

# key features of 'pro-poor' land policy & democratic land governance

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# 1. Introduction: property rights – social relations, not things

story of a discussion with a director of a titling project; concerned about producing as much land titles as possible because these are instruments for security, for investments. Asked about why 2/3 of title holders are rich people not residing in the villages where registration occurs, and what was their services to the actual tillers (tenants or workers) who worked the land for decades, but that there were wealthy land claimants: the director's reply – their task is to produce clean land titles, not to deal with relations between people. The fastest and cheapest titling process is to give lands to the strongest claimants (those who pay municipal taxes even if some of them have not seen the lands they are claiming).

This process is an example of policies and projects that treat land property rights as 'things'; titles to guarantee 'security' – on most occasions, 'security' of potential investors..

How do we interpret – and change – conditions (e.g., land-based social relations)?

Two broad ways:

- (a) Real world is too complex to understand and engage. State engages in ‘simplification’ by creating categories, imagined grids, and fit the realities therein (J. C. Scott). Laws, etc. Details, fluidity, processes, social relations = matters not easily captured by the (Discussions in Day 1 = have all pointed out to this latter point as well). Most land policies are based on this approach.
- (b) The messy, complex, real world as the starting point, then figure out what appropriate state grids/categories are appropriate.

The starting point of a ‘truly pro-poor land policy’ is the latter.

Changed/changing global (agrarian) terrain:

Climate change, food crisis, energy crisis/agrofuels (Ruth, Karen, Mike, Erik, et al)

= *impact on land use* change OR impact on

*Land property relations* change = causal relationship? Two-way, interactive relationship...? (discussions in Day 1)

= Is it a crisis *IN* the dominant system or is it a crisis *OF* the system of the way we view and engage the environment, produce and consume food, exploit & use energy?

e.g. one-third of greenhouse gas emission = from agriculture

or is there now a need to explore 'reframing the very model of development'?? (partly re discussion between Stein & Mike/Ruben). The FAO has called for a 'new world agricultural order'.

= land has become even more central in dev't discourse

## 2. Dynamics of CHANGE caused by land policies

Land policies do not emerge from a vacuum; land policies are never politically neutral

Land policies cause (in)direct CHANGE in land-based social relations. Critical to take a longer look at broad patterns (important to specify *direction of change*):

- (i) Redistributive outcome; e.g. land reform, land restitution (changing relative shares; Joan)
- (ii) Distributive outcome; e.g. tenure security, etc. (positive sum; Joan)
- (iii) Non(re)distributive outcome = status quo (no policy is a policy), e.g. formalization of land rights in settings marked by inequality = can result in '*formalization of inequality*' (land title beneficiaries are non-poor; excluding the poor)
- (iv) Counter-reformist (*reversals*... recalls previous gains = e.g. Chile, Nicaragua; *perverse*... benefits elite, e.g. Colombia MLAR 1994-2004; + Adriana's examples of 18,000 ha of land given not to IDPs but to a Malaysian company)

### 3. Key features of 'pro-poor land policy'

Note: nearly all land policies these days are pre-fixed with 'pro-poor' regardless of the nature and intention.

There are dozens of land policy types too. It has become an imperative to specify what we mean by 'pro-poor'.

This is not a rigid definition or grid against which we look at the real world; not strict standard set for any setting – but are **analytical signposts** that should help us in our work which will be different from one society to the other.

Conscious about the diversity and plurality of land property rights regimes within and between societies (Ruth, but also others during Day 1)

Pro-poor land policies can involve private or public ownership; individual or collective/community/communal, rural/urban

- (i) Transfers, or protects existing, land-based wealth.

This is to specify that real land-based wealth have to be transferred or protected in the hands of the poor. Some land policies simply formalize existing arrangement of sharecropping/tenancy without any change in the wealth share of the poor; some land reformed lands quickly put under joint ventures favouring only elite, cancelling out any potential gain in land reform (e.g. some equity schemes in SA land reform); some land policies gave land to poor people, but without access to water (= no significant wealth involved). Some land policies involve real land-based wealth, e.g. forest products, etc. but through land policies such wealth are secured for private companies not for poor people, e.g. many state-private corporation land arrangements in Indonesia.

Land policies where in the end nothing of consequential material gain was retained or transferred to the poor. These cannot be. Real material gains have to be retained or transferred in favour of the poor.

(ii) Transfers, or protects existing, political power to control/use land resources.

There are many land policies that give only superficial/nominal formal rights but not real political power to exercise control/use.

Thus, '*bundles of rights*' is important concept (as explained by Ruth), but as Ben Cousins (1997) once asked: 'how do rights become real?'. The first bundle can be paired with another: '*Bundles of Powers*' – the ability to exercise rights (Ribot and Peluso, 2003).

Reject 'on paper' pro-poor land policies.

### (iii) Class-conscious

Societies are socially heterogeneous, made up of various groups and classes often with competing interests.

We need to use class as a tool of analysis – how else can we disaggregate the impact of development process, of land policies?

e.g. land reforms often benefit those who already have land access (tenants, sharecroppers), while no benefits for landless rural labourers (often the most numerous rural poor) esp in settings with multiple land claimants and limited land supply.

Going back to land titling: benefitting those who are in politically and economically better positioned to formalize their legal claims over public lands – and exclude the poorest social groups.

Irrigation projects: many times benefited the owners of the land, but not the poorest rural poor of landless labourers and tenants, etc.

(iv) Does not undermine, does protect,  
interest of women

e.g. conventional land reforms had excluded  
women (CDDeere, 1985; 1995).

But is the joint title always the answer  
everywhere? (Day 1 discussion).

Bottomline: women have distinct land rights

(v) Does not undermine, does protect, ethnic interests

Conventional land policies on extractive industries, land resettlement projects, land reforms often encroached into indigenous peoples' territories.

Some land reforms may be progressive for some, but not for others (e.g. Muslim/Christian in southern Philippines).

Political conditions may favour one group over another: e.g. Tay with lowland irrigated, but Dzao upland marginal barehills in northeast Vietnam.

(vi) Productivity-increasing & livelihood-enhancing

Northeast Brazil – very high abandonment rate of land reform settlements due to low productivity and no livelihood opportunities.

Many land reform settlements in Namibia (a 3,000ha resettlement for a family but without water).

Barehills distributed in northeast Vietnam.

Need for *rural-urban/agri-industry synergies* (Prof Carol Rakodi's point)

## 4. Democratic Land Governance

DLG *historicizes* and *politicizes* approaches to land governance. It rejects a technician, purely legalist approach to land governance.

Land Laws emerge, but are *not self-interpreting, not self-implementing*. State-society interactions push for its eventual interpretation & implementation (also, discussions by Adriana, Karol Boudreaux, Maaike)

Tripod (again, *analytic signposts*, not as 'formula'):

- (i) Mobilizations from below (various forms, from advocacy politics to 'everyday politics', e.g. in China and Vietnam)
- (ii) Reformist initiatives from above (state)
- (iii) Mutually reinforcing state-(civil) society interaction for pro-poor land reform

# DLG and the UNDP's Pillars of Dem. Gov:

|   | State<br>Responsiveness | Citizen's<br>Participation | Values<br>gender,<br>empwrmnt |
|---|-------------------------|----------------------------|-------------------------------|
| From above                              | Hi                      | Low                        | Low                           |
| From below                              | Low                     | Hi                         | --                            |
| Market-led                              | Low                     | Low                        | Low                           |
| State-(C.)S.<br>interactive<br>Approach | Hi                      | Hi                         | --                            |