

# TOPIC GUIDE: Land



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**EVIDENCE  
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## About Topic Guides

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Welcome to the Evidence on Demand series of Topic Guides. The guides are being produced for Climate, Environment, Infrastructure and Livelihoods Advisers in the UK Department for International Development (DFID). There will be up to 30 Topic Guides produced 2013-2014.

The purpose of the Topic Guides is to provide resources to support professional development. Each Topic Guide is written by an expert in the field. Topic Guides:

- Provide an overview of a topic
- Present the issues and arguments relating to a topic
- Are illustrated with examples and case studies
- Stimulate thinking and questioning
- Provide links to current best 'reads' in an annotated reading list
- Provide signposts to detailed evidence and further information
- Provide a glossary of terms for a topic.

Topic Guides are intended to get you started on a subject you are not familiar with. If you already know about a topic then you may still find it useful to take a look. Authors and editors of the guides have put together the best of current thinking and the main issues of debate.

Topic Guides are, above all, designed to be useful to development professionals. You may want to get up to speed on a particular topic in preparation for taking up a new position, or you may want to learn about a topic that has cropped up in your work. Whether you are a DFID Climate, Environment, Infrastructure or Livelihoods Adviser, an adviser in another professional group, a member of a development agency or non-governmental organisation, a student or researcher we hope that you will find Topic Guides useful.



# Tips for using Topic Guides

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## **I am going to be under the spotlight. How can a Topic Guide help?**

The Topic Guides, and key texts referred to in the guides, cover the latest thinking on subject areas. If you think that a specific issue might be raised when you are under the spotlight, you can scan a Topic Guide dealing with that issue to get up to speed.

## **I have just joined as an adviser. Where should I start?**

Topic Guides are peer reviewed and formally approved by DFID. They are a good starting point for getting an overview of topics that concern DFID. You can opt to be alerted to new Topic Guides posted on the Evidence on Demand website through Facebook, Twitter or LinkedIn. New publications of interest to advisers will also be announced in Evidence on Demand quarterly ebulletins.

## **I don't have much time. How long should I set aside for reading a Topic Guide?**

The main text of a Topic Guide takes around three hours to read. To get a good understanding of the topic allow up to three hours to get to grips with the main points. Allow additional time to follow links and read some of the resources.

## **I need to keep up my professional development. How can Topic Guides help with this?**

Topic Guides, while providing an overview and making key resources easy to access, are also meant to be stretching and stimulating. The annotated reading lists point to material that you can draw on to get a more in-depth understanding of issues. The Topic Guides can also be useful as aide-memoires because they highlight the key issues in a subject area. The guides also include a glossary of key words and phrases.

## **I would like to read items in the reading list. Where can I access them?**

Most resources mentioned in the Topic Guides are readily available in the public domain. Where subscriptions to journals or permissions to access to specialist libraries are required these are highlighted.

## **I have a comment on a guide. How can I provide feedback?**

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- Use the Have Your Say section on the Evidence on Demand website ([www.evidenceondemand.info](http://www.evidenceondemand.info)). Here you can email our team with your thoughts on a guide. You can also submit documents that you think may enhance a Topic Guide. If you find Topic Guides useful for your professional development, please share your experiences here;
- Send an email to the Evidence on Demand Editor at [enquiries@evidenceondemand.org](mailto:enquiries@evidenceondemand.org) with your recommendations for other Topic Guides.



# SECTION 1

## Growing interest in land: large-scale land acquisition

How land is used and governed affects many of the issues on which Livelihood Advisers work. Access to land is critical for the livelihoods of many people in countries where DFID works, particularly for poor people whose livelihoods depend on agriculture and pastoralism. How land is governed is also important for growth: good land governance is critical to the secure property rights that lie at the heart of the 'golden thread' narrative (Cameron, 2012).

### Trends in large-scale land acquisition

The heightened pace and scale of large-scale land acquisition<sup>1</sup> (LSLA) in Africa, Asia and Latin America after the 2007-2008 spike in food prices suggested a global surge in LSLA was under way. Various aggregate figures have been cited in the press, with different levels of accuracy, scope and timing.

Table 1 presents data published in recent years from some of the key sources of information on land deals, led by the Land Matrix, the International Land Coalition's (ILC) database on land deals. There are also other ongoing initiatives implemented by the ILC (through country-based Land Observatories), the Center for International Forestry Research (CIFOR) and the International Institute for Environment and Development (IIED) to track and further investigate land deals in more detail, including the contracts underpinning the deals. Further investigations at the country and project level have been commissioned and published by academic institutions and networks, as well as civil society organisations such as the Oakland Institute, Oxfam, Friends of the Earth and ActionAid. The Land Deals Politics Initiative, a network of researchers exploring land deals, compiles published research on land deals on its website.<sup>2</sup>

The Land Matrix is perhaps the most widely used source of information on large-scale land acquisitions. The database has been providing information on the location, size, year and intended land use of investments, and investor deals for areas greater than 200 hectares (has) since 2000. The database has evolved since its launch, building in new filters that disaggregate data. In one of the main adjustments in 2013, deals were disaggregated into intended, concluded or failed deals. This introduced more precision, and indicated that 753 *concluded* deals on 32.5 million has occurred, instead of the earlier figures of 1217 deals on 83.2 million has, which included deals that had begun, but were never finalised (Land Matrix, 2013). The reliability of data continues to be an important challenge, as the website recognises in its disclaimers. Specific issues on reliability are the accuracy of the information

<sup>1</sup> While the understanding of 'large-scale' differs by country, the 200 hectares (has) minimum figure used by the ILC is generally accepted. As noted by Oxfam (2012), 200 has is ten times the size of a typical small farm, and is larger than the average farm size in almost all developing countries.

<sup>2</sup> For more information, please refer to [www.iss.nl/ldpi](http://www.iss.nl/ldpi).

submitted to the website through crowdsourcing,<sup>3</sup> and how quickly information becomes outdated, given that new projects are announced and existing ones fold within short periods. An update in 2014 gave revised figures of 870 concluded deals on 31.8 million has.

Source	Data coverage	Area (million has)
Land Matrix (2014) <sup>4</sup>	Global land deals above 200 has in developing countries since 2000: concluded deals, including oral agreements and signed contracts	31.8
Munden Project (2013)	Overlap between industrial concessions on public land, and demarcated local territory in 12 emerging market economies	48.4 (equivalent to 31% of total examined)
World Bank (2011)	Global land deals between 2008 and 2009	56
CIFOR (2011)	Agriculture and forestry plantation deals, over 2000 has between January 2005 and November 2011 in sub-Saharan Africa	18
Oakland Institute (2011)	20 countries	50

**Table 1 Major sources of data on land deals**

## Key findings

- Destination countries have **large agriculture-dependent populations, and low food security** (Anseeuw et al, 2012; IFPRI, 2012). Analysis of 2012 Land Matrix data shows that countries where agriculture accounts for more than 5% of GDP and where hunger is a serious or alarming problem,<sup>5</sup> accounted for 73% of total transnational land investments (IFPRI, 2012).
- **African countries account for many land acquisition deals.** Of concluded deals, over 50% are in Africa. Roughly 17 million has of land deals were in Asia, mainly concentrated in Southeast Asia. Fewer than 10 million has are in Latin America (Anseeuw et al, 2012).
- Although LSLA has been recorded in 84 countries, **deals are concentrated in fewer than 20 countries.** Analysis of current Land Matrix data indicates that just ten countries were involved in 64% of the deals. The two countries with the most land under concluded deals are in Southeast Asia (Papua New Guinea and Indonesia); however, six African countries are in the top ten (South Sudan, Democratic Republic of Congo (DRC), Mozambique, Liberia, Sudan and Sierra Leone).
- Certain parts of the world attract investors from particular countries and regions. Contrary to media reports focusing on Chinese and Gulf country investors, **most foreign investors in Africa are European and North American**, particularly from the UK, Scandinavian countries, Netherlands, the US and Canada (Schoneveld, 2011; Land Matrix, 2013). Indian companies are involved in several investments in Africa. Asian investors are more important in Asian countries, with much of the investment in Laos and Burma coming from China. Most land acquisition in Indonesia is by domestic companies.
- Both transnational and local buyers are involved in LSLA. While international buyers have been behind some of the most well-known deals, **national investors have also leased land**, intending either to develop it or to hold it with a view to selling it later.

<sup>3</sup> Stakeholders, including governments, companies, researchers and citizens, are encouraged to submit data on land deals to the Land Matrix. The data is checked with ILC partners and given a reliability score.

<sup>4</sup> Please note that the figures cited in the Land Matrix have been updated as more information has become available. The 2012 figure of 83 million has has been revised to 32.5 million ha for 2013, and subsequently to the 31.8 million has cited in Table 1.

<sup>5</sup> By Global Hunger Index measurements.



- **Most LSLA deals are in agriculture.** Although deals also concern land for forestry, mining, conservation, tourism and other sectors, deals relating to agriculture are the largest by size and number (Schoneveld, 2011). In agricultural deals, there is some uncertainty surrounding the objectives. Crops, sometimes referred to as ‘flex crops’ because they can be used for both food and biofuels (soya beans, sugar cane and oil palm), account for 23% of concluded deals (Land Matrix, 2014). Although only 11% of deals globally are for growing crops solely for food, when flex crops and other multiple-use crops are included, concluded agricultural deals account for 68% (ibid). Recent analysis confirms that food crops are the main reason for investment: 290 concluded deals (amounting to 8.2 million has) have targeted food production. Of these 290 deals, 194 investors have started production on at least some of their concessions (Land Matrix, 2014). Biofuels are the next most important reason for investment, with 186 concluded deals covering 6.6 million has (ibid). Biofuels were a major driver of investment from 2005 to 2008. However, enthusiasm for one important biofuel crop – jatropha – has fallen, and many jatropha projects have folded or switched to producing other crops. By crop category, European investors have also been particularly active in biofuel investments, while Asian investors have been active in oil palm deals both in Southeast Asia and West Africa.
- There is **little evidence that foreign companies seeking to acquire land have targeted countries with poor governance.** Several studies have investigated whether countries with poor governance profiles (measured by World Governance Indicators) have attracted more investment than countries with better governance (Azreki et al, 2011; Anseeuw et al, 2012; Oxfam, 2013). Although deals have been made in countries with poor governance, a more important driver is host governments which seek to attract large-scale commercial agriculture (Schoneveld, 2011). From an investment perspective, there is a strong case for investors to seek a secure environment when leasing land: The Munden Project (2013b) suggests that business risks related to land are higher in countries where tenure rights are contested.
- **Land allocated to investors by governments may have existing claims from local communities.** The Munden Project (2013a) found that 31% of land granted to concessions in 12 emerging economies overlapped with demarcated local territory. The huge investment risk resulting from the overlap of concessions with demarcated land is a phenomenon across all emerging markets, not just those with poor governance (ibid). Overlapping claims to land are also a potential source of conflict.
- **A substantial number of deals involving land leases have subsequently failed.** Where local communities were resettled from land, but have received no compensation for income lost, have not been given jobs that were promised as part of the resettlement conditions, and have not been able to re-occupy land, the risk of negative impacts is high.

## Drivers of large-scale land acquisition

Several factors drive LSLA:

- **Increasing demand for food and agricultural commodities.** Demand for food, animal feed and vegetable oil from growing middle-income countries (especially China and India) is rising. Conventional and institutional investors are attracted by the potentially high financial returns from land and agricultural production relative to other assets.
- **Growing demand for biofuels.** Biofuel policies in developed and developing countries provide incentives to invest in land for biofuel production. EU member states have committed to increasing the proportion of biofuel in their transport fuel and energy mix. The Renewable Energy Directive and Fuel Quality Directive initially



assured investors that demand for biofuels in European markets would rise. Sourcing biofuels from developing countries which had preferential trade agreements with the EU, including many African countries, made investments in biofuels attractive. High oil prices in 2007-008 made biofuel production profitable even in the absence of biofuel policies. Where production of biofuel feedstocks has replaced other crops, this may have led to large-scale land acquisitions for the production of the crops that were displaced.

- **Food price volatility, profits and risks.** Volatile food prices make being in control of food production and land attractive:
  - For companies trading in commodities, volatile food prices create an incentive to vertically integrate their operations backwards into commodity production. Investing in land to produce commodities offsets the rising cost of purchasing them (Deininger et al, 2011a).
  - For governments of food-importing, land-scarce countries, the food price spike raised the prospect of instability in both world food prices and food availability. This instability could have damaging consequences on local food supply, inflation and political stability (ibid).
- **Water acquisition.** The agricultural operations foreseen in land deals require access to water. Although contracts for land may make no mention of water extraction, water rights are effectively bundled together with land deals (Smaller & Mann, 2009). Investors usually choose areas with good access to ground water or rivers. Local people depend on these water sources and increasing extraction threatens to lead to conflict (Mehta et al, 2012). Data on the amount of water appropriated under land deals is disputed more than data on the area of land acquired (Rulli & D'Odorico, 2013; Scoones et al, 2013). Water researchers indicate that the seasonal variability and timing of extraction are more important than absolute amounts (e.g. Hertzog et al, 2012).
- **Environmental assets.** Distinct from deals aimed at agricultural production, new markets for environmental commodities, including carbon and biodiversity offsets, also alter rights of access to and activities on land. Growing markets for carbon credits spurred interest in securing land for afforestation projects in several countries. In addition to the long-standing restriction on access associated with conservation areas, government-promoted ecotourism initiatives have also led to investments in infrastructure and activities that conflict with existing land use (Fairhead et al, 2012).
- **Investment policies and regulations.** Many developing countries have actively sought investment in agriculture, including LSLA. Economic liberalisation throughout the 1990s led to increasingly relaxed foreign investment codes in many African countries. Some countries, like Mozambique and Tanzania, have designated corridors for large-scale, capital-intensive agriculture and provide government support to facilitate investment. Preferential tax policies to attract agricultural investment are common in many countries. Low investment in agriculture in Africa continues to be a commonly cited reason for low levels of productivity, high levels of poverty, and food insecurity. Changes in financial regulations that have placed position limits on non-commercial traders<sup>6</sup> in agricultural markets have led to the growth of highly capitalised funds that can make large investments in production and trading companies (Clapp, 2014). Both commodity index funds that invest in agriculture markets to hedge against volatility in the rest of their portfolio, and farmland funds that seek profits through re-leasing land to agriculture operators, have become interested in developing-country agriculture in recent years (Buxton et al, 2012; Miller, 2010). The growing financialisation and specialisation of the agricultural investment market has made investing in developing-country land and agriculture

<sup>6</sup> Non-commercial traders enter markets for speculative purposes, holding only positions in futures contracts.



viable for a wide range of investors, including individual investors, hedge funds and pension funds.

## Potential risks, costs and benefits from large-scale land acquisition

The debate on large-scale land acquisition revolves around how to enhance benefits and minimise risks, particularly regarding secure tenure and the welfare of rural populations, and the best ways to do so. There is a tension between advocating investment to promote growth, and respecting existing legitimate tenure rights and pro-poor growth. The debate is highly polarised and often ideological on both sides.

## Evidence of risks, costs and benefits

There is a large body of research investigating the individual and aggregate impacts of recent land deals. Researchers have examined contracts for land deals to assess the consistency of terms with the law (Cotula, 2011; Deininger et al, 2011a), and have also scrutinised how they affect local people's access to resources and the wider social, economic and environmental impacts (for more information, please consult the Land Deal Politics Initiative (LDPI), Future Agricultures Consortium (FAC) and Oakland Institute websites).<sup>7</sup> A recent systematic scoping review of literature on impacts of land deals in Africa identified 170 studies (Oya, 2013).

The quality of some of the studies exploring the social impacts of land deals has attracted some attention among commentators. While peer-reviewed, academic contributions have become more available since 2011; earlier contributions largely came from NGOs that were simultaneously running large advocacy campaigns against land grabbing. Many studies use research designs that do not capture impacts across the population of affected people, nor allow comparisons between situations before and after the investment (ibid). Additionally, as this literature is written in the context of polarised debates on the relative merits of different approaches to organising food production and processes of agrarian change, it can be challenging to establish how far individual contributions reflect researchers' positions on these wider debates rather than identified impacts from LSLA.<sup>8</sup> In many cases, access to land has clearly been lost or restricted because of projects; however, it is less clear that all of these have resulted in negative impacts on other dimensions of livelihoods, including food security (Tanner, 2013).

Difficulty in observing impacts also arises because many planned projects have failed or have not been implemented. It is hard to assess if the largely negative outcomes in these cases would have been reversed over time, when more of the benefits could have been expected to materialise.

## Expected and observed impacts

The social, environmental and political costs and benefits of large-scale land acquisition are diverse and highly context specific. Analysis of some of the projects that were implemented show some positive outcomes for certain groups, but also that benefits are not spread evenly within affected communities, and that some people lose out. The impact of projects

<sup>7</sup> Two conferences organised by the Land Deal Politics Initiative (LDPI) in collaboration with the DFID-funded Future Agricultures Consortium in 2011 and 2012 generated research examining specific land deals. Some of this research was funded under an LDPI small grants programme.

<sup>8</sup> Much of the academic literature on the benefits and risks of LSLA is linked to wider debates on the benefits of small- versus large-scale farming models. The Topic Guide on Agriculture and Growth (Ellis, 2013) presents a discussion of these issues.

that failed prematurely on local communities is less clear, but in cases where land is transferred out of community control reports frequently cite obstacles to reclaiming and using this land.

Researchers, NGOs and development practitioners have identified a range of potential benefits, costs and risks, which are listed in the table below.

	Potential benefits	Potential risks and costs
<b>Incomes</b>	<p><b>May rise if:</b></p> <ul style="list-style-type: none"> <li>Jobs are created in plantations and supplier firms.</li> <li>Households are contracted to sell crops to investors, e.g. through outgrower schemes.</li> <li>Households can sell other goods to plantation employees.</li> <li>Households are well compensated for loss of land and resources.</li> </ul>	<p><b>May fall if:</b></p> <ul style="list-style-type: none"> <li>Households no longer have access to the products they sell, e.g. forests and fields where saleable products grew are converted for commercial crop production.</li> <li>Households incur higher costs or take on debt as circumstances change, e.g. they need to buy in more of their food, but their earnings do not increase.</li> <li>Households are not properly compensated for losses.</li> </ul>
<b>Access to land and <i>in situ</i> natural resources important to food security</b>	<p><b>May improve if:</b></p> <ul style="list-style-type: none"> <li>Investors help strengthen households' rights to land (e.g. if investors secure land rights for outgrowers).</li> </ul>	<p><b>May worsen if:</b></p> <ul style="list-style-type: none"> <li>Households lose rights to access land and other resources (watercourses, forests). If consultation is inadequate, the degree to which communities depend on these is often under-appreciated and not properly compensated for.</li> <li>Competition for surface or ground water intensifies, or commercial production pollutes water needed for food production.</li> </ul>
<b>Access to new infrastructure, inputs, and human capital</b>	<p><b>May improve if:</b></p> <ul style="list-style-type: none"> <li>Investors or government build rural roads and irrigation infrastructure, supply power, and provide schools and hospitals.</li> <li>Households are able to access agrochemicals and machinery that raise production at low cost.</li> <li>Households learn and apply new farming techniques from their contact with investment projects.</li> </ul>	<p><b>May worsen if:</b></p> <ul style="list-style-type: none"> <li>Households are cut off from roads or settlements because investment projects block access.</li> </ul>
<b>Social and gender dynamics within communities</b>	<p><b>May improve if:</b></p> <ul style="list-style-type: none"> <li>Relations with communities are structured to ensure job and income opportunities for women and vulnerable groups.</li> </ul>	<p><b>May worsen if:</b></p> <ul style="list-style-type: none"> <li>Relations with communities lead to changes that disadvantage women and vulnerable groups.</li> </ul>

Table 2 Range of potential benefits, costs and risks



All of these positive and negative effects are observed in different situations; however, reviews of many cases find that negative outcomes are more common than positive ones (Anseeuw et al, 2012; Ochieng Odhiambo, 2011; Oya, 2013). Perhaps the most important indicators for predicting the positive outcomes of investments are new jobs and the quality of those jobs (compared to alternatives). However, this is not always prioritised in research (Li, 2011; Oya, 2013). One common trend is that investments often provide fewer jobs than initially promised and instead depend heavily on casual labour. Whether or not the opportunities provided are better than alternatives is likely to differ case by case and to depend on local contextual factors (Oya, 2012; Smalley, 2013).

## Factors affecting risks, costs and benefits

The literature identifies several factors that partially determine the risks and the extent of costs and benefits. The type of **business model** adopted can substantially influence the level and distribution of benefits, costs and risks among the local community and host country. Models for structuring agricultural investments other than large-scale plantations include diverse types of contract farming schemes, joint ventures, management contracts, community leases, and new supply chain relationships (Cotula & Leonard, 2010; Karlsson, 2012). A review of the Commonwealth Development Corporation's portfolio (Tyler & Dixie, 2013) found that nucleus estate models were the least risky and provided financial sustainability with positive social returns, although this was also attributable to the crops involved. Other characteristics, including an initial design that was appropriate to geographic and market conditions and an ability to change and adapt, were also important.

However, positive and negative impacts are often observed in plantation, outgrower and other types of investment, indicating that other factors play an important role. Smalley (2013) identified key factors that affect outcomes in literature on plantations, contract farming and commercial farming areas:

1. **The terms of contracts or employment**
  - a. *Permanent, casual, seasonal or piecemeal.* Workers benefit from longer employment contracts, and contracts that do not require them to work long hours to meet their basic needs.
  - b. *Who is paid, how often, and if in cash or in kind.* Workers benefit from prompt cash payments as they do not need to borrow or forego spending. Paying women directly for their work often leads to more spending on food for the household.
  - c. *Rules that limit farmers from growing other crops or taking other jobs.* Workers benefit from being able to grow their own crops or take on other jobs that add to their resources.
2. **The behaviour of the employer or buyer.** This is especially important where employment laws or conditions are weakly implemented. Where employers hire local workers rather than migrants, this ensures benefits go to the local community. Similarly, how much companies prioritise the welfare of employees and local communities can have important implications. For example, if they build public infrastructure or offer to provide employment benefits to workers, local communities benefit more than if they did not. How willing or able companies are to supply these benefits is likely to be closely linked to the financial constraints and investment horizons of project funders.
3. **Crop characteristics and farming practices.** If the crops that outgrowers are contracted to grow conflict with existing farming systems and seasonal demand for labour and other inputs, negative outcomes are more likely to follow. In contrast, if contract crops need labour during slack seasons, or if buyers give farmers inputs they can use on other crops, farmers are likely to benefit.

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4. **Legal and policy institutions.** If outgrowers or workers can organise themselves and bargain collectively, they are more likely to negotiate more beneficial working conditions than if they are prevented from doing so. Also, if government agencies charged with overseeing labour and contracts have the capacity to carry out regular inspections, workers are likely to face lower risks of exploitation.
  5. **The local context.** Local economic factors, such as existing local markets and how well they function, determine if employees or producers have alternative job opportunities. Social factors, such as prevailing power structures and values and norms, can determine if women benefit to the same degree as men.
  6. **Migrant employment.** If a significant portion of the work force is migrant labour this can also affect the local economy. For example, if migrants rely heavily on local markets, this can stimulate the local economy. However, if migrants send a large portion of their earnings home, positive spillovers to the local economy will not be large.

Differences between outcomes of deals between or within different parts of countries may also partially determine the prevalence of land deals, as well as their oversight and outcomes. Prominent differences may be found in the following areas:

- **Land tenure systems.** Systems of land tenure and control of land by local actors play important roles in how land is made accessible. In some countries, the government executive can allocate land with little contestation; in others, local chiefs or local government institutions are more important. Features of tenure systems that limit the discretion of powerful individuals to reallocate land, including statutory recognition of community land holding, may enable communities to maximise benefits and provide a stronger negotiating position. Mozambique's Community Land Initiative (iTC) and community-investor partnerships provide some encouraging examples. However, national laws may be defied by powerful individuals where governance is weak.
- **Government capacity and attitudes.** There is a severe lack of capacity within governments in developing countries to assess business plans and the robustness of investors themselves, or to follow up on investors' plans. This can allow lower-quality investors in and can increase the possibility of failure or unfulfilled promises.
- More broadly, the attitudes of key government figures towards investment, the autonomy of decision makers across government to sanction the conditions of deals, and the degree to which citizens can hold the government to account over decisions are likely to affect the scale and oversight of land deals, and whether conditions that benefit local people are imposed, monitored and enforced.
- **The cost of land.** Land does not cost very much in many 'land-rich' African countries because of exceedingly low land rents and taxes, which do not adequately reflect the true value of the land to the users. This means that companies can hold onto large areas of land without having to think too closely about the cost of doing so.

### Further reading and resources

There is now a wealth of material analysing large-scale land acquisitions; not all can be listed here. The following references from academic journals, reports and websites are a good place to start finding out more on their framing and impacts.

- The [Land Matrix website](#) provides tools to examine and analyse data on land acquisitions globally. The consortium behind the project issues updates on the information and analyses of global trends in the [announcements section](#) of the website.



- Papers in a recent [special issue of the Journal of Peasant Studies](#) (Volume 40, Issue 3, 2013) discuss the methodological challenges of collecting and analysing information on land acquisitions. The special issue also includes papers discussing some of the challenges in analysing reports of impacts.
- Other recent special editions of journals analyse findings from research across multiple land acquisitions, and highlight emerging trends and themes, including new markets for biofuels, environmental goods and water acquisition. These include the following:

### **General trends and governance**

Borras, S. M. et al. (eds.) (2011) 'Towards a better understanding of global land grabbing: an editorial introduction', *The Journal of Peasant Studies*, 38(2), p209-216.

Edelman M. et al. (eds.) (2013) 'Special issue: global land grabs', *Third World Quarterly*, 34 (9). Available at: <http://www.tandfonline.com/toc/ctwg20/34/9>

Margulis M. E. et al. (2013) 'Special issue land grabbing and global governance', *Globalizations*, 10(1). Available at: <http://www.tandfonline.com/doi/abs/10.1080/14747731.2013.764151>

White, B. et al. (2012) 'The new enclosures: critical perspectives on corporate land deals', *Journal of Peasant Studies*, 39(3-4). Available at: <http://www.tandfonline.com/toc/fjps20/39/3-4>

Wolford, W. et al. (eds.) (2013) 'Governing the global land grab: the role of the state in the rush for land', *Development and Change*, 44(2).

### **Biofuels**

Borras S.M. et al. (2010) 'Biofuels, land and agrarian change', *Journal of Peasant Studies*, 37(4). Available at <http://www.tandfonline.com/toc/fjps20/37/4>

### **Markets for environmental goods and services**

Fairhead J. et al. (2012) 'Green grabbing: a new appropriation of nature?', *Journal of Peasant Studies* 39(2). Available at: <http://www.tandfonline.com/toc/fjps20/39/2>

### **Water**

Mehta, L. et al. (eds.) (2012) 'Water grabbing? Focus on the (re)appropriation of finite water resources', *Water Alternatives*. Available at <http://www.wateralternatives.org>

- The IIED has published many briefings, reports and books on investments and legal frameworks of land deals. These are available at: <http://pubs.iied.org/search.php?c=land>
- Reports published by international organisations, including the World Bank and the Food and Agricultural Organization of the United Nations, include:
  - The FAO's 'Investments in agriculture' [webpage](#) publishes work that it has done, including a recent review of case studies FAO. (2013) *Trends and impacts of foreign investment in developing country agriculture: Evidence*



from case studies. Rome. Available at:  
<http://www.fao.org/docrep/017/i3112e/i3112e.pdf>

- Researchers at the World Bank wrote an influential report in 2011. Deininger, K. W. et al. (2011) *Rising global interest in farmland: can it yield sustainable and equitable benefits?* Washington, D.C. Available at:  
[http://siteresources.worldbank.org/INTARD/Resources/ESW\\_Sept7\\_final\\_final.pdf](http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf)



# SECTION 2

## Reactions to rising interest in land at the national and international level

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There have been several reactions to the rising interest in farmland. There are moves to improve the provision of and access to more accurate data on large-scale land acquisitions, coupled with national, regional and international initiatives to provide guidelines to (1) enhance security of tenure and (2) promote good quality investment that maximises the benefits of land-based investment and minimises the social risks.

### Monitoring

A first response to addressing LSLA has been to improve the monitoring of the sector. As discussed above, there have been several efforts to document and analyse LSLA at the international and national levels. The best known attempts to continuously monitor land deals are the Land Matrix and GRAIN, but several NGOs, such as ActionAid and the Oakland Institute, also monitor land deals at the country and global level. Several major stock-taking reports have been influential (Deininger et al, 2011a).

In addition to the international databases that offer a global picture of land acquisitions, civil society organisations (CSOs) have set up country-level platforms. Due to the fact that they have a narrower focus, these are potentially more accurate as they can respond more rapidly to new information. Open Development Cambodia has perhaps the most advanced system for collecting and publicising information on land concessions through an online database. Websites, like [Let's Talk Land Tanzania](#), are other examples.

The ILC has a network of Land Observatories that monitor land deals independently of government. These provide independent information on land concessions and the geographical context of the deals. The ILC website allows users to overlap maps showing population and natural resource distribution with a map of the concessions. So far, pilots have been set up in Peru, Madagascar, Cambodia and Laos which are being managed by local CSOs.

While such mapping exercises are an important starting point for assessing the scale and extent of large-scale land acquisitions, there is a need to document particular case studies to reflect the process and drivers behind land deals, as well as their impact. Case studies need to be complemented by the capacity to synthesise lessons learned to inform policy.

### Key international and regional initiatives

The need for good governance in the land sector was first raised in the EU's 2004 Land Policy Guidelines. Since then, the focus on good governance has increased (FAO, 2007; DFID, 2007; French Development Cooperation, 2008; Deininger et al, 2011b; CFS, 2012). The discussion on land governance brings two issues to the fore. Firstly, how institutions can technically carry out the work of land titling, registration and administration. Secondly, how decisions on land are made – who participates in land decisions and how competing interests in the social and economic functions of land are reconciled.



A range of interventions deal with legal and institutional frameworks, including:

- contributing to the design of land policies;
- encouraging governments to stimulate the participation of stakeholders;
- establishing or improving dispute resolution mechanisms;
- reforming justice systems;
- building capacity, including training and establishing more transparent and efficient land management institutions.

## FAO voluntary guidelines

The most prominent set of guidelines for land governance are the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs). These were endorsed by the UN Committee on World Food Security (CFS) in May 2012 (FAO, 2012b). The Guidelines were developed through a broad global partnership of international, regional and national organisations of different types that worked together to achieve global changes in governance of tenure. The Guidelines were developed and negotiated among CFS member states, following an inclusive process involving a series of consultations and negotiations.

The VGGTs are the first internationally drafted and endorsed principles on the governance of tenure. The principles include advocating for secure tenure rights and equitable access to land. They are based on the human Right to Food (RTF) and are structured to promote sustainable social and economic development that can help eradicate poverty and food insecurity with a particular focus on smallholders (FAO, 2012b, clause 12.3). The VGGTs lay out the principles by which governments, investors, communities and CSOs should operate and advise on laws, procedures and tools to ensure that land tenure addresses security of tenure and equitable distribution of land. Non-state actors (including business enterprises) are also deemed to have a responsibility to respect human rights and legitimate tenure rights.

The VGGTs include, but are not restricted to, a focus on the transparency of tenure systems, seeking to enhance the transparency and improve the functioning of tenure systems, to strengthen the capacities and operations of organisations concerned with tenure governance, and to promote cooperation. They seek to protect the rights of existing land holders and guard against “undesirable impacts on local communities, indigenous peoples and vulnerable groups that may arise from, *inter alia*, land speculation, land concentration and abuse of customary forms of tenure” (FAO, 2012b, clause 11.2).

The VGGTs propose that states and other parties promote transparency in the land sector by ensuring that “information on market transactions and information on market values are transparent and widely publicised, subject to privacy restrictions” (ibid, clause 11.4). Another mechanism or tool is that “[s]tates should establish appropriate and reliable recording systems, such as land registries, that provide accessible information on tenure rights and duties in order to increase tenure security and to reduce the costs and risks of transactions” (ibid, clause 11.5).

The VGGTs also spell out guidelines for the process of [large-scale] land (tenure rights) transactions, emphasising that these should be conducted in a participatory and informed manner, with contracting parties providing comprehensive information to those involved, ensuring that the resulting “agreements are documented and understood by all who are affected” (ibid, clause 12.11). Consultation and compensation are included, but the need for free, prior and informed consent (FPIC) is restricted to indigenous peoples, and thus is not



applicable to the majority of affected citizens, particularly in Africa. While there is pressure from NGOs for FPIC to be generally applicable where land changes hands, DFID adheres to the agreements enshrined in the VGGTs.

Finally, the VGGTs highlight the need for “different parties to conduct prior independent assessments on the potential positive and negative impacts” when large-scale, land-based investments are involved (ibid, clause 12.10).

Rollout of the VGGTs has now started, under the leadership of the FAO, which is also preparing a number of implementation guides. Three guides for gender, forestry and FPIC are already available; another, on responsible agricultural investments, is expected to be published in the coming months. Others will be prepared in the future on rangelands, the legal implications of the VGGTs, how the VGGTs should change local tenure administration systems and other issues.<sup>9</sup>

The FAO has also prepared a range of online tools to support dissemination and implementation of the VGGTs.<sup>10</sup> To date, there is little evidence that countries that have signed up to the VGGTs are implementing them at the country level. However, there is increasing recognition of the VGGTs at both the international and national level, and their implementation is being incorporated into donor programmes to support the land sector.

### ***The role of the CFS***

The CFS was established in 1974 as an inter-governmental body to serve as a forum in the United Nations system for review and follow up of policies concerning world food security. The CFS-led intergovernmental negotiations on the VGGTs involved multi-stakeholder discussions, including participants from international agencies, CSOs, private sector representatives and research institutions.

The CFS has the core mandate for monitoring and reporting on VGGT progress (ibid, clause 26.4).

## **Principles of Responsible Agricultural Investment (PRAI and rai)**

An initiative from FAO, IFAD, UNCTAD and the World Bank Group (World Bank et al, 2010) established a set of Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources – the PRAI – which provide voluntary guidelines for investors in agricultural projects. These principles built on research into foreign direct investment in agriculture and various international commitments, including the VGGTs, the Equator Principles, and the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises and the Voluntary Guidelines on the Right to Food. However, these principles were not endorsed by the CFS. In addition, objections were voiced by CSOs that the process was not inclusive and that the starting point of the guidelines was in favour of international investment in land rather than alternative mechanisms which focus more generally on smallholder productivity and food security.

This process was replaced by a CFS-led one to develop the principles for responsible agricultural investments in the context of food security and nutrition (rai) (CFS, 2012). This process is viewed as being highly consultative and inclusive and a zero draft of eight principles has been produced. These principles identify desired outcomes for agricultural investment and criteria for how they could be achieved. Consultations are ongoing, with

<sup>9</sup> See <http://www.fao.org/nr/tenure/information-resources/en/> for information on current and forthcoming implementation guides.

<sup>10</sup> For more information, see <http://www.fao.org/nr/tenure/voluntary-Guidelines/en/>.



regional consultations to be completed after February 2014. The final draft is to be agreed by mid-2014 at the latest, for global endorsement at CFS41 in October 2014.

## Land Policy Initiative and the African Union (AU) Framework and Guidelines for Land Policy

The Land Policy Initiative (LPI) is a joint programme of the African Union Commission (AUC), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB) that was established in 2006. The programme is governed by a steering committee, while a joint secretariat implements day-to-day activities. The secretariat is assisted by the UNECA African Task Force on Land.

The LPI originally focused its efforts on developing the African Union Framework and Guidelines with a view to “strengthening land rights, enhancing productivity and securing livelihoods for the majority of the continent’s population” (African Union et al, 2010, p xv). The Framework and Guidelines also stress the need for a “fully gendered, informed and participatory mobilization and continuous engagement of all stakeholders in the land and related sectors at all stages of policy development, implementation and review” (ibid, p41).<sup>11</sup>

The LPI received a mandate from the AU to use the Framework and Guidelines in support of national and regional land policy processes, and to assist AU member states in developing or reviewing their land policies, as well as implementing and evaluating them. As such, the LPI Secretariat is tasked to make available land-related information, to build the capacity of member states and other stakeholders in using the Framework and Guidelines, and to improve networking and lesson sharing among African experts across the continent.

## G8 land transparency initiative

Despite efforts by Land Matrix to collect and publish information on land deals, there continues to be a dearth of accurate, live information on the nature of these deals and their impact on host countries and their citizens. In many cases of LSLA, there has been no public disclosure of information on the terms and conditions of the deal for the land acquired in developing countries, and media reports have often been the sole source of information available. The lack of publicly disclosed information is attributed to several main factors (Locke & Henley, 2013; Transparency International, 2013):

- Deals are conducted in closed settings and are struck by different government bodies; therefore, information on deals is not well coordinated across government and is difficult for outsiders to access.
- Developing countries often lack a well-functioning land administration system that records and maintains up-to-date information on land transactions. This can be compounded by corruption, which thrives on opaque systems. In the 2013 Corruption Barometer (Transparency International, 2013), one in five people around the globe reported that they had paid a bribe for land services.

At the 2013 G8 Summit, hosted by the UK at Lough Erne in June 2013, world leaders highlighted the need for greater transparency and accountability on land, open data and extractives, and pledged to work towards achieving this. The G8 in 2013 launched a ‘Land

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<sup>11</sup> A swift comparison of the VGGTs with the African Union Framework and Guidelines revealed that the two sets of guidelines are very similar. However, there may be a slight difference in emphasis: while the VGGTs prioritise protecting legitimate tenure rights, the AU Framework and Guidelines focus on maximising investment for growth while minimising right infringements.



Transparency Initiative' with country pilot partnerships in seven developing countries (Tanzania (UK), Nigeria (UK), Burkina Faso (USA), South Sudan (EU), Namibia (Germany), Niger (EU) and Senegal (France)) to implement the VGGTs and, more broadly, strengthen land governance and property rights. The intention is to add further partnerships over time, possibly to broaden and deepen the concept. How the partnerships will report on progress and demonstrate accountability is being worked out.<sup>12</sup>

The Locke and Henley (2013) report, commissioned by DFID, analyses lessons for a possible land transparency initiative (LTI) from five existing voluntary transparency initiatives covering a diverse range of issues and including features that an LTI might share. These five initiatives are the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST), the International Aid Transparency Initiative (IATI), the Open Contracting Partnership (OCP),<sup>13</sup> and the Making the Forest Sector Transparent (MFST) programme.

This report identified lessons that an LTI would need to take into account. The main lesson is that transparency is not an objective in itself, but a means to an end that requires a set of underlying conditions to move from provision of information to greater accountability to meaningful change. Four conditions are key:

- Data should be of high quality, openly available and in an accessible, widely used format, although this can often be the main factor causing problems of transparency.
- Clear indicators of success and a monitoring system need to be established from the start, with flexibility to adapt these as needed as the initiative evolves.
- Meaningful consultation and participation are key and need adequate time and space to develop.
- A clear institutional structure for governing an LTI needs to be set up with distinct roles and mandates at international and national levels.

The possible objectives of an LTI are to improve the impact of land investments on poverty alleviation and food security in developing countries and to increase security of tenure and transparency of land governance.

## Global donor working group

A global donor working group on land, of which the UK holds the inaugural chair, was created in 2013 to support improved delivery in a “climate of heightened attention, need and awareness of existing challenges and lessons”.<sup>14</sup> The working group is supported through the secretariat of the [Global Donor Platform for Rural Development](#) and plans to improve the sharing of information and coordination of donor activities.

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<sup>12</sup> For more information on the partnerships, please refer to: <https://www.gov.uk/government/news/g8-and-developing-countries-will-work-together-to-improve-transparency-around-use-of-natural-resources>. See also the 2013 G8 Communiqué (paragraphs 43–45): <https://www.gov.uk/government/publications/2013-lough-erne-g8-leaders-communication>.

<sup>13</sup> Formerly called the Open Contracting Initiative.

<sup>14</sup> For more information, please consult: <http://www.donorplatform.org/land/interviews/1075-iris-kreber-on-the-global-donor-working-group-on-land.html>.



## Land Governance Assessment Framework (LGAF)

The World Bank's LGAF<sup>15</sup> was developed in 2011 (Deininger et al, 2011b). It aims to provide a quick and innovative tool to monitor land governance at the country level, covering five main areas for policy intervention: legal and institutional framework; land use planning, management and taxation; management of public land; public provision of land information; dispute resolution and conflict management. The LGAF assesses these areas through a set of 21 land governance indicators that are rated on a scale of pre-coded statements (from lack of good governance to good practice). It is intended to be fully country owned and can provide a self-assessment tool which can then also serve as baseline to monitor future progress.

## Land post-2015

The report of the High Level Panel of Experts (HLPE) on Food Security and Nutrition post-2015 indicated that post-2015 goals should include a target for land and poverty and women. "The new agenda must tackle the causes of poverty, exclusion and inequality.... It must establish and enforce clear rules, without discrimination, so that women can inherit and own property and run a business, communities can control local environmental resources, and farmers and urban slum-dwellers have secure property rights" (HLPE, 2013). "Women and girls asked in particular for protection of their property rights, their access to land, and to have a voice and to participate in economic and political life" (ibid).

## NGO campaigns

Several NGOs have also launched campaigns on improving land rights for those affected by large-scale land acquisition, such as Oxfam, Global Witness, ActionAid and Namati.<sup>16</sup> Some of these have targeted particular institutions, such as the World Bank or businesses.

Overall, land governance initiatives focus on rights protection, land tenure security and livelihoods. However, it is not clear how they interact and whether the investment efforts advanced by the organisations participating in these initiatives prioritise these issues to the same extent. The private sector has commented on the wide array of initiatives and codes, which can be confusing and costly for businesses to follow and fulfil.

## National initiatives – the case of Mozambique

Even prior to international focus and action on LSLA, several countries took steps to improve their information base and oversight of the process.

In Africa, Mozambique took the lead with a shift in the position of the Mozambican government in relation to the way that large-scale projects should be evaluated (Locke, 2009). While the Mozambican government remained keen to encourage new investments, there was a move away from purely facilitating investment towards selecting good quality, sustainable investments.<sup>17</sup> This was facilitated by the introduction at the end of 2008 of

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<sup>15</sup> For more information, please consult:  
<http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTPROGRAMS/EXTARDR/EXTLGA/0,,contentMDK:22793966~pagePK:64168427~piPK:64168435~theSitePK:7630425,00.html>

<sup>16</sup> See Oxfam's [GROW](#) and [Behind the Brands](#) campaigns; Global Witness's [campaign](#); ActionAid's [Land Grabs](#) campaign; Namati's [Land Protection](#) programme.

<sup>17</sup> The increased demand for land highlighted the need to be cautious in the allocation of land, a factor which suddenly appeared to be much scarcer than previously thought. It also revealed



Investment Guidelines applied to large-scale projects of more than 10,000 hectares (see the [case study on Mozambique](#) for more information).

Another tool used by the Mozambican government was the introduction of a moratorium on approvals of requests for areas of land above 1,000 hectares. Introduced in October 2007 for six months, the moratorium was intended to provide breathing space for the government to gather information on existing land rights allocations and potentially available land through a land zoning exercise at a scale of 1:1,000,000. This freeze was lifted in May 2008 when the initial land zoning exercise was completed; investment applications have continued and are subject to more coordinated guidelines for reviewing investment proposals.

The zoning exercise identified just under 7 million hectares of land that were deemed to be available for large-scale projects. Of this area, 3.78 million hectares were judged to be suitable for agriculture, livestock and forestry, on the basis of existing soil suitability maps and rainfall data from the 1980s.

The government subsequently launched a more detailed zoning process, at a scale of 1:250,000 in key provinces where there was more investment interest and activity. This is nearing completion.

The land transparency partnerships agreed during the G8 summit in June 2013 should provide further grounds for initiatives at the national level, including the implementation of the VGGTs.

## Technological innovations for transparency

McClaren (2013) has produced a Topic Guide on technological innovations to promote transparency around land acquisitions and identifies a number of emerging technology trends, including crowdsourcing; free open source systems; cloud computing; web- and mobile phone-based information services; open government policies on data.

Based on the experience to date of projects capturing data around land acquisitions, initial lessons learned include the following:

- Collection of data on LSLA should include a ‘bottom-up’ component of crowd-sourced data from other stakeholders, including those on the ground, rather than relying purely on a ‘top-down’ approach that gathers information from governments and the organisations (local and foreign enterprises and foreign governments) involved in land acquisitions.
- Key to this is empowering communities, supported by NGOs, to directly capture land rights data themselves, using simple technology toolkits that sidestep the lack of mobile phone coverage in remote areas, and pro-poor approaches that are participatory, affordable and equitable.
- Global platforms and sharing platforms that are already used to support other activities (e.g. *Ushahidi*, the open source activist mapping system that is extensively used to support disaster management and recovery) should be used, as they can attract international support and provide early warning systems for land issues.

However, McClaren (2013) warns of a number of critical challenges that need to be resolved to allow such technological innovations to achieve their aims, particularly issues surrounding the authenticity of information, and the sustainability and scalability of initiatives.

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the opportunity that Mozambique had to be more selective than in previous years in which the country felt that investment was hard to attract.



### Further reading and resources

There are several helpful overviews of the Voluntary Guidelines from FAO and other institutions:

The FAO [Governance of Tenure website](#) has an [overview briefing](#) and an [e-learning course](#) on the guidelines.

ActionAid and FIAN International also provide overviews that highlight the strengths and potential shortcomings of the guidelines: ActionAid & IFSN. (2012) *A brief introduction to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*. London. Available at:

[http://landportal.info/sites/default/files/actionaid\\_voluntaryguidelines\\_guide.pdf](http://landportal.info/sites/default/files/actionaid_voluntaryguidelines_guide.pdf)

Seufert, P. (2013) 'The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests', *Globalizations*, 10(1), p181-186. Available at:

<http://www.fao.org/economic/est/issues/investments/en/>



# SECTION 3

## Land reform and policy: types, impacts and risks

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This section focuses on particular land reform issues that are more central to DFID advisers, such as land tenure regularisation and land administration systems. It begins with an overview of the shifting nature of donor interventions in the land sector.

### Donor engagement in the land sector: a brief history

Development agency engagement with land reform and land policy has changed over time. Land redistribution was an integral part of radical agrarian reforms in the 1940s and 1950s in East Asia, and the 1960s and 1970s in Latin America. However, the controversial political nature and complexity of such interventions led to many donors withdrawing from land redistribution.

From the mid-1980s, land tenure became an increasing focus of attention. A significant drop worldwide in opportunities for free access to land and natural resources, concern about land-related conflicts, and increasing poverty levels, particularly in Africa, have made land a predominant issue in international development. This has been reinforced by the increased scale and pace of land acquisitions in land-abundant countries over the past five years driven by the biofuel boom, the global food crisis and increased plantation forestry activity.

During this period, the initial focus of development efforts was on interventions that were perceived to be the more neutral and technocratic aspects of land administration, such as land titling and land information systems. However, policies and approaches have evolved and development agencies have become more involved in land policy reform, often as part of a wider agenda of policy and institutional reform to promote equitable and sustainable development. However, even where there is a clear position on land at the headquarter level of institutions, this does not always translate directly at the country level, as country offices may need to adapt central policy lines to local realities and contexts.

While the sensitive issue of land redistribution is touched on very cautiously by some institutions, it is raised as a possible area of intervention by others, such as the World Bank, which acknowledges it as a “viable investment in a country’s future”, particularly where high inequality exists (World Bank, 2003). Possible interventions include funding the purchase of land for redistribution (EU, 2004b).

### Land policy

Land policy normally encompasses land tenure, use, management and administration. Modern land policy in international development places emphasis on ensuring secure, equitable access to land.



## Land tenure systems and the role of land titling

The most dominant discussion in land policy and land reform revolves around the different land tenure systems that best ensure security of tenure and the role of land titling or land tenure regularisation within this. Previously, there were quite marked differences in donor policy approaches and interventions in the land sector: international finance institutions, particularly the World Bank, placed emphasis on promoting individual, private property rights, while the UN and CSOs emphasised land tenure security under different mechanisms rather than access to land ownership.

However, emphasis is increasingly on secure, equitable access to land under different legal systems and diverse national and local situations, looking at the legality and legitimacy of different institutional arrangements and the role of recorded rights and deeds (World Bank, 2003; EU, 2004a; DFID, 2007; French Development Cooperation, 2008; FAO, 2007; SIDA, 2007). It is recognised that formal land titling may be neither necessary nor sufficient to ensure the security of rights and their subsequent benefits, depending on how land rights are recognised and enforced in a particular context (World Bank, 2003; EU, 2004b; DFID, 2004; Rodrik, 2000). Informal land rights may be secure if they are locally recognised and enforced. Nonetheless, several development agencies and national governments in developing countries have supported large-scale titling programmes over the last five to ten years (see [case study on Rwanda's land tenure regularisation programme](#) supported by DFID and SIDA for more details).

Key attributes of security are clarity of rights and confidence in those rights, associated with certainty, stability and predictability. The “bundle of rights” approach includes the rights to use and transfer land, and exclude others from using it.

Secure land rights are commonly judged to be important for growth and poverty reduction, and can contribute to good governance and social and political empowerment. Such rights are deemed to protect right holders and investors against expropriation, as well provide the incentive to invest and reduce the costs of protecting land against removal. In addition, if rights are clearly defined and predictable, this should facilitate transactions, allowing land to be transferred to those who could use it most productively, increasing productivity (Besley & Ghatak, 2009; Besley & Ghatak, 2010). Finally, secure rights, normally expressed in the form of private, individual, legal titles, are thought to allow title holders access to credit by using them as collateral, promoting investment and increased productivity (de Soto, 2000). Cameron's (2012) discourse on the ‘golden thread’ of development places emphasis on secure property rights, underpinned by mapping and formal cadastre systems.

## The debate on formal titling

The evidence available on the link between secure property rights and development indicates that the literature gives fairly ambiguous results and highly variegated patterns, influenced by context, history, politics, institutions, social relations, etc. (see Locke et al, 2013 for a review of the literature and discussion of the theoretical arguments and evidence). As such, the statements on property rights and development in the ‘golden thread’ (Cameron, 2012) and associated de Soto (2000) narrative are not fully confirmed in the evidence. However, the evidence does not unambiguously reject titling as an option.

### ***Necessary but not sufficient?***

While titling may be useful in certain contexts, people's decisions and ability to invest in land depend on a range of factors outside of land rights themselves, including the initial distribution of wealth, the degree of competitiveness in the financial market and the profitability of agriculture (Locke et al, 2013).



### **...or detrimental?**

On the other side of the debate, there are concerns that land titling programmes undertaken in a macroeconomic context that undermines the viability of smallholders can “induce distress sales of land causing landlessness for many, land concentration and accumulation for few, resulting in increased poverty and inequality” (EU, 2004a). More active land markets may lead to dispossession and limit access to land by poorer households (Vendryes, 2011).

In addition, the process of titling, whereby you award exclusivity of property to a group of people, can be problematic and can lead to rising levels of conflict and violence, which were previously managed and negotiated through community systems (Cousens, *personal communication*).

### **Context is important**

However, titling and the corresponding registry underpinning this may be useful in a number of situations. These include contexts in which land markets are evolving rapidly, involving many people from outside the local community; where farming systems require substantial amounts of capital and require formal titles to access such capital; where urban encroachment is a major threat.

### **Making land titling sustainable**

Where titling is recognised as being legitimate, the sustainability of titling/land registration programmes needs to be considered carefully. Issues of access, affordability and maintenance of a land administration system have become an important focus of discussion in choosing whether or not to opt for land titling (see [Rwanda's land tenure regularisation programme](#)). Sustainability also generates an important debate on the fee structure that needs to be established and the timing of that establishment. If fees are set too high or too early on in the process, this will encourage the growth of the informal market in land transactions, undermining any process aimed at increasing the registration of land titles.

Linked to this, some institutions, particularly the World Bank and the Millennium Challenge Corporation (MCC), advance the need to reform property/land taxation. This has the aim of increasing the financial resources of local authorities in order to ensure or support the sustainability of land registration systems, as well as act as an incentive for the more productive use of land. However, fear of taxation can act as a disincentive for poor people to having their land registered formally.

Where formal titling and registration are a focus of attention, the consensus is that adequate spatial planning tools should be used. Often, this involves the use of remote sensing, backed up by on-the-ground surveying, and the establishment of computerised geographical information systems and land information systems. This can pose important technical challenges for developing countries where the resources and capacity to implement and maintain such systems usually do not exist. Some steps have been taken to adopt simpler systems, which rely on local knowledge of plot boundaries to map plots, for example, in Rwanda's national land titling programme and in Ethiopia (Deininger et al, 2008; Holden et al, 2011).

### **Box 1 Rwanda's experience of land tenure regularisation (LTR)**

LTR in Rwanda was conducted using an eight-step process which was designed to bring land owners, including the state, to first register and title their land. The programme used the 'General Boundary Principle' to demarcate plots. This method uses natural landscape features to record approximate boundary positions – which could be revised if necessary – rather than formal surveying.



Land owners were involved at each stage. They were strongly encouraged to make themselves available for the demarcation process so they could guide the so-called 'para-surveyors' and committees to the location and boundaries of their land, recording objections and disputes. Neighbours and communities were also involved when individuals' plots were being recorded to verify the accuracy of boundaries. Claimants were then free to check the details of these records at any time to ensure the claim had been recorded properly, and they were permitted to file an objection at any point.

Cell Land Committees were established at the village and cell level using pre-existing local government structures. This committee represented the government at the local level in adjudicating who the owner of the land was and in registering any disputes or objections raised.

The LTR programme covered all the country's 30 districts simultaneously, with the target of registering 50% of plots in each district by the end of Year 1. The programme therefore had to upscale its operations very quickly within a limited budget. This was achieved by a combination of innovative and traditional techniques to achieve targets quickly and efficiently. Two key areas of innovation to achieve this were the employment and training of local 'para-surveyors', and use of open source software.

By 2013, 10.3 million land parcels were demarcated and adjudicated, with 81% being approved to title. In total, 8.4 million leases and freehold titles were prepared, with over 5.7 million titles collected by land owners. This was achieved at a cost estimated at between UK£3.42 (US\$5.47) and UK£4.05 (US\$6.48) per parcel. A similar programme in Lesotho achieved titles at a cost of US\$69 per lease; in Kyrgyzstan, a cost per title of US\$10 was achieved.

In terms of the Land Administration System (LAS), all data was uploaded electronically; 23 of the 30 District Land Bureaux were refurbished and all 30 were supplied with necessary electronic equipment. Training programmes in Land Administration, GIS and Surveying, and Land Law were carried out, and a future training programme has been prepared (implementation is subject to funding). In addition, the LAS has been standardised through the Land Administration Manual and sets out the blueprint for Rwanda's LAS for the future.

In general, when the performance and impact of the LTR has been discussed with government officials and civil society, it is considered that the impact on the lives and economic prospects of the poor have been favourable. Adams (2013) found through stakeholder consultation that, while the programme was costly, ambitious and politically sensitive, it was in the interests of the tenure security of the majority of rural land rights holders.

*(Source: Gillingham, 2013)*

### **The role of other forms of tenure**

Land tenure systems may be based on written policies and laws, unwritten customs and practices or a mixture of both (see Pritchard et al, 2013 for a good overview). As multiple legal systems and sources of law exist in the same place, over the same community, at the same time, an inclusive approach requires both recognition of this legal pluralism and an attempt to integrate the different systems of law for legal clarity (ibid, p19). In dealing with land policy, policy advisers should not assume that formal individual titling is the only, or best, way of ensuring security of tenure. Any decision would require cautious and sensitive exploration of different tenure systems in force in a particular country and understanding of the full range of advantages and disadvantages of the each arrangement.



Alternative forms of tenure include:

- **Customary tenure**, defined and implemented through established community rules and processes governing the actions of community members and third parties or ‘strangers’ rather than being sustained by the state or state law (ibid; Alden Wily, 2012). Customary law determines how communities own, use and manage their land and natural resources, and may or may not be recognised by statutory law.
- **Community titling**, extending titling from individuals to communities can be a way of recognising wider social ownership and use of land. However, even this extension can crystallise latent conflicts that have so far been negotiated and managed informally, and needs to be undertaken with caution.
- **Common property resources and pastoralism**. Pastoralist societies pose specific challenges in terms of securing land tenure for users, particularly because of the use and sharing of common resources. Areas that require and support more mobile forms of pastoralism are likely to require different land tenure systems to those that are more agro-pastoral in nature. Several characteristics have been identified as being important in establishing and maintaining land tenure systems for pastoralists (Flintan, 2013; CELEP, 2012):
  - Such systems need to provide enough room for flexibility and adaptation to the many challenges that rangelands and rangeland users are facing, and will continue to face in the future, including climate change.
  - Rangeland use and production over a larger administrative unit (such as a landscape) have proved more effective in adapting to new challenges than smaller units, such as the village level.
  - An integrated participatory land use planning approach provides a mechanism and a process through which local communities can be involved in making decisions on uses of land that they occupy or use.

### Box 2 Customary tenure and community titling in Mozambique

Mozambique’s 1997 Land Law made it possible for customary land rights to be automatically recognised within statutory law, allowing for the occupation of land by individual persons and by local communities in accordance with customary norms and practices, as long as these do not contradict the Constitution (Regulation, Article 9 § 1).<sup>18</sup> The decree also applies to anyone living or working on the land for ten years in good faith before the land law was passed (Regulation, Article 12 (b)).

Under the law, such rights are given legal force irrespective of whether the land is formally surveyed and registered, although communities do have this option. However, in order to strengthen security of tenure, donors developed a programme with government, civil society and the private sector in Mozambique to assist rural communities with securing the community land rights foreseen under Mozambique’s 1997 Land Law.

The Community Land Initiative (iTC) was established in 2006 in the provinces of Manica, Gaza and Cabo Delgado as a pilot programme. It developed into a longer-term programme and is currently being transformed into an independent national foundation. iTC aims to secure the land rights of rural communities by supporting land delimitation and demarcation of specific areas utilised by Producer Associations, a step that is necessary for communities to be able to apply for a formal community title (Quan et al, 2013). It also assists beneficiaries in establishing income-generation and development projects in the areas secured, in partnership with public and private investment projects.  
(Source: Locke, 2013)

<sup>18</sup> See [Mozambique case study](#) for more details.



## Dealing with the gender impacts of land reform

While 60-80% of food in many developing countries is produced by women, women own only a tiny amount of land (1% of titled land in Africa)<sup>19</sup> and often lose their rights to land if they become widowed or divorced (World Bank, 2003).

Land reform often tries to rectify problems of inequality between stakeholders but is not always sufficiently gender-sensitive. The gender impacts and risks of land reform are well articulated in a range of literature (e.g. Behrman et al, 2011; Walker, 2002). This section focuses on what is best practice in foreseeing those impacts, maximising benefits for women and avoiding risks.

The main source of practical information on how to maximise benefits from land reform for women and avoid risks is the FAO's technical guide to support the achievement of responsible gender-equitable governance of land tenure (FAO, 2013a). This guide aims to assist implementation of the Voluntary Guidelines' principle of gender equality.

The FAO guide provides advice on mechanisms, strategies and actions that can be adopted to improve gender equity in the processes, institutions and activities of land tenure governance, and identifies five important elements:

- **A long-term approach to promoting gender-equitable participation in land policy-making processes**, through planning and interventions at various levels, and the involvement of different groups of stakeholders using:
  - *Context analysis*: all stakeholders need to understand the local set of geographical, economic, social and cultural features, as well as the political system and patterns of land use and landholding, so that they can participate in the policy-making process as effectively as possible.
  - *Evidence-based advocacy*: identify potential audiences for advocacy – policy makers, researchers and people at the grassroots – contact and integrate them into the development and dissemination of communication products, strategies and methods.
  - *Training and sensitisation on gender and land*: this is aimed at training women and men politicians and government officials to become effective land policy makers who represent the issues of women and men equally. Ordinary women and men may need special training and support to be able to participate in land policy-making processes.
  - *Multi-stakeholder dialogue*: cooperation and participation of all stakeholders should start from the outset of the policy-making process, and continue throughout the development, adoption and implementation phases, including in the drafting of gender guidelines and in programme design.
- **Translation of policy into law**. In many countries, the presence of different tenure systems creates confusion when different laws and customary norms and practices conflict. In other cases, good land laws may not be applied because regulations, procedural manuals and implementation strategies are lacking. The FAO guide addresses legal issues, such as:
  - *The drafting of laws*, advising that all programmes for land law reform – including those funded by donors – should support the drafting of subordinate laws, regulations and procedures, such as operational and procedural manuals for land registration, that promote an overall gender-equitable approach to law design and implementation.

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<sup>19</sup> Although gendered access is through diverse routes, not just titling (O'Laughlin, 2007).



- *Access to justice*: this varies among different groups of people in every country context, but in many countries, access to land justice for women is limited by cultural, social and institutional barriers. The Guide recommends following UN Women's (2011, p56-63) gender-responsible justice chain that requires actions such as specialised services for women and support for women's participation in the justice sector.
- *Land dispute resolution*, supporting women's increased representation and participation in formal and statutory land dispute resolution mechanisms.
- *Legal support*, through legal aid and practical legal assistance provided by government or CSOs. Civil society and international organisations can also train community paralegals to work on gender issues at the community level.
- **Facilitation of the representation and participation of all women and men in institutions of land tenure governance**, including customary institutions, and the development of the capacities of these institutions. Women are often excluded from participation in the day-to-day processes of land tenure governance at all levels, and have limited capacity to influence decision making.
- **Technical issues of land administration also need gender-sensitive approaches, methods and technologies**. It is important to ensure that all land administration activities mainstream gender equity issues by considering the whole range of gender issues during project design, implementation, monitoring and evaluation, including: land survey, titling and registration technologies that are accessible and gender equitable; fees and charges that do not exclude women; promotion of joint titling and the registration of women as exclusive owners of their land; gender-sensitive land use planning.
- **Good communications are vital to responsible gender-equitable governance of land tenure**. The FAO guide considers the most effective communication strategies and methods and addresses key issues in getting the message across, including gender sensitisation, awareness raising, advocacy, legal literacy and long-term change in values and attitudes.

While these recommendations are core to addressing inequity in gender access to land, it is also important to understand the reasons for the underlying imbalances in power relations, particularly the institutions through which gendered struggles for access to land are realised, and those which are amenable to influencing and changing policy.

### Further reading and resources

An extensive body of literature discusses the benefits of land reforms.

Michael Lipton's 2009 book on land reform provides a good historical account of discussions and experiences of land reform: Lipton, M. (2009) *Land reform in developing countries: Property rights and property wrongs*. New York: Routledge.

A recent [literature review](#) by ODI provides an overview of the links between property rights and development outcomes.

The MCC's [website on Property Rights and Land Policy](#) also hosts research it has commissioned, including into property rights reform.



# SECTION 4

## Land in fragile and conflict-affected states

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Competition for land – in the context of population growth, environmental degradation, climate change, a lack of jobs outside agriculture, and inequitable land distribution – is recognised as a contributor to increasing conflict and violence (FAO, 2005; OCHA, 2005; UN-HABITAT, 2007; UN-HABITAT, 2009). Although the dynamics that escalate non-violent to violent conflicts go beyond land disputes, and involve both entrenched political, social and discrimination and a belief that avenues for resolving issues peacefully have been exhausted, access to and control over land is often a major source of grievances (ELI & UNEP, 2013; USAID, 2004; UNIFTPA, 2012).

In conflict-affected states, addressing land issues can be important for ensuring stability, and for recovery and reconstruction following conflict. Where land issues lie at the heart of a conflict, resolving questions of how to settle displaced peoples, or how pastoralists and farmers access land, may be important to build peace. Beyond this, strengthening local land administration based on existing and emerging informal and customary systems, and ensuring these are supported in new legislation, is important to ensure that people (1) are able to increasingly rely on open and consistent systems that enjoy present and future legitimacy, and (2) can settle disputes without resorting to violence.

### Fragile states

Conditions in fragile states require a cautious approach to issues that directly or indirectly impact on land tenure systems. Although some of the 37 states that the OECD defines as fragile have some unique land characteristics,<sup>20</sup> they share common weaknesses in their capacity to carry out basic governance functions, maintain a social contract, or survive changes in leadership (OECD, 2012). Most fragile states face weak or deteriorating governance environments because they are either in post-conflict or transitional political situations, or because they have abundant natural resources (particularly mineral and forestry resources) which are the focus of conflicting demands (Collier & Venables, 2010).

Governments in fragile states fall short in fulfilling land governance functions, even if relevant laws and policies are in place on paper. Globally, few countries have complete and up-to-date land record information (Lemmen, 2010) and this is situation is likely to exist in fragile states.<sup>21</sup> In many fragile countries, the authority of state institutions is limited outside key power centres, and other customary or religious institutions enjoy legitimacy over land control, with or without clear legal regimes (ELI & UNEP, 2013; UNIFTPA, 2012). There is a large variation in the degree to which the customary and informal institutions operating in fragile states protect the interests of all community members and are able to deliver land-

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<sup>20</sup> The OECD's list of fragile states includes countries with different historical and present conditions, including Afghanistan, Iran, Mozambique, Ethiopia, Burundi and Kiribati (OECD, 2013).

<sup>21</sup> Note that this is partly due to different histories and pluri-legal systems that exist in these states, and not only because of their 'fragility': many non-fragile African states do not have updated land registries. Lemmen (2010) suggests that 70% of land in conflict-affected states is not covered in land registries, and that existing information is likely to be outdated.



related services. While some do so, others discriminate against vulnerable groups, including women, and act with impunity.

Some areas where fragile states are likely to exhibit particular weakness include:

- *Protecting land rights.* Weak land institutions are often unable to prevent the illegal acquisition of land by different groups (including those within government). Vulnerable groups, including women or ethnic minorities, are often particularly at risk. [The Burma case study](#) illustrates how land institutions in a country undergoing a gradual political transition from a military dictatorship to a multi-party democracy provide little security against state-backed and military expropriation of rural lands.
- *Providing land information.* Information on land holdings, land laws and details of management procedures is likely to be absent. Some fragile states, especially those affected by conflict, see large population movements internally and across borders in response to fighting or for economic reasons. Any land records are likely to be outdated and inaccurate.
- *Dispute resolution.* Governments are unlikely to be in a position to resolve conflicts between groups of land users or individuals. Courts offering legal recourse are likely to be weak or absent.
- *Sustainable land use planning.* Governments are often unable to carry out effective planning in cities or rural areas because of existing conflicts, or low government capacity (e.g. Kombe, 2010). Existing land use plans are unlikely to be enforced. As a result, land is often put to unsuitable use: settlements are built on steep slopes or on flood plains, putting lives at risk. Natural resources, including soils and water, are often poorly managed and over used (UN-HABITAT, 2007; OECD, 2012).

## Land in conflict and post-conflict situations

Access to land is often closely connected to the causes of conflict. Widespread sentiment that the existing pattern of land distribution is unequal, and unmet promises of land redistribution to the landless to address land inequality, have played a part in fuelling conflict in certain countries, including El Salvador, Nepal and Zimbabwe (Unruh, 2004).

Conflicting parties often seek to control or redistribute land and resources, or bring land issues into a conflict in order to raise local tensions, raise funds or extend patronage to strategic allies (Pantuliano, 2009). For example, the Burmese army and armed ethnic groups fighting in Burma's border states frequently confiscated land from local communities both to grow crops to feed their armies, and to sell to outside investors in order to raise funds for their operations (see [Burma case study](#)). Conflicts regularly lead to overlapping claims to land as fighting causes people to settle temporarily in new areas, which themselves had been recently vacated by previous occupants. Where protracted fighting prevents people returning, settlements may become viewed as permanent, and settlers are reluctant to leave. These situations can lead to confusion, as rights of occupancy can quickly become obscure and challenged, especially if land has changed hands between multiple occupants over time (ibid).

### Land and post-conflict situations

When and how to address land issues in post-conflict situations is a complex area of discussion that will be the subject of a separate study. The section below briefly highlights some of the different views that have been put forward in relation to some recent conflicts.

Including a land roadmap or mechanism to resolve land grievances within peace discussions and agreements may or may not be appropriate in different contexts. On the one hand, ongoing grievances over land can prolong conflict and threaten to reignite it. For instance, in



South Sudan, the failure to address land issues – despite establishing functioning Land Commissions in the Comprehensive Peace Agreement of 2005 and the subsequent Interim National Constitution – was seen to threaten the chance of sustainable peace (Egemi, 2006). In Sierra Leone, where many young men joined armed groups because of poor prospects of access to land and marriage, failure to reform rural power structures, including those concerned with land allocation, is seen to be a risk for the resumption of violent conflict (Richards, 2005).

However, there may also be arguments for putting land issues on hold until after peace has been established. The peace process is commonly a time of both large population movement and intense competition as stakeholders position themselves to benefit from the post-conflict environment. Institutions mandated by peace agreements to resolve land issues may not be appropriate or keep pace with changes on the ground. For example, the institution mandated by the peace accords to redistribute land following the civil war in Guatemala (1960-1996) was seen to be captured by existing landowners and did not carry out its functions (UNIFTPA, 2012). There may be a case for including topics that are closer within reach (e.g. constitution building and timing of elections) to expedite a peace agreement, leaving land issues to be resolved later on (as was the case in Rwanda – [see case study](#)).<sup>22</sup>

In the post-conflict stage, land issues can quickly become a central concern for large portions of the population (Unruh, 2004). As the security situation becomes more stable, people often begin to reclaim their previous land or try to strengthen their claims to land recently settled. This can lead to further land disputes, which can prolong peace processes, as was the case following Mozambique’s prolonged civil war (ibid). Existing power structures may be displaced, reinforced or reconfigured during conflicts with important implications for how land is governed, and how land administration systems are restarted post-conflict (UN-HABITAT, 2007). Conflicts can lead people to abandon relying on pre-conflict tenure systems because these are no longer able to legitimately resolve disputes (Unruh, 2004). Failing to support either existing systems or emerging systems to help claimants secure rights and cater to the increased demand for land services can jeopardise peacebuilding efforts and economic recovery (Unruh, 2004; ODI, 2009). For example, in the absence of effective progress on local land administration, land disputes are reported as a major source of disputes across Afghanistan (USISP, 2013).

Some common challenges facing the land sector in post-conflict situations are presented in Box 3.

### **Box 3 Common challenges for post-conflict land and property rights**

- Overlapping rights and claims to land and natural resources
- Lack of a relevant land policy in a context of rapid change
- A dysfunctional land administration system
- Destroyed or lost documentation
- Land grabbing
- Difficulties in enforcing laws due to weak or divided security institutions
- Lack of shelter due to destruction of housing stock
- Large numbers of female- and child-headed households, and other vulnerable households
- A political focus on emergency action (i.e. shelter for internally displaced persons) rather than on efforts to re-establish land and property systems

<sup>22</sup> A more in-depth study on the treatment of land in peace negotiations will be commissioned separately.



- Vested interests in maintaining a certain degree of chaos among stakeholders engaged in illegal activities
- Ambiguous, controversial or unenforceable laws
- Providing access to land for youth, including demobilised combatants

(Source: Pantuliano, 2009)

### **Donor support to the land sector in fragile and post-conflict states**

In some conflict situations, land administration is seen to be as important as the administration of justice for keeping peace (UN-HABITAT, 2007). However, it has frequently been given insufficient attention by humanitarian agencies in post-conflict situations (Leckie, 2009). A commonly cited example is the absence of a programme to address land and property rights in Cambodia's post-conflict peacebuilding programmes (UNIFTPA, 2012). Addressing issues of returnee populations, land grabbing and conflict resolution are often viewed as too complex to deal with by peacekeeping bodies, even though ignoring these issues risks reigniting conflict.

Concrete recommendations for integrating attention to land into peacekeeping operations following conflicts include the following:

- Giving authority to peacekeeping forces, police and civilian personnel to protect any existing land records from damage and alteration;
- Developing a Housing, Land and Property directorate in transitional authorities;
- Bringing in expertise to manage and coordinate land issues across operational areas;
- Establishing an authority to provide access to and regulate temporary use of land for immediate needs, and in appropriate cases administer temporary rights of occupancy;
- Establishing a neutral authority as a custodian over land records during transitional phases, to prevent manipulation of land records and prevent arbitrary allocation and land grabbing;
- Providing accurate maps and spatial analysis of land occupancy at different points during and after the conflict;
- Supporting neutral, accessible and equitable dispute-resolution mechanisms to manage and prevent further conflict (UN-HABITAT, 2007).

On restitution and returning populations, recent guidance suggests that interim government institutions should avoid simplistic attempts to prioritise the right to return or restitution of displaced peoples and only carry this out on the basis of in-depth assessments of risks (UN-HABITAT, 2007; ELI & UNEP, 2013). Ambiguity over original ownership, differences in the ethnic make-up of communities before and after the conflict, and heightened competition for land between groups, are some of the reasons why attempts at resettlement may be unworkable or dangerous. For instance, in some settings, providing returnees with compensation may provide a more workable solution than supporting a right-to-return policy (UNIFTPA, 2012).

Post-conflict situations are sometimes seen as creating a 'window of opportunity' for introducing a comprehensive land governance framework and land administration. International actors can also bring support to the peace process by funding and supporting processes to address land grievances and dispute resolutions. If well designed, these can help resolve small-scale disputes, preventing the escalation of violence (UNIFTPA, 2012; USAID, 2004). While some of these rely on state institutions, they also make use of community-based dispute settlement arrangements, that are often more effective at the local level. The Land and Property Directorate in Timor-Leste, for example, has played an important role in setting up a systematic structure for parties to resolve land grievances



through institutions within communities, using a range of resolution approaches including voluntary agreements, mediation and, only finally, court rulings (UNIFTPA, 2012). A similar approach of providing mediation has been rolled out successfully in Liberia, where parties disputing land boundaries sometimes preferred to use independent mediators over customary or formal courts (Syn, 2012).

## Working with the private sector in fragile and post-conflict states

In addition to providing funding and providing technical assistance to the government during the post-conflict process, donors may assist through building up the private sector's knowledge of and capacity to deal with land issues. Creating a working land administration system in all countries requires the active participation of the private sector, including property developers, surveyors, banks and lawyers. In post-conflict situations, capacity in these groups is often lacking and training is often necessary (UN-HABITAT, 2007).

Donors may also engage with foreign investors (especially from their own countries) to minimise the risk of land and natural resource grabbing that often occurs during or following a conflict. Much of the foreign direct investment that enters fragile states flows into the natural resource extraction sector (Holden & Pagel, 2012). Mining, forestry and plantation agriculture are important areas of economic activity, but processes of granting concessions can be highly opaque and may lead to dispossession among local communities, as discussed in Section 2. Donors may be able to encourage investors to use voluntary codes of conduct and exercise due diligence in land-related operations to minimise the risk that their actions lead to dispossession of land from existing groups, and to ensure that these groups have access to adequate compensation. CSOs have also been effective in encouraging investors to change practices. For example, in 2013, an international NGO persuaded a major soft drinks company to ensure that its entire sugar supply came from operators that had secured free, prior, informed consent to use the land of local people. Less visibly, paralegal CSOs often play a critical role in negotiating with companies on behalf of communities with grievances over how their land has been taken. Supporting CSOs to take on these roles is likely to be an effective way of redressing land grievances in certain contexts.

### Further reading and resources

There are many resources on land and conflict issues available online.

**The UN and EU** host a [website](#) on Land, Natural Resources and Conflict. This has country-specific information on Afghanistan, Côte d'Ivoire, DRC, Peru, Zambia and the Great Lakes countries. The website's resource section has a collection of reports produced by the project as well as online training modules.

**The Environmental Law Institute** and UNEP recently launched a [new series of policy briefs and longer reports](#) on land and natural resources in conflict states, which synthesise recent and longer standing experiences.

**UN-HABITAT** has published [several reports and handbooks](#) on how land issues can be incorporated into post-conflict and disaster operations. These include the 2009 *Land and Conflict: Handbook for Humanitarians*. Publications are available in their online bookshop.

**The Pacific Islands Forum Secretariat** ran a project on interlinkages between land management and conflict minimisation in the region and published a [synthesis report and ten focus reports](#) on causes and impacts of this, including environmental and political causes and impacts on social dynamics and gender.



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### **Blogs on land and agricultural investment**

The ups and downs of agricultural investment: what have we learned?

<http://www.odi.org.uk/opinion/6159-agriculture-rome-fao-foreign-direct-investment>

The conundrum of agricultural investment: is jatropha the problem?

<http://www.odi.org.uk/opinion/6118-conundrum-agricultural-investment-jatropha-problem>

### **Blogs on data on large-scale land acquisitions**

The knowns and unknowns of the global land rush. <http://www.iied.org/knowns-unknowns-global-land-rush>

### **Blogs on land transparency**

Large-scale land acquisition – can we overcome transparency’s ‘dirty secret’?

<http://www.odi.org.uk/opinion/7403-land-acquisition-transparency-agriculture>

Shining a light on land deals: sharing lessons for transparency.

<http://www.odi.org.uk/opinion/7515-g8-land-deals-tax-transparency-initiatives-sharing-lessons>

A study of the coalition model of the Publish What You Pay campaign.

<http://publishwhatyoupay.org/resources/odi-study-coalition-model-publish-what-you-pay-campaign>

### **Websites**

The Land Portal is a website that features recent media and research content relevant to the land sector. <http://landportal.info/>

The International Land Coalition’s website also provides land-related news and analysis from its partners and other sources. <http://www.landcoalition.org/>

The Future Agricultures Consortium, a network of institutions working on agriculture, has a Land Theme with a dedicated website. <http://www.future-agricultures.org/research/land>

The IIED has published many briefings, reports and books on the investment and legal framing character of land deals. <http://pubs.iied.org/search.php?c=land>

The FAO’s “Investments in Agriculture” webpage.

<http://www.fao.org/economic/est/issues/investments/>

USAID hosts a land tenure and property rights portal with sections on research, projects it funds and commentary by its specialists. <http://usaidlandtenure.net/>

The Millennium Challenge Corporation’s website on Property Rights and Land Policy provides information on its approach and evidence on the relationship between land tenure projects and development outcomes. <http://www.mcc.gov/pages/sectors/sector/property-rights-and-land-policy>

Several conferences organised in recent years host a large collection of papers on land between them:



The World Bank annual land conferences. The conference websites for 2012 and 2013 stores papers presented at the conference:

- 2013 <https://www.conftool.com/landandpoverty2013/index.php?page=browseSessions&presentations=show&mode=list>
- 2012 <http://www.landandpoverty.com/agenda/index.html>

The 2011 LDPI/ FAC-hosted conference on land grabbing: <http://www.future-agricultures.org/events/global-land-grabbing>

The Contested Global Landscapes project at Cornell University hosted a second Land Grabbing Conference in 2012. <http://www.cornell-landproject.org/activities/2012-land-grabbing-conference/>

The Rights and Resource Initiative (RRI) and partners organised a conference in 2013 on Community Land and Resource Rights. Conference presentations are available here. <http://www.communitylandrights.org/program/>