency will set up a coordination unit, which is responsible for overseeing the implementation of the institutional harmonisation process. This unit maintains the road map/ strategic plan, monitors its progress, provides advisory services to the cooperating departments and closely liaises with the development partner secretariat and non-state actors on all issues of importance for the process (e.g. joint missions and stakeholder forums). The unit reports to the focal point (e.g. the Permanent Secretary) on a regular basis.
- vii) **Communication and information.** In some SWAps/PBAs partners have created virtual platforms to share information and to communicate. These platforms are either open to the public or can only be used by a certain group of actors. Whatever outlook will be used depends on the range of actors involved in the process and their specific requirements for information and communication. However, a common lesson

learnt from harmonisation processes in Zambia, Kenya, Tanzania and Uganda is that information and communication is essential to drive the reform process forward and to embrace all actors in the envisaged change. Thus, it is advisable to elaborate an Information-Education-Communication or “IEC” strategy in the early stages of the process.

- viii) **Monitoring and evaluation.** Develop a monitoring system which enables partners to steer the process towards the agreed objectives. Keep the system simple and efficient. Formulate indicators with attention to the principles of **governance, subsidiarity, equity, transparency and gender.** Collect baseline data according to the needs of the monitoring system.
- ix) **Technical committees and task forces.** These sub-groups are a valuable component in harmonisation processes and are important for overcoming challenges and institutional bottlenecks. They are either created around sector issues (e.g. land information management systems, environment, forestry) or around modalities (e.g. basket donor subgroup, Technical Assistance Pool). These subgroups will have their own ToRs and reporting structures, to meet the requirements of the overall framework.
- x) **Joint reviews and preparation missions.** Joint reviews and missions are increasingly used to reduce transaction costs as well as to enhance transparency and information sharing among partners. They are either carried out to appraise new support interventions or to jointly assess the progress of the harmonisation process as such. In most cases a team of consultants will carry out the missions guided by agreed ToRs. The consultant team will report to the lead partner organisation/ministry and will be financed jointly by interested development partners. The latter will at times also engage in the missions.

Tacit knowledge exists for all the above-described tools. This knowledge can be easily accessed through websites organised by HAC secretariats, which exist

in many partner countries or through multilateral agencies' websites like those of the World Bank. Furthermore, several knowledge exchange platforms already exist on the Internet. It is a good idea to gather information from ongoing processes in similar sectors in different countries before initiating in harmonisation processes.

4.4 Managing risks

Experiences from institutional harmonisation processes through SWaps/PBAs describe many improvements. Several of these offer added value such as:

- Country-level, or holistic view on entire sectors
- Partnerships that build mutual trust and shared accountability
- Strengthened leadership of partner countries
- External partners' coordination and collective dialogue
- Increased use of local procedures
- Long-term capacity/system development in sector
- Process-oriented approach through learning by doing

However, experiences also point to common challenges of HAC. These challenges seem to repeatedly occur and hence need to be observed from the very beginning when engaging in institutional harmonisation processes. The list that follows describes the most important challenges, some of which have already been mentioned in the earlier sections:

- i) **Institutional capacity constraints:** Planning and implementation of complex institutional harmonisation processes impose an extra challenge on organisations and emphasise already existing capacity gaps. Experiences show that driving reform processes forward is often the responsibility of few departments in the lead ministry/ agency. This bears the risk of neglecting the necessary broad based support and reform understanding within the institutional setup. Chances of sustainable

capacity and institution development might be jeopardised. To mitigate this risk a capacity needs assessment should be carried out at the very beginning. Initiatives to develop the capacity of relevant organisations will then be included in the process. Based on the identified demand, these initiatives can comprise training in technical skills (e.g. monitoring, financial management and accounting) as well as process-oriented skills (e.g. negotiation and conflict resolution).

- ii) **SWAp/PBA fatigue:** Experience show that planning and consultation processes for institutional harmonisation processes are time and energy consuming. This goes for the outline, development and consensus building of strategies and tools. Hence, transaction costs (i.e. time spent in meetings and consultations) evidently increase in the beginning of the processes. Furthermore, development partners tend to ask for prerequisites (i.e. sound financial management and procurement systems) and to put up input intensive preconditions (i.e. comprehensive work plans/ budgets) before funding is disbursed. This eventually might result in disillusionment of national actors. The option of including “quick wins” in the process, which show tangible outcomes within reasonable time, can mitigate this risk.
- iii) **Re-centralisation of policy processes:** Preparatory processes mainly take place on central (national) level often ignoring those administrative entities, which are charged with delivering institutional harmonisation outcomes on decentralised level. The re-centralisation of planning and of decision-making power within the national administration to a certain extent contradicts the decentralisation and devolution processes which are on the way in a number of partner countries. In addition, it bears the risk of overloading local structures and implementing agencies without building up their capacity and competencies first. To mitigate this risk it is important to have decentralised structures represented in the planning and decision-making process. Furthermore, it underlines the need for comprehensive capacity development of all relevant actors in the process.

- iv) **Disagreement over roles and policy directions:** In brief, institutional harmonisation processes entail the revision of roles and mandates. This will often be a cumbersome task. Disagreement between actors will continue to persist, particular in areas involving a reduction of state action following the principles of governance and subsidiarity. Especially in sectors and areas, wherein private-public roles are still evolving (e.g. agriculture, environment, governance), agreement on policy directions will be a challenge. Hence, it will be necessary to enable a transparent and open dialogue between different actors and to agree on common procedures and regulations. This approach will over time contribute to building mutual trust and to change attitudes and behaviours.
- v) **Limited genuine participation options for non-state actors:** Despite creating a platform for policy dialogue, SWAp/PBAs have not automatically overcome the limited genuine participation of civil society and private sector in strategy formulation and implementation. Cooperation instruments in this regard still need to be further developed. Non-State Actors also need capacity development support to fill capacity gaps and to engage as equal partners in institutional harmonisation processes. Furthermore, national parliaments' capacities to fulfil their oversight role and to ensure accountability and transparency of the executive are still inadequately developed. Capacity development for the respective parliamentary committees is hence crucial.
- vi) **Weak domestic accountability:** During the HAC preparation process high emphasis is given to establish accountable and transparent public financial management systems as to secure correct utilisation of external funds (i.e. upwards accountability). However less attention is paid to strengthen the beneficiaries of institutional harmonisation outcomes to claim accountability from below (i.e. domestic accountability). Mitigation of this risk can come through identifying so called "change agents", individuals/ agencies who can accelerate the

process and through designing flexible and expeditious instruments to support these change agents. Following the principles of pro-poor orientation, gender and equity as well as governance, subsidiarity and transparency also helps overcoming weak domestic accountability.

5. Conclusion

As explained in the beginning, institutional harmonisation processes are interdependent on the distinct situation and on the composition of actors in the respective sector. The process further relies upon the general political and administrative framework conditions of the partner country.

Having that in mind, it is necessary to develop tailor-made approaches and tools, which fit the specific requirements of the country as well as the agents involved. These in turn have to go hand in hand with the sector's/area's strategic objectives. SWAps/PBAs can help strengthen the process and provide coordinated support.

Pro-poor orientation and principles such as governance, subsidiarity and transparency as well as equity and gender can provide guidance in developing the overall objectives and focussing the process. Flexibility and inclusiveness are key to create the spirit of ownership, which is necessary to drive the reform momentum forward.

There are many ways to succeed and challenges to master. This guide can be taken to inform the initial discussion and to spark ideas on how to get started for better sector performance and service delivery through institutional harmonisation.

6. Bibliography and websites

- Boesen, N.;** Dietvorst, D. (2007) *SWAps in Motion: From an Aid Delivery to a Sector Development Perspective*. Train 4 Dev Net.
- Brown, A. et al.** (2001) *The Status of Sector Wide Approaches*. ODI Working Paper 142.
- Burall, S. et al.** (2006) *Reforming the International Aid Architecture: Options and Ways Forward*, ODI.
- Foster, M.** (2000a) *New Approaches to Development Co-operation: What Can We Learn from Implementing Sector Wide Approaches?* ODI Working Paper 140.
- Foster, M.** (2000b) *The Status of Sector-Wide Approaches*. ODI, Ireland Aid
- Foster, M.;** Leavy, J. (2001) *The Choice of Financial Aid Instruments*. ODI Working Paper 158.
- OECD/DAC** (2003) *Harmonising Donor Practises for Effective Aid Delivery*, Good Practice Papers, **OECD**, Paris.
- SPA Secretariat** (2005) *SPA – 2004 Sector Program Tracking Report, Toward Sector Support Alignment*, Strategic Partnership for Africa.
- UNDG** (2005) *The Role of the UN System in a Changing Aid Environment: Sector Support and Sector Programmes*. UNDG Position Paper, New York.
- Unwin, T.** (2004) “Beyond Budgetary Support: Pro-poor Development Agendas for Africa”, *Third World Quarterly*, Vol. 25, No. 8, pp. 1501 -1523.

Visit these websites for further information:

- Canadian International Development Agency: <http://www.acdi-cida.gc.ca>
- Strategic Partnership with Africa: <http://www.spa-psa.org/main.html>
- Global Donor Platform on Rural Development: <http://www.donorplatform.org>
- Africa Forum on Rural Development: <http://www.africaforum.info/index.php>

About this Guide

How to Establish an Effective Land Sector provides an overview on the factors to consider and tools to apply in fostering institutional harmonisation in the land sector. Experiences informing this booklet are drawn from work in Kenya by UN-HABITAT and the Global Land Tool Network. They are complemented by experiences from other sectors (such as water, governance and decentralisation), other African countries and from state as well as non-state actors.

While it is not intended as a blueprint, this guide offers viable approaches to pursue institutional harmonisation processes. It also addresses issues of risk management.

Decision-makers involved in the land sector at any level will benefit from reading this booklet. If you are a representative of a national government, work for bilateral or multilateral implementing agencies and donors, or for a non-state actor, this guide is for you.

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