

Communication

# Between Promising Advances and Deepening Concerns: A Bottom-Up Review of Trends in Land Governance 2015–2018

Lorenzo Cotula<sup>1</sup>, Ward Anseeuw<sup>2,3</sup> and Giulia Maria Baldinelli<sup>2,\*</sup>

<sup>1</sup> International Institute for Environment and Development (IIED), Edinburgh EH9 1EN, UK

<sup>2</sup> International Land Coalition (ILC) Secretariat, 00142 Rome, Italy

<sup>3</sup> Centre de coopération internationale en recherche agronomique pour le développement (CIRAD), CÉDEX 5, 34398 Montpellier, France

\* Correspondence: g.baldinelli@landcoalition.org; Tel.: +39-06-5459-2100

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**Abstract:** An evolving land governance context compounds the case for practitioners to closely track developments as they unfold. While much research sheds light on key trends, questions remain about approaches for collective bottom-up analysis led by land governance practitioners themselves. This study presents findings from an initiative to test such an approach. Drawing on written submissions made in response to an open call for contributions, the study discusses global trends in land governance over the period 2015–2018. While not a comprehensive review nor a replacement for empirically grounded research, the study highlights some of the developments practitioners grapple with in their work. The findings point to the contrasting local-to-global trends that affect land governance in diverse agro-ecological and socio-economic settings: Growing commercial pressures on land, and shrinking spaces for dissent in many contexts, coexist with new avenues for public participation in land governance processes; while diverse approaches to securing land rights, whether individual or collective, possibly underpinned by new deployments of digital technology, can coexist or compete for policy traction within the same polity. This bottom-up trends analysis broadly correlates with available accounts based on empirical research, while also providing distinctive emphases that reflect the ways practitioners perceive the changing realities they are engaged with.

**Keywords:** land governance; monitoring; territory; trends; land pressure; conflict; political space

## 1. Introduction

Over recent decades, mega-trends reshaping global demography, climate, consumption and economic integration have been intensifying pressures on land (see e.g., [1–4]). Partly in response to these trends, recent years have also seen the development and implementation of legal, regulatory, and guiding frameworks to strengthen land governance at both national and international levels. These range from legislative measures such as reforming land laws—for example, in Malawi (Customary Land Act of 2016 [5]) and Mali (Agricultural Land Act of 2017 [6])—to actions to adopt and operationalize international soft law instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT [7]) and, in Africa, the African Union’s Framework and Guidelines on Land Policy (V&G [8]).

This evolving context—from pressing challenges to new land governance instruments—compounds the case for practitioners to closely track and discuss developments as they unfold. On the one hand, new approaches are being developed to monitor the way that land is governed. The Sustainable Development Goals (SDGs), established in 2015, include targets related to land governance, and the diverse methodologies that emerged from their negotiation include new approaches such as LANDex,

a land monitoring dashboard developed by the International Land Coalition (ILC). These developments are creating institutionalized opportunities for tracking changes in land governance.

On the other hand, a growing body of research has shed light on trends that significantly affect land governance, for example in relation to changes in traditional resource tenure systems (e.g., [9–11]), or to large-scale land deals for plantation agriculture (e.g., [1,12–14]). However, questions remain about possible approaches to complement such technical analyses with collective, bottom-up tracking of trends that is led by land governance practitioners themselves.

This study presents the findings of an initiative led by the International Land Coalition (ILC) to track global trends in land governance over the period 2015–2018.<sup>1</sup> The ILC is a global alliance of civil society and intergovernmental organizations working together to put people at the center of land governance.<sup>2</sup> As an alliance of over 250 members worldwide, the ILC offers a natural space for efforts to test and develop approaches for bottom-up trends analysis, and its Global Land Forum is the main international space for ILC members to discuss trends in land governance.

The study was conducted in the run-up to the 2018 Global Land Forum, which was held in Bandung, Indonesia, and the 2015–2018 review period corresponds to the interval from the previous Global Land Forum, which took place in Dakar, Senegal, in 2015. The next Forum will be held in Jordan in 2021, and a similar exercise will be conducted to review developments during the 2018–2021 period. Therefore, the study provided an opportunity to test an approach that can be further refined and utilized in subsequent exercises, and to develop a baseline for longer-term tracking of global trends.

## 2. Methodology: A Bottom-Up Approach

The study draws on 21 submissions from 18 ILC members and three ILC initiatives, covering a total of 30 countries across different continents.<sup>3</sup> The submissions were made in response to an open call issued by the ILC Secretariat to all its members in March 2018. The call offered ILC members a vehicle for articulating the main issues that they face in their everyday work. It was based on a simple data collection tool that encouraged respondents to reflect on any distinctive trends, evolutions and issues concerning land governance over the period 2015–2018. To provide respondents with maximum latitude, the tool was purposely structured in open-ended terms and did not identify any pre-defined themes or policy arenas.

A qualitative analysis of the submissions received led to the identification of a set of recurring trends affecting diverse dimensions of land governance. These preliminary findings were shared for comment with the respondents and with the ILC's regional platforms. The resulting report was presented at the Global Land Forum 2018, and formed the basis for this article. In line with the nature of the exercise, the substantive part of the study is based on the submissions made by the responding ILC members and initiatives, and whenever relevant the footnotes refer to these submissions (citing the relevant organization and country).

The authors' own positionality and cultural "baggage" will have inevitably influenced their identification, conceptualization and synthesis of the cross-cutting trends drawn from the individual submissions. However, deliberate efforts were made to reflect as closely as possible the emphasis and nuance that emerged from the submissions. Outside a few contextual and analytical points discussed in the introduction and the conclusion, the authors have deliberately kept any substantive additions

<sup>1</sup> The International Institute for Environment and Development (IIED), a policy and action research organisation based in the United Kingdom, provided technical support to the initiative.

<sup>2</sup> <http://www.landcoalition.org/en>.

<sup>3</sup> The following ILC members and initiatives have contributed (in alphabetical order). ILC members: ALRD, Bangladesh; CAAAP, Peru; CARRD, Filipinas; CDAS Sabiá, Brazil; CEPES, Peru; CINEP, Colombia; CISEPA-PUCP, Peru; FES, India; FUNDAPAZ, Argentina; FUNDE, El Salvador; IPDRS, Bolivia; Lentamente Società Cooperativa Agricola, Italia; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; OUOT-UNAH, Honduras; SCOPE, Pakistan; SIF, Madagascar; SIPAE, Ecuador; WGWLO, India; ILC initiatives: NES Cameroon; NES Nepal; The Rangelands Initiative, Kenya, Uganda, Tanzania, Ethiopia, Senegal, South Sudan, Burkina Faso, Cameroon, Mongolia, India, Kyrgyzstan, Kazakhstan, Tajikistan.

based on their own personal analysis and the broader literature to a minimum. This reliance on the submissions translated into expressed and at times conflicting normative preferences—for example, as to whether certain developments are perceived to reflect advances or steps back.

Although the submissions included commentaries on a rich diversity of land governance issues, the limitations of this exercise need to be acknowledged. The number of responses received was small both in absolute terms, and relative to the ILC membership. It does not necessarily reflect a representative sample, and the result is not a comprehensive overview of global trends. Nor can the results be easily generalized or extrapolated, as contexts and policy processes are so specific, particularly in the land sector. Nonetheless, the submissions did provide insights into some of the issues that the members who responded are grappling with, and the exercise points to an approach for collective, bottom-up trends analysis that could attract more responses in its future editions.

### 3. Results: Trends in Land Governance

Ten main trends emerged from the contributions and are presented in the following two sections: Five detailing various improvements made with regard to different dimensions of land governance, and five representing new or deepening challenges affecting land governance.

#### 3.1. Reported Improvements in Land Governance

##### 3.1.1. From Aspirational Frameworks to Land Policy Reform at National, Regional, and Global Levels

Between 2015 and 2018, international land frameworks have increasingly been used as a basis for land policy scrutiny and reform. This has led to steps forward at the regional, national, and local levels and in both policy and practice. A case in point is the rolling out of the Framework and Guidelines on Land Policy in Africa, which has helped AU Member States to develop or review their land policies and to implement and evaluate these policies [15].

The submissions provided several examples of these developments, varying considerably in their nature and scope—from new national constitutions that, for the first time, entrench rights for the landless, as in Nepal;<sup>4</sup> to national legislation that covers wide-ranging policy areas; and to support for the collective registration of community, indigenous, or pastoral lands, for example in Latin America and East and West Africa.

The extent to which developments in policy and practice are related to global frameworks and more particularly live up to expectations naturally varies, and in most of the cases reported, is too early to tell what their ultimate outcomes might be. However, the submissions provide helpful elements for reflection as to the nature of developments and the actors and processes that have made them possible, as well as their current and likely future implications for land governance. While in most cases analyses converged strongly, in others the submissions reflected different and even contrasting perspectives about the significance and implications of reported developments. The following sections discuss in greater detail a few prominent themes that emerged in the respondents' submissions.

##### 3.1.2. Public Policy Engagement and Public Mobilization

Notable developments in the realm of practice include public mobilization in policy processes at all levels. These developments can be seen both in instrumental terms, as a means to achieve more equitable laws, policies, and practices, and as a vehicle to catalyze public engagement with land issues and ultimately more democratic, bottom-up land governance systems.

Reference was made to numerous initiatives such as the ILC National Engagement Strategies (NES), stakeholder engagement in the VGGT framework, and various local and national multi-stakeholder

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<sup>4</sup> Contribution by the National Engagement Strategy (NES), Nepal.

land governance platforms.<sup>5</sup> Beyond these formalized spaces for stakeholder engagement, several submissions also emphasized the role that public mobilization or advocacy can play in changing policy and practice, and even in paving the way for more formalized avenues of engagement. For example, some submissions referred to mobilization combined with legal actions led by indigenous peoples and peasants in Latin America;<sup>6</sup> civil society participation in land law reforms in Africa;<sup>7</sup> and the role of public interest litigation and the mobilization of national judiciaries where legal systems and political space allow.

Respondents reported that public engagement and mobilization have achieved positive results, from a process as well as from an impact perspective. For example, one submission from Madagascar reported that government institutions had become more receptive to critiques and proposals from civil society, and had taken on board many of its recommendations in the development of the second phase of reform of the national land policy.<sup>8</sup> In addition, the country's Constitutional Court was reported to have, in effect, advanced the position argued by civil society when it struck down as unconstitutional various provisions in a Bill on registered property that had been passed by parliament in 2017.<sup>9</sup>

### 3.1.3. From Land to Territory: From New Policy Strategies to Protecting Community Land Rights

Several submissions documented progress made towards securing the collective land holdings of indigenous and local communities. Some of these advances were conceptual, involving the reframing of key terms used in discourse around land. This includes a greater emphasis on “territory”, as illustrated by local territorial development or indigenous peoples' ancestral territories. This notion was contrasted with the narrower concept of “land” [16,17].

The concept of territory was deemed to recognize the cultural, social, and spiritual dimensions of land, rather than merely its productive or economic value, and to include other resources on which a local community may depend. It therefore represents a more encompassing concept that is closely tied to notions of identity and self-determination. Though this evolution was reported to have been associated particularly closely with indigenous peoples' advocacy in Latin America,<sup>10</sup> it is arguably part of a wider struggle that also links to the campaign, led by international peasant movements, that ultimately led to the adoption of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.<sup>11</sup>

The submissions highlighted some of the practical implications of this ongoing shift to “territory”. One related to the reported rise of territorial approaches to public policy, including greater autonomy and accountability in policy processes at the sub-national level, achieved by devolving powers to local institutions. In Ecuador, such territorial approaches were reported to have strengthened linkages between mutually reinforcing advances affecting land governance on the one hand and the role and functioning of local governments on the other. One submission specifically mentioned the case of the municipality of Cayambe, where the administration reportedly recognized the outcome of community-level processes to resolve land disputes.<sup>12</sup>

The submissions also reinforced the relevance of collective arrangements for securing rights to land and resources, vis-à-vis the privileged place traditionally accorded to individual land titling. They highlighted how developments in policy and practice can reflect the co-existence of, and possibly tensions between, different approaches within the same country—some oriented towards individual

<sup>5</sup> Contributions by the NES Cameroon; SIF, Madagascar; IPDRS, Bolivia; SIPAE, Ecuador; CINEP, Colombia.

<sup>6</sup> Contribution by IPDRS, Bolivia; SIPAE, Ecuador.

<sup>7</sup> Contribution by SIF, Madagascar.

<sup>8</sup> Contribution by SIF, Madagascar.

<sup>9</sup> Contribution by SIF, Madagascar.

<sup>10</sup> Contributions by Centro de Desenvolvimento Agroecológico Sabiá, Brazil; IPDRS, Bolivia; SIPAE, Ecuador; CAAAP, Peru; CISEPA-PUCP, Peru; CINEP, Colombia.

<sup>11</sup> UNGA Resolution A/RES/73/165, 17 December 2018, [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/73/165](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/165).

<sup>12</sup> Contribution by SIPAE, Ecuador.

titling and the creation of rural land markets, with others being more geared towards developing new ways to secure collective rights.

In Peru, for example, approaches to securing land rights are centered on formal registration and a rural land cadastre run by the state administration on the one hand and, on the other, a bottom-up process of claims by indigenous peoples supported by civil society.<sup>13</sup> Reference was made to the experience of the Awajún people, who are implementing a strategy for the integrated development of their territory conceived in terms of a right to their indigenous concept of “a fulfilled life” (Tajimat Pujut in the Awajún language, *vida plena* in Spanish).<sup>14</sup>

Various approaches to securing collective lands and resources were reported to have been developed to resolve disputes involving pastoral lands. In East and West Africa, reconciling pastoralists’ need for livestock mobility and ensuring peaceful co-existence between herding and farming have long been a key challenge. One submission described the growing experience with the development and implementation of “pastoral” legislation that seeks to address these issues, as well as to improve land use planning and promote dialogue among different land users.<sup>15</sup>

Although pastoralism in Africa raises very different issues from those facing indigenous peoples in Latin America, these and other initiatives to secure land and territorial rights have several key factors in common, including an emphasis on the collective nature of resource management and a holistic approach that considers land not in isolation, but in terms of its relationships with other natural resources.

#### 3.1.4. The Role of New and Digital Technologies

Several respondents touched on the growing role of new and digital technologies in land governance, putting forward different views on the opportunities and challenges that this presents. These new technologies, such as digital registration, participatory mapping, and land rights demarcation by drones to name a few, are now being applied and used more commonly, thereby expanding opportunities for people to access data and knowledge—but also raising questions about the varying ability of different actors to access innovation and about the relationship between technology and wider governance frameworks.

A submission from Pakistan provided a particularly vivid example of the potential of new technology.<sup>16</sup> The submission reflected on how public authorities in the Punjab province of Pakistan had introduced a digital system of land registration to replace the previous error- and corruption-prone system where clerks documented land records by hand. The submission reported some of the achievements of this initiative: A new Land Records Management and Information System run by professional staff in 144 modern land record centers across the province’s 36 districts; the digitization of 10 million pages of old land records for over 55 million landowners across Punjab; and the accessibility of the digitized title information online.<sup>17</sup> The time needed to complete a transaction has reportedly fallen from two months to just 50 min, and the reform was seen to have boosted land values and empowered women and poor farmers whose land rights had not been adequately protected under the old system.<sup>18</sup>

Other submissions presented more critical analyses of the place of technology in efforts to improve land governance, and concerns were raised that digitization could in fact exacerbate underlying weaknesses in land governance. In Honduras, one digitization project was reportedly marred by a lack

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<sup>13</sup> Contribution by PUCP, Peru.

<sup>14</sup> Contribution by CAAAP, Peru.

<sup>15</sup> Contribution by the Rangelands Initiative, global.

<sup>16</sup> Contribution by SCOPE, Pakistan.

<sup>17</sup> Contribution by SCOPE, Pakistan.

<sup>18</sup> Contribution by SCOPE, Pakistan.

of clarity on the rules governing the application of relevant national legislation, and it appears to have undermined land management in some areas due to the difficulties of clearly identifying state lands.<sup>19</sup>

On one level, these contrasting accounts can be reconciled within a broader conceptual framework whereby technology can be part of the solution, but only if accompanied by complementary actions to strengthen governance systems—by clearly defining roles and responsibilities within public administration and in relations between citizen and state. However, the possibility cannot be ruled out that deeper-level differences in perspectives may exist around the place of technology in strategies of change.

### 3.1.5. Linking Land Rights to Land Use and Production Systems

A few submissions linked land governance to issues concerning land use and production systems. For example, some highlighted the place of organic farming and other farming models linked to agroecology—not just as a reaction to the negative environmental and socio-economic impacts associated with industrial monoculture<sup>20</sup> but also, more generally, as a way to promote more sustainable farm practices in the context of increasing pressures on the planet.<sup>21</sup>

In the submissions, this attention to ecological integrity goes hand in hand with concerns about promoting farming models that respect the social fabric of rural areas and that shift patterns in food production towards increasing rural people’s voice and economic opportunities.<sup>22</sup> The ecological dimensions tie in closely with an advocacy drive to promote respect for land rights, in particular those of small-scale rural producers and collective land holdings, as well as with instruments and measures that monitor land structures and dynamics (including the concentration of landholdings and/or their control).

## 3.2. Reported Challenges Affecting Land Governance

### 3.2.1. Increasing Pressures on Land

Most, if not all, of the submissions mentioned challenges affecting land governance. Some challenges are longstanding and were deemed to have been exacerbated during the review period, while others involve distinctive aspects that were considered to have arisen more recently. An overarching trend related to the growing commercial pressures on land, which were seen to continue to pose serious challenges even though the “global land rush” that peaked in 2007–2011 has now ebbed.<sup>23</sup> This finding suggests that land grabbing remains an important concern for land practitioners, with a fuller consideration of the wider range of economic activities that drive pressures on land framing earlier concerns about the land footprint of large-scale agribusiness plantations.

In these respects, the submissions echo evidence from empirical research. This evidence suggests that, at the global level, the pace of large-scale land deals for agribusiness plantations in low- and middle-income countries has slowed in terms of both the number of deals and the scale of the land areas affected [14]. This trend was part of a wider slowdown in natural resource investments, including in petroleum and mining, resulting from lower commodity prices [4]. However, the evidence also suggests that the squeeze on land and resources is being felt more acutely in many places, as new deals continue to be concluded and many existing deals enter the implementation phase [4,14].

Looking beyond the role of transnational corporations, some submissions pointed out how local actors and national processes are driving land acquisitions for natural resource investments. Several

<sup>19</sup> Contribution by OUOT-UNAH, Honduras.

<sup>20</sup> Contributions by FUNDE, El Salvador; Fundapaz, Argentina.

<sup>21</sup> Contribution by Lentamente Società Cooperativa Agricola, Italy.

<sup>22</sup> Contribution by CEPES, Peru.

<sup>23</sup> Contribution by ALRD, Bangladesh; Centro de Desenvolvimento Agroecológico Sabiá, Brazil; CEPES, Peru; CINEP, Colombia; Fundapaz, Argentina; FUNDE, El Salvador; IPDRS, Bolivia; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; SIPAE, Ecuador.

submissions also singled out specific large-scale projects, for example in Nicaragua and Panama.<sup>24</sup> Other submissions emphasized how national strategies to promote economic growth are driving land acquisitions for industrial use. This trend was illustrated by several cases from Asia, particularly India<sup>25</sup> and Bangladesh.<sup>26</sup> In Bangladesh, for example, large land acquisitions were reported to have occurred in connection with the creation of special economic zones and the construction of infrastructure to improve connectivity for international trade.<sup>27</sup>

Beyond large-scale investments, several submissions highlighted the role of urbanization and the increasing pressures on rural land from real estate and land use conversion. Urbanization not only entails the expansion of big cities but also the concentration of people into smaller towns, where schools and health services, water, and communications are more readily available. It is often associated with the spread of unregulated land markets and land speculators in peri-urban areas.<sup>28</sup>

These processes are driving greater competition for—and conflict over—land. New questions are being asked about the values that rural people attach to land, landscape, and small-scale farming in this changing context.<sup>29</sup> The ways in which land disputes are playing out affect different land users in different ways. In some countries, for example, pastoral communities have been hit by an increasing number of land conflicts, the loss and fragmentation of grazing land, barriers to mobility, and the breakdown of customary institutions. Such factors have fueled conflict in areas where farming and herding overlap—in parts of East and West Africa, for example.<sup>30</sup>

Similarly, the continued expansion of agri-business was reported to squeeze the rights that indigenous peoples and farming communities claim for the land they depend upon for their livelihoods and social identity.<sup>31</sup> The submissions also raised concerns about the exacerbation of poverty and dependency associated with large-scale investment projects. This trend was reported to have severely affected collective property rights over the land and natural resources of indigenous and farming communities.<sup>32</sup>

### 3.2.2. Agricultural Commercialization, Changing Rural Landscapes, and Shifts in the Value Chain

Beyond direct land acquisitions for large-scale projects, the submissions also pointed to more diffuse processes at play, which were reported to have a profound impact on small-scale rural producers and ultimately on their relations to land. Evolutions in agriculture are indicative of this trend. As the cultivation, processing, and distribution of crops for sale in local to global markets becomes increasingly commercialized, smallholders are being integrated into value chains on terms that vary widely and are often contested.

While the literature suggests that, depending on the terms and the situation, “inclusive business” approaches could present opportunities for small-scale farmers to increase their productivity and access new markets [18–20], certain submissions pointed out that, in some areas, the expansion of agribusinesses is increasing the squeeze on small-scale rural producers, who are losing out in the competition for access to land, water, and other productive resources, particularly when public policies are skewed in favor of big businesses.

A submission from Argentina, for example, underscored how growing numbers of agribusinesses are expanding beyond their traditional focus on crop production to become service providers—a

<sup>24</sup> Contribution by Instituto Nitlapan, Universidad Centroamericana, Nicaragua.

<sup>25</sup> Contribution by GWLLO, India.

<sup>26</sup> Contribution by ALRD, Bangladesh.

<sup>27</sup> Contribution by ALRD, Bangladesh.

<sup>28</sup> Contribution by the NES Nepal.

<sup>29</sup> Contribution by Fundapaz, Argentina.

<sup>30</sup> Contribution by the Rangelands Initiative, global.

<sup>31</sup> Contributions by Centro de Desenvolvimento Agroecológico Sabiá, Brazil; CEPES, Peru; IPDRS, Bolivia; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; CAAAP, Peru; CISEPA-PUCP, Peru; SIPAE, Ecuador; OUOT-UNAH, Honduras.

<sup>32</sup> Contribution by OUOT-UNAH, Honduras.

process known as “tertiarization”. The consolidation and expansion of export-oriented Argentinian agribusinesses was reported to have fostered the emergence of new production models and farm management systems where land is merely an input that must be paid for in much the same way as any other rented means of production, such as machinery. In these arrangements, the agricultural production process is highly fragmented, as landholders outsource different stages (e.g., sowing and harvesting) to specialized agribusiness service providers. This reportedly enables landowners to reduce or eliminate the fixed costs of paying for their own machinery and workforce, helping them to simplify management while maximizing returns.<sup>33</sup>

These changes were reported to have increased competitive pressures on small-scale rural producers. Indeed, a submission from Italy pointed out that the industrialization and globalization of agriculture, which has resulted in the tighter alignment of supply chains and has promoted the emergence of fewer, larger farms and agribusinesses, was leading to the demise of many smaller farms.<sup>34</sup> This was deemed to have led to “desertification” of the social fabric and labor market across vast tracts of land, especially in areas far away from urban centers.

Respondents also raised concerns about how contemporary developments in commercial agriculture might re-energize older patterns of exploitation. In the south of Italy, for example, agribusinesses were reported to have reinvented the so-called *caporalato*—a traditional system in which laborers, now mostly migrants from Africa and the Middle East, are enlisted to work for very low wages in poor conditions.<sup>35</sup> While these developments reflect profound socio-economic transformations beyond land governance alone, they do have both direct and indirect impacts on land relations: The ways in which land is conceived of—and used—are evolving, and so is the question of who has access to it, and on what terms.

### 3.2.3. Social Differentiation, Increasing Inequalities, and Gendered Dimensions

Several submissions highlighted social differentiation in developments affecting land governance, although some did so only indirectly. A submission from India, for example, highlighted concerns about women’s access to land in the context of increasing demand for land for industrial purposes. Although Indian law gives women the same rights as men to decide what to do with any land they inherit, women were still reported to have come under pressure to sell their title deeds to buyers from inside their family (brothers) and outside it (including in-laws), as women (both married and unmarried) are still not considered to have a voice.<sup>36</sup>

Other submissions paid particular attention to social differentiation based on ethnicity. For example, ILC members in Latin America suggested that mining and dam projects have disproportionately affected communities of indigenous and Afro-American descent—undermining their ancestral land and resource rights and exacerbating their poverty.<sup>37</sup> These issues link to wider concerns about growing inequality in land relations, including inequality based on gender, age, wealth, socio-economic status, and ethnicity. A submission from Bangladesh pointed to rising rates of inequality and landlessness, with repercussions for resilience to climate change and other macro trends,<sup>38</sup> and similar issues were raised in a submission from Nepal.<sup>39</sup>

Although the complex linkages between land and wider inequalities are yet to be properly understood, these submissions highlight the point that land inequalities may well become a larger concern in the years to come, partly linked to the possible long-term impacts of ongoing political,

<sup>33</sup> Contribution by Fundapaz, Argentina.

<sup>34</sup> Contribution by Lentamente Società Cooperativa Agricola, Italy.

<sup>35</sup> Contribution by Lentamente Società Cooperativa Agricola, Italy.

<sup>36</sup> Contribution by GWLO, India.

<sup>37</sup> Contribution by OUOT-UNAH, Honduras.

<sup>38</sup> Contribution by ALRD, Bangladesh.

<sup>39</sup> Contribution by the NES Nepal.



socio-economic, and environmental shifts, and to more encompassing equality-related agendas in both research and advocacy [21].

### 3.2.4. “Agrarian Reform in Reverse”: How Public Policies Drive Pressures

Several submissions identified national law or policy reforms favoring large-scale commercial operations being key factors that drive increased pressures on land and resources.<sup>40</sup> This is not a new occurrence: Activists have long identified the problem of governments favoring agribusiness at the expense of small-scale farmers as “agrarian reform in reverse” [22]. Nevertheless, the submissions provided fresh insight into the diverse forms that this trend can take in different parts of the world.

Submissions from Latin America argued that a number of governments had acted as passive bystanders when “land grabbers” had begun to appropriate land, and that some were even active accomplices, passing laws or adopting policies in their favor,<sup>41</sup> or undermining the claims of indigenous peoples to their territories.<sup>42</sup> Meanwhile, some governments were reported to have dropped plans to reform land distribution from their agendas,<sup>43</sup> or to have taken steps to ease restrictions on foreign investment in land.

In Ecuador, for example, respondents reported that a recently approved land law would eliminate restrictions on foreign businesses buying land. Other legislation—the Law on Ancestral Lands and Territories—aims to free up “under-exploited” land for commercial development. Respondents argued that the government’s drive to maximize commercial production for national and international markets is taking place at the expense of indigenous peoples.<sup>44</sup>

Submissions also raised concerns about the loss of momentum for land reform in parts of Asia. In the Philippines, for instance, the government was reported to be advancing a process of constitutional reform designed to establish a new federal system that would devolve some central government functions to states. The submission raised concerns that this could jeopardize an ongoing program of agrarian reform, because local political elites who own vast tracts of land have little incentive to participate in redistribution to small-scale farmers.<sup>45</sup>

In Africa, inadequate legal frameworks or the non-implementation or non-respect of some of the more progressive frameworks were reported to have made land grabbing easier. In Cameroon, the regulatory framework on land tenure has not undergone any fundamental overhaul for many years, and it was held to be unresponsive to the needs of rural people, particularly women and indigenous peoples. Although the government initiated a land reform process in 2011 aimed at improving the policy environment, large-scale domestic and international investors were reported to have been able to exploit loopholes in the existing legal framework, leading to land-related conflict.<sup>46</sup>

Despite these challenges, some submissions pointed to new momentum behind some agrarian reform programs, and to the fact that opposing trends can co-exist in the same country. A submission discussing new regulations adopted in Peru illustrates this apparent paradox. On the one hand, new legislation was reported to have made it easier for large businesses in agriculture, forestry, mining, and the extractive industries to acquire land through expropriation, easements, or direct grants—the direct outgrowth of a land liberalization process implemented under successive governments since 2011. On the other hand, the submission pointed to the adoption of laws and policies in favor of family farming—the National Family Farming Strategy and the Family Farming Promotion Law. Even so, the

<sup>40</sup> Contributions by SIPAE, Ecuador; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; IPDRS, Bolivia; FUNDE, El Salvador; CINEP, Colombia; CEPES, Peru; Centro de Desenvolvimento Agroecológico Sabiá, Brazil; ALRD, Bangladesh; CARRD, Philippines.

<sup>41</sup> Contribution by FUNDE, El Salvador.

<sup>42</sup> Contribution by CAAAP, Peru.

<sup>43</sup> Contribution by FUNDE, El Salvador.

<sup>44</sup> Contribution by SIPAE, Ecuador.

<sup>45</sup> Contribution by CARRD, Philippines.

<sup>46</sup> Contribution by the NES Cameroon.

submission ultimately argued that Peru’s core policy thrust is to support large businesses dedicated mainly to the export of produce such as asparagus, melons, and other crops.<sup>47</sup>

### 3.2.5. Weakened Institutions, Corruption, and Repression—Exacerbated in Fragile Situations

Several submissions referred to the shrinking space for land activism. It is worth recalling that 2015–2018 has been a particularly tragic time in terms of killings of land rights defenders [23,24]. Two submissions from Central America underscored the role of the state and the private sector in prosecuting and imprisoning community leaders and land rights and environmental defenders.<sup>48</sup> Flagrant cases of repression involving assassinations and physical violence lie at one end of a wider spectrum of intimidation that also spans spurious lawsuits and low-intensity harassment, all of which are narrowing the space for dissent and can undermine the strength and cohesion of social movements. One submission raised concerns that continuous repression was dividing and weakening the peasant and indigenous movements in Latin America.<sup>49</sup>

Other submissions referred to the weakening of land-related institutions, at least in some contexts. One pointed to inadequate capacities in governance bodies, particularly at the local level, and to gaps in administrative and regulatory mechanisms, partly related to a wider erosion of local institutional frameworks, organizations, and practices.<sup>50</sup> Weak local institutions were reported to create space for abuses and unlawful practices, as illustrated by the “mafia” practices reported in Nepal’s real estate sector,<sup>51</sup> which compound an overall context of impunity.<sup>52</sup>

Further, the submissions highlighted the additional complexities that can exist in countries that are exposed to high risks of natural disaster, or are facing conflict and post-conflict situations, where addressing land issues can be a key consideration for actors working towards achieving a sustainable peace.<sup>53</sup> Respondents also raised concerns about the implications of climate change and the associated increased risk of natural disasters, and how changes in land governance might affect the resilience of vulnerable communities.<sup>54</sup>

## 4. Concluding Reflections and Ways Forward

This study presented the perspectives that ILC members and initiatives shared as part of a consultation conducted in 2018. The analysis does not provide a comprehensive review of global trends in land governance, but it does highlight some of the issues that land practitioners are grappling with in their work. While the results of this bottom-up perspective often corroborate findings from empirical research (for example, with regard to the nature of pressures on land [2,9]), they also provide a distinctive emphasis that reflects the day-to-day preoccupations of land practitioners who are confronting land issues at first-hand.

The diversity of themes and trends arising in different geographical areas is a reminder of the importance of acknowledging context-specific factors, as an antidote to the temptations of oversimplification and grand narratives. In Latin America, a number of respondents focused on the rights of indigenous peoples, on the ways in which agribusiness is diversifying from pure production into service businesses (the process of “tertiarization”), and on the narrowing space for dissent undermining the strength and cohesion of social movements. In South Asia, there was a distinctive emphasis on the pressures on land, particularly those stemming from special economic zones. In Africa,

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<sup>47</sup> Contribution by CEPES, Peru.

<sup>48</sup> Contribution by the FUNDE, El Salvador; OUOT-UNAH, Honduras.

<sup>49</sup> Contribution by IPDRS, Bolivia.

<sup>50</sup> Contribution by FES, India.

<sup>51</sup> Contribution by the NES Nepal.

<sup>52</sup> Contribution by FUNDE, El Salvador.

<sup>53</sup> Contribution by CINEP, Colombia.

<sup>54</sup> Contributions by ALRD, Bangladesh; CAAAP, Peru.

issues focused prominently on the inadequate legal frameworks or the non-implementation or non-respect of some of the more progressive frameworks, thus hampering effective transformation with regards land governance, agrarian change and rural development.

A number of themes regarding land that emerged prominently in the literature received only limited attention in submissions, or were not addressed at all. For example, the complex issues of gender and social differentiation were only briefly touched upon. Questions related to the way in which “customary” land tenure systems have been changing in response to integration into commercial relations [3,11], and how evolving international legal frameworks are reconfiguring land relations from local to global levels [25–27], were also barely mentioned. The fuller range of complex relations between land governance and climate change [28], as well as between land governance and labor and migration patterns [29,30], also received relatively little attention.

That being said, the submissions did highlight some of the far-reaching changes that are occurring in land governance, including in connection with transformations in agriculture, and as a result of evolutions in other sectors as well—from extractive industries to large-scale infrastructure and government initiatives to develop manufacturing. The submissions also pointed to new developments in land policies, laws, and tools for securing rural land rights in diverse agro-ecological and socio-economic settings.

Emerging clearly from the different submissions were the contradictions inherent in recent trends regarding land governance, where promising advances co-exist with deepening concerns. This is illustrated by the ways in which the many advances made on opening up spaces for citizen engagement with land policy processes are being overshadowed by state-sponsored repression, which makes it harder—and often dangerous—for activists to engage.

Particularly difficult challenges arise where policies promote opposing trends and, for example, put large-scale and smallholder farming into competition with one another, or facilitate transitions towards commercial developments without due regard for small-scale farmers or indigenous peoples. Moreover, while several respondents reported that their governments seemed more willing to listen to advocacy perspectives, there is much still to discuss as to what makes these opportunities for influence more likely to occur, and what strategies could be used to realize their full potential.

Finally, the submissions provided first-hand illustrations of the actions that land practitioners are themselves taking to address land governance challenges. Engagement strategies are inevitably tailored to specific contexts, but there is significant scope to share lessons at the international level. Efforts to translate new international instruments into national policy reform—including the VGGT and the SDGs—present new opportunities for institutionalized actors, social movements and grassroots groups to advocate for systemic land governance reform, and to develop alliances that transcend national boundaries.

On a different plane, this exercise offered insights on ways for land practitioners to develop collective, bottom-up analyses of the trends that affect their work. While no replacement for empirically grounded research, and while not necessarily delivering comprehensive systematic reviews, these approaches can nonetheless generate distinctive insights, and they can provide a snapshot of how land practitioners themselves perceive the changes occurring in the realities they are engaged with.

Key to the quality of the insights generated was the anchoring of the exercise to a global alliance the membership of which has the experience and expertise to engage with land governance issues, and which reflects significant diversity of geographic and political perspectives. In order to strengthen the representativeness and thus the quality of the approach in illuminating the rapidly evolving land governance space, more ILC members as well as other initiatives may be encouraged to participate in any future comparable exercise.

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