



Land access and rural development: New challenges, New opportunities

9th Brussels Development Briefing 25th February 2009

On 25th February 2009, CTA and other partners convened the ninth 'Brussels Development Briefing' - part of a series of bimonthly Development Briefings on ACP-EU rural development issues. Around 110 participants gathered in Brussels to discuss land access and ACP rural development.

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Land tenure and rural development

Ms Veniece Pottinger, Assistant Secretary General of the ACP Secretariat, stressed that land is an asset of enormous importance for billions of rural dwellers in the developing world, and especially in ACP countries where land is not just an economic asset, but has strong political, social, cultural, and spiritual dimensions. She then recalled that the lack of property rights is often a major obstacle for promoting investment but, despite their central contribution to economic growth and agricultural development, they have not been given appropriate attention in the Poverty Reduction Strategy processes. In her words, strong commitments and political are needed to ensure that that land access and use become the twin catalysts for rural development.



Marc Debois, Head of agriculture sector at the DG Development/EC, presented the EU Guidelines to support land policy design and reform processes in developing countries and the EC global strategy adopted in 2002 as a new reference framework to support land policy reform in developing countries and to facilitate support to national reform processes and enhance coordination and collaboration with EU Member States and other donors. In that context, the EC supports also various global initiatives and very recently, the EC and heads of rural development of the EU Member States have also relaunched a working group on land issues. While there is a need to think at the European level to the effects of the food, financial and biofuels crisis, Mr Debois recalled that most efforts need to be done at national level as to put in place appropriate and effective land policies.

Dr Hansjörg Neun, CTA Director, underlined the cross-sectoral aspects related to land tenure requiring investment in maintenance of soils, in infrastructure, Information and Communication technologies and education. Dr Neun shared his field experience of the GTZ Integrated Food Security Project in Debre Tabor, Ethiopia showing how land that was degraded by soil erosion and consequently abandoned by their owners had been transformed into real paradise where trees, flowers and all kind of vegetables were growing again. This positive change brought economic growth and attracted previous land owners. In his view, we need to examine the question of global land acquisition in a critical way and see if it can be an opportunity for ACP countries to revitalize agriculture.

Land access, tenure security and the right to food

In his introductory remarks, Mr. De Schutter - UN Special Rapporteur on the Right to Food - pointed out the critical need to improve

tenure security and a more equitable access to land since 1 billion people suffers hunger worldwide and around 80% of them are dependent upon land; research has shown that a more equitable land access leads to economic growth and increases economic efficiency by improving competitiveness of land users and promoting rural employment. Moreover tenure security encourages more sustainable farming, therefore improving adaptation to climate change and enhancing rural population resilience. Currently four main trends that threaten tenure security for smallholders are under way. First, rural population is expanding and the surface of land cultivated per farmer is consequently shrinking; then, millions of hectares of land available



for cultivation are lost per year due to climate change effects; moreover biofuels and agrofuels production is increasing competition for land and, finally, agricultural liberalization is leading to mono-cropping and export crops production which are usually cultivated on a large scale basis

Having recalled the 2004 FAO Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, and notably Guideline 8 concerning Access to resources and assets, Mr. De Schutter warned that in the domain of tenure security and land access the human rights international framework is currently called to face three main simultaneous challenges: (i) to improve tenure security protection while for example avoiding conflict between formal protection/ customary protection, recognizing the different types of rights/land tenure systems and promoting participatory and transparent process of land titling; (ii) to promote land reforms with a two-fold approach: grant financial compensations and assure a monitoring process through appropriate benchmarks and/or indicators for governments in order to enhance accountability; (iii) to provide a framework for transnational large-scale land acquisition in which landowners rights are protected from foreign investors and people entitlement to benefit from natural resources is granted.

The Chair of the first panel, H.E. M. Ibrahim Bocar Ba, Ambassador of Mali, emphasized the contribution of land to poverty reduction and the key role the countries have to play. He reiterated the need to protect vulnerable groups, and notably the small-scale farmers and women.



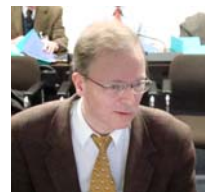
Julian Quan from the Natural Resource Institute (NRI) in the United Kingdom, showed that redistributive land reforms have had some success in providing new livelihood opportunities for the landless poor, but have been confronted by political opposition, failures to deliver development support to land reform communities, and the steady drift of rural landless poor into urban areas. Relatively modest but comprehensive policy and institutional reforms involving gradual increases in tenure security have led to significant improvements in economic growth and social welfare. A key lesson is that successful tenure reforms need to find pragmatic ways of building on and improving existing land rights and land management arrangements, but a main obstacle has been the absence of institutional capacity. He shared two practical cases in Africa. The case of the Ghana Land Administration Project which attempt to improve tenure security by strengthening and incorporating customary and traditional land management arrangements into the formal sector through the development of customary land secretariats (CLS). In this case, customary chiefs benefit of land rights from unregulated land markets. There are no effective links to rural development opportunities or to territorial planning and land interventions do not to promote rural

development. The case of Mozambique Community Lands Initiative is an attempt to implement progressive land law recognising rural communities' land rights through an independent land fund to deliver land delimitation, tenure security and related economic opportunities. Government primary interest in promoting investment, land allocation practice skewed towards private sector and concern that community land rights will inhibit investment e.g. biofuels.

Land reforms need to be accompanied by broader measures to support the development of a vibrant small farm economy, but in practice most have adopted highly technical and sector focused approaches poorly coordinated with other dimensions of rural development. Among the challenges for rural raising from demographic growth, urbanization and global integration, Mr. Quan has emphasized the diversification of rural livelihoods with agriculture no longer being necessarily the most important activity, the increasing importance of rural areas for residential purposes - particularly for women and the elderly - and the fact that the income and remittances are a significant part of rural incomes. A sectoral focus on land institutions, land tenure security and land reform is unlikely to succeed by itself. Land reforms need to be part of a broader policy and regulatory reform, improved governance and decentralization.

The presentation by Lionel Vignacq from the French Ministry of Foreign Affairs covered the White Paper on land governance and security of tenure in developing countries which objective is to provide a tool to facilitate exchanges and dialogue with all the stakeholders involved in projects having a land dimension or implications, and, most importantly governments and international development aid partners. In a globalised world, it offers a critical examination of past and current actions by French cooperation actors. It offers a framework for the analysis of the land issue to understand its dynamics and to propose tools and types of actions, taking into account local, national and global constraints.

For Joan Kagwanja, Economic Affairs Officer at the UN Economic Commission for Africa (ECA) many African governments are aware of the critical need to find a balance between land investments and the needs of local communities. The AU-ECA-AfDB Land Policy Initiative (LPI) embarked on a rigorous roadmap involving assessment studies and consultations on land policy in Africa. That process, which involved a variety of stakeholders and partners, began in March 2006 and culminated in the development of a draft Framework and Guidelines on Land Policy in Africa set to be reviewed by Experts



and Ministers responsible for Land in April 2009 and a declaration on land policy to be adopted by African Heads of States in the AU Summit in July 2009. The guidelines form a critical tool for African governments, donors, partners and stakeholders who are/seek to engage in land reform. One of the lessons learnt is the key role of stakeholders' inclusion in order to 'get participation right' in the process of reforms. Land policy development is a long-term process that will only succeed if there is demonstrable commitment on the part of state and other stakeholders. Lessons drawn by the LPI of reform processes point to: low degrees of stakeholder and civil society involvement; sector-driven policy development; failure to provide for adequate budgetary allocations; and inadequate human and institutional capacities. For policy implementation, building consensus on effective implementation strategies, ensuring capacity to manage change, addressing faults with the policy development processes, collecting and building databases of baseline and other data and ensuring an adequate implementation infrastructure are critical.

Among the issues raised by the audience were the links with the AU/CAADP; the role of land issues in the EPAs process; Member States lack of interest (illustrated by the absence of follow up to the 2006 FAO debate on agrarian reforms); the role international organizations can play; the importance of soil productivity and the need for comprehensive development policies. A key constraint issued from the debate was the lack of political commitment.

Agricultural land: new challenges in a global world



Chaired by Dr. Wilson A. Songa, Agriculture Secretary, Kenya, the second panel discussed the several large-scale acquisitions of farmland in Africa, Latin America, Central Asia and Southeast Asia that have made headlines in a flurry of media reports across the world.

Increased agricultural investment may bring macro-level benefits (GDP growth, government revenues), and opportunities for raising local living standards. But large-scale land acquisitions may also result in local people losing access to the resources they depend on for their livelihoods.

Lorenzo Cotula, Senior Researcher at IIED, pointed out that despite the media reports, there is still very little empirical evidence about these processes and their positive and negative impacts. FAO, IFAD and IIED are undertaking a study to better understand trends and drivers, land tenure and contractual arrangements, and impacts on land access for rural people in recipient countries – with a focus on sub-Saharan Africa. IIED is also participating in World Bank-led research to examine these issues in 30 countries worldwide. Both studies are still at an early stage. Mr. Cotula pointed out that since 2000 investment flows to sub-Saharan Africa increased, notably in the agri-food sector, driven by commodities

demand and enabling policy reforms. The surge of agricultural investments has both long term and short term impacts in terms of food security concerns for local population. But these impacts are very complex to assess given the variety of deals concluded,



ranging from public, to private or to public/private agreements.

Against this wide range of business models, Mr. Cotula stressed that in order to assess risks and opportunities it would be appropriate to move from a bilateral relation perspective to a triangular one, taking into account not only states and investors but also local resources users. In his

words, land rights security may also be undermined by power asymmetries and a participative approach taking into account local land rights and supporting local population is therefore necessary.

For Paul Mathieu, Land Tenure Senior Officer at FAO, a number of new trends and changes combine their effects to put new pressures and demands on land worldwide. They include: climate change and carbon trading; plantations for biofuels; sovereign funds investment to produce food to be exported. These changes and their combined effects on the economy, on the value and the scarcity of land create economic opportunities -that can be positive for all- as well as real risks, mostly for the rural poor and the customary users of lands affected by new large scale investments in land. A major responsibility of the State, including through land policies, will be to maximise the positive opportunities for the global benefit of the whole nation and to avoid the risks of uncompensated loss of land rights for current land users and holders of land rights. FAO and IFAD with the technical collaboration of IIED have begun to work on this issue in late 2008, in order to better understand the land tenure implications and impacts on land access for rural people in recipient countries, focusing on Africa. The aim is to provide information that can eventually be used by countries and other actors to better inform negotiations and contracts, and identify key factors that can make the investments more pro-poor and contributing to sustainable rural development.



Preliminary analysis indicate that risks and opportunities are high for all and interlinked, with the need to address risks of uncompensated land loss for small and family farms who do not have legally documented land rights; well informed, well negotiated and balanced

contracts between Governments and investors, and between investors and communities are key to the outcome. Rural small-holders and family farms must be integrated in the plans and negotiations, and should be fairly compensated when involuntary displacement may occur; massive and affordable programmes for legalization of customary land rights, and good governance in land tenure and land

administration are key actions to minimize risks and optimize benefits.

Farmers involvement in land issues is key

Philip Kiriro, President of the Eastern African Farmers Federation (Kenya), and Marius Dia from ROPPA (West Africa), provided a farmers organizations perspective on land acquisition.

For Marius Dia, land and social issues are so sensitive and important that they require diplomacy, justice, fairness and, above all, a balanced approach.

In summarizing the Senegalese experience, he stressed that for peasant farmers, the three main justifications of land reform are: (i) the recognition of genuine land rights for peasant farmers; (ii) the creation of a land tax system in favour of rural communities; (iii) the response to the land needs of urbanisation and the country's economic development. The farmers recommend the recognition of a negotiable usage right for all current holders of an allocation right; the creation of local (or community) markets of usage rights; the introduction of a development tax on land that's been developed with public funds; the transformation of usage rights into land titles; the rural council's right of pre-emption and the creation of a land fund. With regard to the non-allocated land in the public domain, they propose establishing village committees to manage the land, land occupation and development plans (POAS), creating a national land development and land consolidation fund and developing contracts for the use of the natural resources of non-allocated land. Today, there is a certain bitterness regarding the numerous large areas of land that have been allocated in high-potential areas to foreign countries.

Mr. Kiriro pointed out that for the poor in the rural areas access to land is vital for food production and employment creation, since not only it helps reducing their vulnerability to hunger and poverty, but it also assists them to invest in other productive activities and ensure sustainable management of natural resources.

There is a strong relationship between land issues and poverty, he stressed, and Poverty Reduction Strategy plans formulated by sub-Saharan Africa governments attempt to mainstream and integrate land issues.

In Mr. Kiriro words, there is a strong need for well-formulated and effective land policies to enhance agricultural productivity and efficiency. A secure land tenure and proper administration and rights are critical

pre-conditions for achieving improvements of agricultural productivity.

Eastern Africa governments are developing land policies in order to hinder agricultural development and investment in agriculture. Nonetheless, farmers are not properly informed on what exists, what



is being done and what has already been done to address land issues at the National level. They are also not well informed on the existing land administration procedures, neither on the existence of institutions and technical capacities which address the challenges associated with land rights administration. Regional Farmers Network are therefore key to ensure that producers are fully informed and able to participate to the on going land reform process at the national level. Against this background, the land acquisition process in Africa is increasingly threatening land access and tenure security for local people, who risks to will be pushed deep into poverty through displacement and to be converted to peasants and farm labour. This in turn will lead to instability since land also represents a major political resource in that it defines power relations between and among individuals, families and communities. Therefore, he concluded, well-designed land reform policies granting appropriate protection for local communities, along with the support of the international community to support farmers capacity building and involvement in this process are crucial elements to address the land access and tenure security issues.

In his conclusive remarks, Michael Taylor, from the International Land Coalition, pointed out the growing recognition of land issues in the development debate and underlined that, notwithstanding the current lack of data, land acquisitions are becoming a major challenge. The key messages he conveyed to the participants were that a people-centered approach is key and that empowering small-scale farmers is a strategic condition in order to preserve food security.



Cécile Broutin from GRET added the need to find a balance between the promotion of private property and the recognition of a plurality of rights. While the customary rights are not necessarily equitable, there is an advantage to hold land titles. The key issue is to promote a more sustainable economic development with an efficient and equitable use of land and production means. Donors support, she recalled, needs to be envisaged and land issues should be looked at in the broader context of food sovereignty, trade and land policies. Support to family farming is required and a careful evaluation of the benefits that the global land acquisition will bring.



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