



OGC Brief 1

LAND POLICY AND GOVERNANCE: GAPS AND CHALLENGES IN POLICY STUDIES

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This brief argues that land policies and democratic governance are linked. Land policies are crucial for poverty reduction and empowerment. Yet assessments of success and failure of land policies seldom take the multi-dimensional nature of land into account. Land policies as a vehicle of empowerment and a consequence of given democratic governance institutions and practices still needs to be properly understood.

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DISCLAIMER

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Land policy is back on the agenda of international development institutions as well as of many nation-states. It never really disappeared from the political agenda of the rural poor and rural social movements (Herring, 2003; Daley and Holey, 2005).

Recent events that illustrate this trend include the FAO-organized International Conference on Agrarian Reform and Rural Development (ICARRD) held in March 2006 in Brazil (www.icarrd.org), the launch of the World Bank's land policy report in 2003 (World Bank, 2003), the passing of the European Union Guidelines on Land Policy in late 2004 (EU, 2004), the launch in July 2007 of the land policy of the United Kingdom's Department for International Development (DFID, 2007), the launch in August 2007 of the 'Natural Resources Tenure' policy of the Swedish International Development Cooperation Agency (SIDA, 2007), the ongoing formulation of a global land policy at the International Fund for Agricultural Development (IFAD), and the launch of the Commission for the Legal Empowerment of the Poor or CLEP in 2005 (<http://legalempowerment.undp.org>; Brother and Solberg, 2006).

For its part, UNDP has taken up relatively less coordinated, but certainly common, interests and actions around land issues. In 2003-2006, the Bureau of Development Policy (BDP) spearheaded a land reform study in ten developing and transition countries (Akam Lodhi, Borras and Kay, 2007; Borras and McKinley, 2006), while the UNDP Drylands Development Centre has recently produced a number of important land tenure-related studies (see, e.g. Wily, 2006).

There is also an increasing prominence of current global campaigns for agrarian reform of transnational civil society networks, especially those associated with global peasant and farmer's movement, La Via Campesina (Borras, 2004).

It is within this context that the UNDP Oslo Governance Centre (OGC) has embarked on an initiative that can contribute towards linking pro-poor land policy and democratic governance more systematically. This brief in turn aims to contribute towards framing the discussion around this initiative.

Poverty has remained largely a rural phenomenon globally, with three-fourths of the world's poor constituted by the *rural* poor despite efforts by national governments, international institutions and civil society. Effective control over productive resources, especially

land, water and forests by the rural poor is crucial to their autonomy and capacity to construct a rural livelihood and to overcome poverty.

LAND AS AN ECONOMIC & SOCIO POLITICAL ASSET

This is largely because in many countries today a significant portion of the income of the rural poor still comes from farming or from farming-related activities, despite far-reaching livelihood diversification processes that have occurred in different places over time (see, e.g., Bryceson, Kay and Mooij, 2000; Rigg, 2006). As a result, lack of control over land, water and forest resources, among other natural resources, is still strongly related to poverty and inequality (see, e.g. IFAD, 2001).

While land resource is critical for the economic livelihood of the rural poor, its significance goes far beyond economic issues. In most settings in the world today, land is important socio-politically to both elite and sub-altern groups.

For example, a landlord may hold on to a less-than-productive tract of land not because of its economic value, but perhaps because of the social status and prestige it accords. Meanwhile, in less-than-democratic political settings, landholdings controlled by landed classes continue to be major sources of captive votes during elections.

In many settings, electoral dynamics are linked in varying degrees and forms to questions of access to and control over natural resources, such as in Latin America where historically suffrage has almost always been granted together with some forms of (re)distributive land reforms (see, e.g. Lapp, 2004). Landed classes often use the threat of expulsion from the land, or the promise of reward of access to land and farm work to keep tenants and farm workers under control.

Across the world today, and despite the general trend of national regime transitions away from centralized authoritarian rule in the 1980s, territorial and institutional 'authoritarian enclaves' have persisted (Fox, 1994, 1990; Franco, 2001). Monopoly control over land resources by a few is one of the key reasons for these persistent and preponderant patches of authoritarianism.

Increasing awareness about the distinct rights of indigenous peoples and ethnic groups has also helped to reconceptualise land not only as a factor of production, but as a 'territory' that is critical to people's socio-cultural reproduction (Holt-Gimenez, forthcoming; Quan, Davis and Proctor, 2006). Likewise, increasing knowledge about gender relations and empowerment has highlighted the importance of access to and control over land within intra-household gender relations, and what this implies for broader concerns about empowerment of the poor (Kabeer, 1999; Agarwal, 1994; Deere and Leon, 2001; Razavi, 2003).

Meanwhile, struggles over access to and control over land (and the resources located in those lands such as water, forests and minerals) and struggles over territory, on many occasions, have been associated with violent conflict in many parts of the world (Pons-Vignon and Lecomte, 2004; Kay, 2001; Cramer, 2003; see also

USAID, 2004). This underscores the importance of land in most peace-building efforts today, such as in Central America in the 1990s (see, e.g. Pearce, 1998; Foley, 1997), Colombia (Ross, 2007; Elhawary, 2007), Rwanda (Bruce, 2007; Pottier, 2006), Afghanistan (Wily, 2004), the Southern Sudan (Patuliano, Buchanan-Smith and Murphy, 2007), or Angola (Foley, 2007).

LAND POLICY BEYOND ECONOMIC PRODUCTIVITY & EFFICIENT ADMINISTRATION: THE POWER ISSUE

The multidimensional character of land poses big challenges to scholars, policy makers and activists. Most of the issues cited above tend to be treated in disparate, unconnected ways. Various disciplinary lenses (from economics, sociology, politics, legal studies, human rights, geography, and anthropology) may be used (and used well) to examine land issues. But important interdisciplinary gaps remain in our understanding of how the different dimensions of land interact in reality and influence the effectiveness and sustainability of pro-poor land policies.

This gap is particularly true when it comes to evaluating the 'success' or 'failure' of a land policy. Today this continues to be measured in almost always exclusively economic terms, i.e. whether or not and to what extent it has delivered its promise of improved farm productivity of small family farms created by the reform. More recently, it is also measured as to whether and to what extent a title holder used his/her title as collateral to secure commercial credit.

Yet even the peasants and rural workers who may have benefited from a given land policy, in the form of receiving land or land tenure or labour reform, do not always view the (re)distribution process as transforming them into self-provisioning and/or capitalist farmers. Some view the land as part of a complex mix of livelihood sources, as discussed in Hart (1995), Razavi (2003) and Bernstein (2002), instead of as the sole source of livelihood.

Growing shares of off- and non-farm activities in a farm household's income partly attests to this. The conventionally narrow conception of land (reform) policy is partly a legacy of the 'farm size-productivity inverse relationship' theory, i.e. small farms are superior to large farms in terms of productivity. This in turn leads to a situation where small farms tend to be treated as a 'magic bullet' against rural poverty (for a recent debate, see Griffin, Khan and Ickowitz, 2002; Byres, 2004). Meanwhile, recent empirical studies show that beneficiaries of current land rights formalization initiatives do not use their land titles in order to secure commercial credit (see, e.g., Nyamu-Musembi, 2007 in the case of Africa).

Seldom have land policies been measured and assessed systematically in terms of their non-economic consequences, especially their impact on democratic governance, despite classic studies showing that land-based agrarian structures shape political and democratic institutions (see, e.g. Moore, 1967; see also Kay and Silva, 1992).

For example, specifically for land reform, the social, political and cultural aspects of successful land redistribu-

tion are difficult to measure and assess. Some studies posit a straightforward breaking of the nexus between peasants and landlord and transformation of the former into relatively 'free-er' agents, with a greater degree of autonomy in social and political decision-making and action vis-à-vis both state and non-state actors.

Others show that while clientelistic tenant-landlord ties may be cut through land reform, other unequal relationships can emerge to take their place, such as between government officials and merchants on the one side and newly created smallholder family farmers on the other side. Or, in the case of some commercial plantations, farmworkers' key relationship may shift from being with a domestic landlord to a (transnational) company. In both cases the underlying issue of control of the land resource and its products is not always resolved in the workers' favour (Borras and Franco, 2007).

Where governance is linked to land policy, the tendency is to treat it as an 'issue of efficient state administrative function' – e.g. 'cheaper land administration', 'affordable land mapping', 'cheaper conflict management mechanism', and so on – evading the fundamental issues of political power, the political-economy of land and political change. Our understanding of pro-poor land policy's links to ongoing democratization processes or the challenge of 'deepening democracy' remains fuzzy at best. Where pro-poor land policy is seen from a more socio-political perspective, and its implications for governance are stressed, the picture is no better.

LINKING LAND POLICY & DEMOCRATIC GOVERNANCE

The contribution of pro-poor land policies (such as land reform) to democratic governance tends to be assumed, rather than demonstrated, and vice versa. Yet the evidence does not always point to greater democratization as an automatic outcome of pro-poor land policies such as land reform. Meanwhile, no step forward in democratization can be safely assumed to be irreversible.

Unfortunately, the most current thinking about and debates on democratization and deepening democracy (see, e.g. Fung and Wright, 2003) are usually not very systematically linked to the contextual questions of redistributive reforms. For example, most of the commonly cited experiences of participatory democracy such as participatory budgeting in Porto Alegre or a community-based solid waste management program are, arguably, mainly localized and do not involve public policies that call for large scale redistribution of wealth and power in a society (Hawes, 2006).

The issue of whether or not the type of public policies matters to the contemporary challenges to deepening democracy remains relatively under-explored. But one thing is certain: bringing in the issue of democratic land governance can contribute to 'deepening the deepening democracy' debate, to use John Gaventa's term (2006), especially in settings where the agrarian sector remains important even when this does not comprise the majority in a given society (see also the 2002 *Human Development Report* – UNDP, 2002).

This is so because if one is interested in 'democratic politics' which refers to "the struggle for power or for access to rulers and collective goods" (Luckham et al., 2000: 10), then an important focus would be the 'deep politics' of society, which is concerned with the lived conditions of socio-economic existence, e.g. land relations (conceived of as 'social relations' that include inequality and social differentiation).

But while the focus of this brief is on 'democratic politics', it is done not by completely ignoring the issues of 'democratic institutions' which stress the formal or procedural aspects of democracy. Institutions, defined as sets of rules and procedures that govern human action such as electoral processes, constitutional frameworks, and state laws, are important contexts of initiatives towards greater degrees of democratization. They can provide political resources to otherwise marginalized groups in society. Being an important context for interactions within the state and in society, and between state and society, institutions are thus important objects of such interactions.

This is the reason why policymaking processes, like those around land issues, are hotly contested between various groups within the state and in society (see, e.g., Thelen and Steinmo, 1992). Hence, institutional form and functioning are relevant to questions of land governance and the security of the land rights won in struggles and as a consequence of pro-poor land policies. Questions of effective mechanisms for downward accountability are central to these debates (see, e.g., Franco, forthcoming).

LAND RIGHTS & EMPOWERMENT: LINKAGE TO BE PURSUED NOT ASSUMED

The point being raised here is captured by what Jonathan Fox (2007: 335) has recently argued: "rights and empowerment do not necessarily go together. Institutions may nominally recognize rights that actors, because of imbalances in power relations, are not able to exercise in practice. Conversely, actors may be empowered in the sense of having the experience and capacity to exercise rights, while lacking institutionally recognized opportunities to do so." He concludes: "Formal institutions can help establish rights that challenge informal power relations, while those informal structures can also undermine formal structures."

Similar arguments, made in the specific context of land and democracy, have been advanced by Cousins (2003). Unfortunately, current discussions around 'land governance' are not systematically linked to these important dimensions of land and governance connections.

LAND POLICIES, GENDER AND CONFLICT

Moreover, significant knowledge gaps are also found in discussions on the link between land policies and cultural, territorial and gender empowerment issues. It is also found in discussions about how, in some settings, land policies may provoke or resolve conflicts between nomadic and sedentary population groups. Issues related to the relationship between pro-poor land policies and the prevention of violence or the promotion of peace-building processes, are also under-explored despite relevant experiences in Central America and, more recently, in Africa (see, e.g. De Bremond, 2007;

Pearce, 1998, Gauster and Isakson, 2007; Cramer, 2003; Pons-Vignon and Lecomte, 2004; Baranyi and Weitzer, 2006, respectively).

NO SHORT ANSWER IS NO JUSTIFICATION FOR AVOIDANCE

In short, much more remains to be examined and understood about the relationship between pro-poor land policy and democratic governance. Part of the analytic challenge here is that at the core of discussions about pro-poor land policy and democratic governance is a classic 'chicken-and-egg' dilemma: In many agrarian societies pro-poor land policy is necessary in order to achieve democratic governance; and yet how can pro-poor land policy be implemented in settings where land-based wealth and political power is highly concentrated in the hands of a few – private individuals, corporate power or the state?

Democratic governance would seem to be a necessary prerequisite for pro-poor land policy; yet pro-poor land policy would seem to be the necessary prerequisite for democratic governance too. How can this fundamental impasse in land policy be broken? This dilemma is originally posed by Ronald Herring (1983) in the context of South Asian land reform dynamics.

With the rural poor currently making up three-fourths of the world's poor, this old puzzle remains urgent and necessary today. Like land, poverty in developing countries also has a multidimensional character that, in turn, affects the nature and quality of governance in such countries. Rural poverty is associated with low incomes, illiteracy, social and geographical marginalisation, cultural discrimination, environmental fragility, and, political isolation and exclusion.

When productive resources, especially land, are controlled by a few or too bureaucratically centralized in the hands of the state, access to democratic processes tend to be highly constrained as well (Putzel, 1992).

In many agrarian settings today, achieving democratic governance and implementing pro-poor land policy are distinct but at the same time inseparable challenges. Practical efforts to understand and resolve one of these problems appears to require addressing both simultaneously; but how this can happen is not obvious.

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