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STATES AND CIVIL SOCIETY: ACCESS TO LAND AND RURAL DEVELOPMENT AND CAPACITY BUILDING FOR NEW FORMS OF GOVERNANCE

Summary

Success in the struggle to reduce hunger and poverty around the world requires an understanding of the actual causes of the current, unacceptable situation; causes which are linked to the competition developing in global agricultural markets between different levels of production. Entire social groups and millions of producers are losing the access to land and natural resources that provide their livelihoods, and rural production systems are being irreversibly destroyed on a large scale. Because these systems have historically proven to be the most appropriate to meet human food requirements and to preserve natural resources, it is imperative to put a stop to this process. This economic, social and ecological crisis is a threat to peace and to the survival of humanity, and finding solutions to this crisis will be a major challenge in years to come.

The document identifies the main capacities of States and civil society that need to be strengthened, and that are necessary for sustainable rural development. Currently, neither States nor international organizations have proven capable of introducing effective policies to halt this trend of reduced access to land and natural resources. They have not been effective in encouraging processes to put a stop to growing inequality. Because a general discussion will not facilitate any progress in this debate, the document lists and briefly analyses central issues relevant to forming a precise understanding of the requirements for new capacities. Redistributive agrarian reform processes are more necessary than ever, but for these processes particular policy conditions are necessary. As these policy conditions are often transient, it is important to know how to profit from them when they occur. Meanwhile, however, it is possible to intervene in other ways, by opposing illegal appropriations, regulating land markets, and guaranteeing producers' usage rights rather than only landowners' rights. Nowadays it is necessary to implement policies that facilitate the evolution of agrarian structures with the aim of rendering them more compatible with majority interests. However, civil rights of future generations and alternatives to current dilemmas are built from basics, through the struggles of producers' and rural people's organizations, supported by the development of civil society. These organizations have always played an essential role in the establishment of new legal frameworks and new policies. With the acceleration of the historical process, these organizations also need to strengthen their capacities to become more effective.

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Most ICARRD meeting documents are available on Internet at www.icarrd.org

Analysis of the performance of new forms of government shows clearly that neither States nor Civil Society will be able to face the challenges of the twenty-first century alone. On the basis of an analysis of the relationship between States and Civil Society and advanced levels of communication between these two poles, the document develops a conceptual framework for new forms of regulation and governance in the pursuit of sustainable and equitable rural development. Further essential building bricks of this development process are territorial dialogue, vertical dialogue between different levels, active subsidiarity and “autonomy in return for responsibility”. From this it is possible to propose a preliminary outline of actions and programmes to strengthen the capacities of the actors involved, with a view to establishing new forms of governance. These proposals include the establishment of an Observatory which would be responsible at a global level for the development of training processes related to good governance in rural areas; the creation of mechanisms encouraging States to implement suitable policies and to hold themselves accountable to them; and the strengthening of rural and peasants’ organizations.

The document ends with a question: for such proposals to be applied, is it not necessary to challenge certain dominant ideas, to tackle the roots of the poverty question by correcting the devastating effects of the global market, to give up the myth of absolute ownership of land so as to invent new forms of territorial governance, and to give up the illusion of a perfect market for land and natural resources? There is a need for pluralistic solutions to these challenges, within the increasingly broad dynamics of alliances that must extend beyond the rural environment.

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Introduction

1. Feeding the peoples of the world and improving the lives of rural populations have been at the heart of FAO's concerns ever since it was established. FAO therefore gives great importance to agrarian reform which is one of the strategic tools used to achieve these aims. Twenty seven years have passed since the last conference on Agrarian Reform and Rural Development which led to the drawing up of the Peasants' Charter (FAO, 1981) and since the problems of nutrition and poverty have worsened across the globe, FAO has today called another world conference on the theme to be held at Porto Alegre (Brazil) in March 2006.

2. This paper aims to contribute to the debate on the occasion of this new conference (ICARRD), by highlighting current "capacity building" needs of the various actors with regard to access to land. It thus raises issues to be discussed at the level of States, international organizations and civil society without claiming to be exhaustive.¹ The paper is divided into four parts: the first shows that to meet the global challenges of the 21st century capacity building is unavoidable; the second examines the approach of States (national policies and international agreements), peoples, and civil society actors, and the limits they all face; the third part proposes a framework for analysing the interplay between falling and rising dynamics to help construct new modalities of governance; and the fourth part highlights the need for capacity building and lists some issues for discussion. The conclusion sums up the major lessons to be drawn from these reflections.

I. Chapter 1: Capacity building to meet the new challenges

A. THE MAJOR CHALLENGES IN THE AGRICULTURAL SECTOR ARE ALSO GLOBAL CHALLENGES

3. In 2002, Mr. Jacques Diouf, Director-General of FAO, declared that hunger is the concrete manifestation of persistent and generalized inequalities in power present in the world. It is estimated that out of the 6 billion inhabitants of this planet, about 2.8 billion live on no more than two dollars a day. One person in three suffers from malnutrition due to serious micro-nutrient deficiencies and more than 850 million people – of whom 815 million live in the developing countries – suffer hunger on an almost daily basis. Three-quarters of the world's poor are rural and a large number are farmers with no access – or insufficient access – to land and/or the means of production to feed their families. The remaining quarter largely comprises former farmers condemned to be part of the exodus towards the slums surrounding the big cities as they are unable to support themselves otherwise. Today's policies on trade, privatization and commoditization of land and natural resources are having disastrous consequences: hundreds of millions of poor farmers are under threat of losing all access to land, their only source of income and survival. In 2002, on the occasion of the UN Commission of Human Rights' conference on the right to food, Jean Ziegler stated that "*whoever dies from hunger dies assassinated*". If these policies are not called into question, they will multiply the risks of humanitarian catastrophes and outbursts of violence.

4. In the light of this totally unacceptable and untenable situation, access to land and natural resources lies at the heart of the issues to be addressed with the utmost urgency. What is at stake with capacity building, is the urgent need to find solutions.

¹ We have had to make some difficult choices in order to respect the set format and so we will only deal with the management of land and natural resources in general terms (leaving aside specific references to water, fisheries and forestry management). Nor can we develop the nevertheless essential question of women's access to land, which would have meant referring to family structures and different cultural contexts, impossible to treat in a serious way in this framework.

5. Violence against rural people, which sooner or later is turned against townspeople, especially the poorest, is seen in many countries in massive population movements, military occupations, the imposition of large projects that destroy the forms of production and ways of life of small farmers. In many countries, trade union leaders, rural community leaders and rural people are killed or imprisoned when they try to make their voices heard. Generally speaking, the most destitute in the world are excluded from democratic processes and do not have the opportunity to really express themselves in the fora where public policies are negotiated, either because their cultures are different from those of the élites or because they have been under domination for centuries.

6. However, violations of the fundamental rights of those who represent half of humanity are also to be found where small farms are silently dying, victims of the devastating effects of current world trade policies for farm and food products. There are extreme contrasts in the world agricultural situation. Only a tiny percentage of farmers are mechanized² and the technical advances of the agricultural revolution have only benefited a small minority of producers. Access to land is often very inequitable: producers working with manual tools or animal traction often do not even have access to as much land as they could cultivate.³ To understand the mechanism behind the exclusion and poverty of rural people, let us take the example of cereals which are still an essential food today at the global level. The net productivity gap for labour between the best- and the worst-equipped cereal growers in terms of the means of production are today, before any kind of subsidy, in the order of 1:500. The modernized farms produce most of the cereals traded on the world market and determine prices although they only represent 10 percent of total production. The extremely high productivity gains they have achieved, greater than those of any other productive sector, have led to a fall in farm prices in real terms. With the elimination of tariff barriers, this drop in prices has also affected locally traded grain and even the producers who only sell a small proportion of their crop to buy the goods they are unable to produce themselves. The fall in prices for cereals and agricultural products in general is leading to an increase in poverty and the number of people who have to look for off-farm work. This, in turn, is leading to a fall in agricultural wages which has a knock-on effect on other economic sectors. Trade liberalization policies adopted by most governments, under the guidance of multilateral institutions and organizations, considerably worsened the effects of competition between production systems with such different productivity levels. In real terms, farm prices have been steadily falling for the last fifty years and have halved over the last decade. Developed countries' subsidies for their agricultural exports have further exacerbated this phenomenon.

7. For rural societies, this process of impoverishment is leading to a growing loss of control over their lands. The result of the ruin and disappearance of traditional farmers is the irreversible loss of age-old knowledge and the multiplication of environmental problems. It is also undermining the basis for industrialization and urbanization because without drinking water, without good quality food in sufficient quantities, no sector can develop sustainably. Besides, the size of the unmet demand at the global level is limiting growth. The ruin of traditional farmers around the world and the development of large agricultural enterprises concentrated in the richest regions is leading to the abandonment of less productive land.

8. If it were possible to ensure sustainable way world food production and natural resource conservation through a small number of large modern production units, the disappearance of traditional small farmer production would only be a momentary problem. It would be sufficient to provide compensation and social welfare systems to enable small farmers to change over to different activities. In reality, numerous economic factors indicate that this scenario is not viable and would lead to an even bigger crisis. In the future, world population growth will require the cultivation of larger areas and optimal soil use to meet the food needs for all humanity. Countries

² There are only 28 million tractors for 1 300 million farmers.

³ This part is based on the analyses of Professor Marcel Mazoyer. For further details, see the document he prepared for FAO in 2001 and the work written with L. Roudart, listed at the end of this paper.

with the highest per capita GDP and the highest development indices are also those where access to productive land is less inequitable. For over a century, history has clearly demonstrated the superiority of economies based on small farmer production and the failure of systems based on large-scale capitalist or collectivist production, not only in Europe but on every continent and in varied social and cultural contexts. Because small holder agriculture is more efficient economically than large-scale agricultural enterprises with hired workers, the expansion of the latter and the ruin of traditional small farming systems represent a great danger for humanity.

9. The situation we have briefly described above concerning farmers is also substantially the same for the fisheries and forestry sectors. The destruction of traditional production systems of small farmers, artisanal fishing communities, nomadic peoples and the world's forest dwellers is also causing major environmental risks⁴ and land use problems. The social desertification of rural areas under mechanized farming, the marginalization of the poorest rural areas and competition over fertile land for urban or agricultural development are also linked to the crisis in traditional farming. Family farming has always involved territorial management and maintenance which go far beyond the simple production of marketable goods. It is still today the best placed to produce sufficient quantities of healthy food to feed the world and manage the territory sustainably.

10. In these conditions, the land question has once again become a central issue on the world agenda: the improvement of access to land and natural resources for the majority of rural people and the optimization of land and natural resource use are the essential levers to achieve the Millennium objectives.

B. THE IMPORTANCE OF CAPACITY BUILDING TO IMPROVE ACCESS TO LAND AND NATURAL RESOURCES AND OPTIMIZE THEIR USE

11. At the dawn of the twenty-first century, thematic issues are becoming more and more interlaced and the different levels – local, national and global – more intertwined. It is no longer possible to discuss local development without taking the organization of world markets into account. As a result of the globalization of trade, a decision made by the World Trade Organization or one of the great world powers (USA, Europe or China, for example) has immediate consequences on distant and isolated regions that do not seem to be involved in any way and that do not have the possibility of effectively influencing the decision-making process. Power relations between social groups and between States have also changed. Although access to land is still extremely important, it is not the only matter at stake. Access to markets and to information has become fundamental as well. The concentration and internationalization of capital and the growing importance of speculative finance weigh on rural development and the opportunities for agrarian reform.

12. Globalization is not, in itself, a new phenomenon, but the concentration of economic and military power is reaching levels never seen before. The rate of change and the extent of geographical reach are radically different. Human societies need new tools to find ways of constructing viable alternatives. In these conditions, capacity building needs have changed in nature: it is necessary to rethink analytical categories and concepts and revise the paradigms. Capacity building for the actors cannot stop at providing them with tools or knowledge at a given moment. It is necessary to *change the dynamics*, while allowing the various protagonists – above all poor farmers and artisanal fishers – to adapt continuously to the changes which are taking place in increasingly short time periods. These actors must be able to strengthen their position in

⁴ History has shown that modern family farming can also cause considerable environmental problems. Reflections on sustainable agriculture show that small farmers, whose survival depends on the sustainability of their production, can take the necessary corrective measures more easily than capitalist enterprises.

power relations so that their proposals will gradually receive greater support at all levels. This new situation calls for a subtle understanding of economic and social evolution and the contradictions animating the world's societies. Taking history and diversity into account is therefore fundamental. Each actor must be able to refer to varied experiences, coming from different periods and different regions, because what produces good results in one case can be unworkable or even harmful in another context. *Success stories* cannot be mechanically transposed and *lessons* are not always easy to draw. There is therefore an interest in constructing shared diagnostics that can be easily understood by all. This is a difficult task: without these capacities, today many of the Poverty Reduction Strategy Papers (PRSPs) are based on a vision of agriculture that is often contrary to the collective interests at the local, national and global levels.

13. When dealing with land issues, it is necessary to question the validity of the concepts we commonly use such as *property* and *the market*, because they were created in different historical and geographical contexts, very different from the situation today. Assigning these terms a universal value often leads us down a blind alley. Capacity building for the actors to improve access to land, water and natural resources means knowing how to invent new, more operational concepts that are better suited to today's world.

14. With globalization increasing the interdependence and relationships between very different social and interest groups and with urban development, it is now essential to build increasingly broader alliances, whether between different sectors using approaches that go beyond the usual geographic limits of the region or between nation states. Capacity building for the actors must lead to concerted and sustainable ways of managing natural resources and land. In other words, we need to *build new modalities of governance*. The forms of organization and representation of social actors often pose limits that make it impossible to obtain appropriate responses. The identity of some categories of actors, such as nomadic pastoralists, for example, is sometimes not even recognized. This is why specific action is necessary to remove these barriers.

15. Improved land access and more secure land and natural resource use is essential for all humankind, to achieve sustainable and sufficient food production, to facilitate economic and social development and poverty reduction and to build a more secure world. This cannot be done without public policies and therefore without state action. It is also impossible without the wide participation of civil society in defining and then implementing and monitoring the policies. We will therefore now examine how state policies and civil society campaigns and projects can work together, complement each other or clash in delineating the present and the future of our world.

II. Chapter 2: State policies and civil society campaigns and projects

16. Policies and laws are not only the product of States, governments and legislative authorities. They are also the result of men and women's daily practices, through their struggles, resistance and innovations. However, these are often not expressed in the legal framework – and sometimes are even illegal – and so they cannot be implemented without being re-assessed and translated into rules, laws and specific policies. This *dialectic* is our starting point for addressing the question of capacity building for the various actors to improve access to land and natural resources.

A. SOME EXAMPLES OF GOVERNMENT INTERVENTION

17. This part is central to our analysis. One of the aims of ICARRD's discussion focuses on State inventions which FAO, as an international organisation, supports and helps to reinforce. We will successively look at diverse redistributive land policies, continuous interventions in management of agrarian structures, and policies for recognizing rights.

Redistributive land policies. Differences, progress and limits

Different types of possible interventions

18. When the agrarian system is very polarized and a very small percentage of owners controls most of the land, rapid redistribution policies are needed to create the conditions for sustainable economic development. Today, this is typically the case in Brazil, Guatemala, the Philippines, Indonesia, South Africa and Zimbabwe, to name but a few among the most obvious examples. This is also the situation in a number of countries in the former Soviet bloc, although they are less frequently mentioned. It should be noted that the programmes and activities under way still fall well short of requirements and that significant improvements are needed.

Agrarian reform, a far-reaching and timely state intervention to improve the agrarian structure

19. According to the country and the time period, and the existing power relations, agrarian reforms have moved ahead by means of confiscation (with no compensation for the people or entities concerned) or by expropriation (with a smaller or larger compensation paid to the former owners, though often delayed). Most frequently, land was passed to the beneficiaries under a specific land tenure regime, protected by the state, which was different from the ordinary land tenure regime at least for a certain number of years, and which limited rights connected with the land (sale and mortgage were often forbidden, or only allowed in exceptional cases).

Box # 1 . Agrarian reform in Vietnam.

Successive agrarian reforms in Vietnam after 1945 led to an important redistribution of land in both North and South Vietnam but following two distinct approaches and time schedules.

Collectivization was partial and short-lived. It began in 1978 and was followed in 1981 by de-collectivization with Decree 100 legalizing the renting of rice fields to cooperatives members. In 1988, Resolution 10 gave traditional farmers the right to decide how to use their capital. The Land Law of 1993 allocated farmers land use rights, the area depending on right of use over the number of family members, for a period of 20 years for annual crops and 50 years for perennial crops. However, this right could be traded, transferred, rented or used as security. Plots were limited to three hectares.

The re-establishment of the family economy, following the land redistribution, had spectacular results. From being an importer of food each year, Vietnam became one of the main world exporters of rice and food products. Vietnam's experience shows that farmers, strengthened by the knowledge they have acquired over the centuries, are capable of reacting very positively when favourable agricultural and land policies are in place.

Source: Dao The Tuan, in Merlet, 2002.

20. The transformation of the production systems during the land reform process was more easily achieved in the case of large properties working with farmers or sharecroppers who managed the entire production process (the most frequent situation in South and South-East Asia) than in the case of enterprises with salaried or quasi-salaried workers (often seen in the large estates of Latin America). In the first case, the elimination of rent immediately leads to an increase in the farmers' investments in labour and in capital. In the second case, the transition to different production systems requires time and proceeds in stages.

21. Agrarian reform is an exceptional process that requires the right political conditions. The radical land reform carried out in Taiwan (province of China), South Korea and Japan took place following the military defeat of Japan under the strict control of the USA. Other successful agrarian reforms, in the communist countries of Asia with Vietnam (see Box #1) and China, but also in Mexico at the start of the 20th century or Bolivia in 1953, were implemented in a climate of revolution. These reforms played a fundamental role in national economic development by effecting a genuine redistribution of land rights. It is essential to know about these experiences, their successes and limits in order to design effective public policies for land redistribution. States have a real need to strengthen the capacities of their officials the skills of their officers in this regard so they can make the necessary reforms when the political conditions are right. External pressure may also be necessary and the policies of international organizations can play an important role in this respect. The Poverty Reduction Strategy Papers (PRSPs) could play a more active role in this regard, within the framework of their aid programmes. The European Union's guidelines on land policy seem to take this direction.⁵

22. It frequently happens, however, that there is a real need for land redistribution, but the particular conditions for classic agrarian reforms are not in place. In this case, there are other options which could be genuinely effective and enable numerous small-scale farmers to start up or continue working, even if the wider structural problems cannot be dealt with as a whole.

Fight against illegal appropriations

23. Much of the land occupied by large agricultural or forestry enterprises has never been fully legalized or has been acquired through fraudulent means. Very often, the amount of land appropriated is far greater than the area declared. This is the case in Latin America in recently colonized areas. Agrarian reform institutions have made much use of this argument to justify expropriation, as in Honduras, for example.

24. However, the mechanism is not the same. Smallholdings also face problems due to lack of legalization. To understand the nature of the land legalization process in Latin America, it is necessary to return to the rights created with the papal bulls of 1493 establishing the "ownership" on the part of the crowns of Spain and of Portugal of all the land on the continent, followed by the statute of "national lands" belonging to the State. The massive expropriation process undertaken by the Conquest – today interpreted in the light of a definition of ownership that did not exist at that time – has left a heritage of serious problems. Protests made by indigenous movements in Bolivia and in other regions are only today beginning to call this state of affairs into question.

25. The struggle against illegal appropriations by big landowners is often an easier entry-point than the battle for the adoption and application of an agrarian reform law. This struggle became important in Brazil with the movements against the *grilagem* (fraudulent land deals). In Guatemala, large areas appropriated illegally by big landowners can now be investigated under today's laws. In the Democratic Republic of the Congo, a large number of forest concessions have been granted outside the legal framework. There are often large areas that the States could exploit simply by applying existing laws.

26. One of the central questions around illegal appropriation is that of "*prescription acquisitive*", and whether it can be applied to so-called national lands or not. An important window has thus opened up in which to explore the boundaries between legal and socio-economic questions. It is clear that the prevention of illegal appropriation offers some interesting perspectives for effectively redistributing access to natural resources and to land.

Market interventions

27. In a cyclical way, the workings of the market lead to crises and the sale of large properties. The fall in coffee prices in Central America, in Guatemala and Nicaragua, at the beginning of this century led to the sale of a great number of medium or large holdings. Small

⁵ See bibliography. Orientations de l'Union Européenne portant sur la politique foncière. October 2004.

producers working in more diversified production systems who are not constantly trying to maximize profits, have resisted better on the whole. However, the positive effects to be expected in terms of redistribution have not appeared and either debts have been restructured or farms mortgaged to secure unpaid debts have been auctioned. Small farmers, with neither capital nor credit to benefit from these auctions,, ownership has become even more concentrated.

28. States could intervene by setting up market mechanisms to enable a certain degree of land redistribution. This is economically and politically easier than implementing a redistributive agrarian reform. However, in general, developing countries do not do this, either because of a lack of information or because their politicians favour their personal interests in the short term and try to profit from any crises. Farmers' organizations do not lobby for a kind of mechanism that they consider impossible and they are sometimes influenced by leaders who are themselves in debt and do not want to see their land going to the poorest farmers.

29. The situation could be significantly improved by developing transparent market practices and by creating accountability at all levels for public policies and regulatory mechanisms.

30. The *Market Assisted Land Reform* policies promoted by the World Bank a few years ago were the result of a distinct logic since they were characterized by the fact that land is bought by poor farmers from owners who voluntarily agree to sell. This kind of policy is neither an effective nor an economically viable way of redistributing land (for example, South Africa, Colombia, and Guatemala). It is no surprise that applying this kind of policy was very slow – how could it be

possible that inequalities, it poor to buy mechanisms crisis mentioned, came to light prices).

31. On *land credit* useful and sustainable structures. are needed in amalgamate intervention redistributive some need for

the long term, without which any gains from agrarian reform will quickly evaporate.

Box # 2. Recent land redistribution in Eastern European countries

Countries where there has been fundamental and relatively equitable redistribution.

Albania, Armenia, Georgia, and to a lesser extent, Latvia and Lithuania.

Large-scale parcelling of land

Countries with an extreme concentration of land ownership
Russia, Ukraine, Hungary, Czech Republic, Bulgaria, Slovakia.
10% of farms control between 80% and 90% of the land!

Countries with a lower level of concentration

Slovenia, Poland, Romania, Estonia.

10% of farms control between 40% and 60% of the land.

Source: Lerman, Csaki, Feder, 2001. Land Policy and Changing Farm Structures in Central Eastern Europe and Former Soviet Union

in order to reduce would be sufficient for the land from the rich? These did not even work in the situations we have and many unwanted effects (corruption, and higher land

the other hand, developing mechanisms is extremely even indispensable for management of agrarian Different kinds of policies this case: not ones that land redistribution and in land markets! If policies are a top priority in countries, there is also a regulating land markets in

Privatization of state farms and cooperative lands

32. We should first make a distinction between different situations. In some cases, privatization has been a genuine means of agrarian reform with a very egalitarian redistribution of land that could be pushed to the limits (as in Albania, for example). Sometimes the State has simply allowed the process to develop on its own from grass roots level, thus permitting privatization to take place legally. This was the case in Nicaragua in the 1990s with the division of the production cooperatives into smaller units which in some way put the finishing touches to the redistribution process that had begun with the Sandinistas' agrarian reform.⁶

33. It is possible to find, at the level of large-scale socialist enterprises with paid employees, the same problems as those of big capitalist enterprises. Workers may have access to food-producing plots but they have no control over the production process as a whole. There is therefore a real problem of transition. How and to whom should land be redistributed if there are not any more peasants? Privatizing these units may, in some cases, have no redistributive effect, indeed it may lead to the establishment of very large private estates, based on land ownership or sometimes on the rental of lands coming from multiple owners. This situation prevails in some countries in Eastern European countries (see Box # 2), often when the privatization process has involved the distribution of shares and not plots of land. This is just the opposite of what is needed to reduce poverty and promote peace in the long term.

Current limits to redistributive policies

34. The period following agrarian reform is often very difficult. Collectivization meant re-establishing, maintaining or instituting very large farms. The gains from numerous agrarian reforms in Latin America, in Nicaragua, Honduras (and Chile in different circumstances) were, for the most part, lost in a few years as the governments that had introduced the reforms fell out of power.

35. The fragility of these processes illustrates the limits to state intervention which often uses administrative procedures to implement policies, without any recourse to forms of legitimization that would be more difficult to contest in the future. On many occasions, the law should have been changed and some basic legal concepts developed. Further difficulties also came from the weakness of the grass-roots organizations or from their limited participation in the local management of land. By intervening from the top, the State often behaves in a paternalistic manner and uses farmers' organizations as simple instruments of its policies. The farmers' organizations, whose operations are sometimes not sufficiently democratic, may, in some cases, champion opportunist positions by addressing only the interests of a minority of their members. The gap between the reformed and the non-reformed sectors also weakens the process, and small-scale producers in the two sectors are unable to create common strategies. They may even find themselves in competition, thus weakening the possibilities of progress in the implementation of agrarian reform.

36. Lastly, agricultural policies (prices, trade, mechanization, etc.) often contradict redistributive policies. Few states have introduced redistributive land reforms that genuinely benefit the small farm sector. For many, technical progress is synonymous with large structures

⁶ Besides, the government also privatized the state farms, a process that started from a completely different situation.

and justified by the justice. In Brazil modern large-to work viewed as latifundia. produced by one agribusiness is produced by Since these export and balance of trade, recognize that in real obstacles to longer the but these very capitalist policy is almost latter, with the illusion of

37. On this

strengthen the analytical capacities of the actors. More transparency and opportunities for discussion could improve the information available and change the policies.

Box # 3. Agrarian reform in Taiwan (province of China)

Agrarian reform began after the victory of the Chinese Communist Party on the mainland by the survivors of the national army who had taken refuge on the island and who received substantial aid from the USA. They freed the traditional farmers from the land-owning class, first by reducing land rents, then by selling small plots of the land confiscated from the defeated Japanese occupiers. Agrarian reform, which began in 1953, limited property to 2.9 ha and redistributed the surplus to small farmers, thus achieving a very egalitarian agrarian structure.

The relaunching of agricultural development was spectacular. Production increased fivefold over 30 years. The USA largely financed and controlled the implementation of agricultural policies, giving priority to investment in labour, the use of inputs, and the organization of producers. It was by supporting agricultural organizations that the ad hoc Ministry of Agriculture, that had been established to manage American aid, was able to put development policies into place. The conversion of land owners into national industrialists was achieved through compensation mechanisms under the agrarian reform. Surpluses in the agricultural sector could thus play a major role in the formation of industrial capital.

C.Servolin à partir de E. Thorbecke, in Merlet (2002)

redistribution is demands for social and South Africa, scale production seems efficiently and is not unfavourably as the However, the wealth unit of land under much less than that modern family farming. sectors produce for contribute to the states find it difficult to the medium term, the development are no unproductive latifundia large modernized producers. Agricultural always favourable to the subsidies that maintain their efficiency.

point, there is a need to

Another possible field of intervention to reduce inequalities: taxation

38. Another powerful means of intervention, land taxation, works against concentration of land ownership. For the neo-liberal economists, it has the advantage of not distorting the markets since it only influences prices once, after which the tax rate is included in the establishment of the "land price", determined by the hope of a return on investment.

39. Although difficult to introduce at the national level because of political power relations, a land tax can be introduced at the local council level together with a land cadaster, with good results while helping to improve local governance and transparency.

The need to build in stages

40. State policies need a favourable political climate in order to be approved and implemented. government reform law, implemented. explained that Government to change the but it could political will supported it. relations

Box # 4. Denmark, pioneer of small farm development in Europe

During the 18th century, the monarchy supported by the merchant class opted to free small-scale agriculture from the feudal yoke. It passed a modern tenancy statute in 1786, created a public bank to help peasants to buy land and developed compulsory education.

It relied on highly organized farm unions which developed a strong cooperative system.

The Danish model is the prototype for modern agricultural policies.

In Chile, Frei's voted for the agrarian but it was insufficiently Jacques Chonchol the Popular Unity did not enjoy a majority agrarian reform law, implement it since the of the executive In many cases, power make it difficult even to

implement the law. It is also difficult to change the law since parliaments are often controlled by large landowners and very rarely embrace the cause of landless farmers. It is never easy for a government to think in the long term but this is essential for agrarian reform and redistribution.

41. By trying to go too fast, there is a risk of adversely affecting power relations and calling the whole process into question. Knowing how to manage the speed of change is key. The way in which agrarian reform was carried out in Taiwan⁷ illustrates well what needs to be done: a *radical redistribution of land* carried out *in harmony with agricultural policy*. The key factors were: the forced conversion of landowners into industrialists; a policy mechanism that did not give them any chance of interfering with the progress of the reform; a protectionist agricultural policy vis-à-vis the world market; use of technologies that promote investment in labour; and the use of animal traction while prohibiting tractor imports for ten years or so. At the same time, the producers' organizations received strong encouragement, in order to prepare for the future. The history of Vietnam is another success story, with a different sequence of events.

42. It should be underlined here that the top-down action of the State is not enough and that the participation of members of civil society and farmers' and citizens' movements is indispensable if redistribution policies are to be feasible and successful. We will return to this point later.

⁷ Province of China.

Box #5. Land policies in France

In the 1960s, France began to develop an agricultural policy to control the evolution of agrarian structures to facilitate the modernization of agricultural production units while preserving family farming as the basis for future development. These policies were implemented in close collaboration with farmers' organizations, often at their own suggestion. A joint management system was set up, with numerous structures with equal representation from government institutions and professional farming organizations. Among the most important points of this policy are:

- regrouping of farms in order to adapt the fragmented system to the new technical requirements;
- the tenant farming law, protecting the rights of the farmer with guaranteed access to land over a long period, and permitting the State to control the development of land rents;
- establishing structures with equal representation that prevent the concentration of owned or rented lands, and aim for the optimal production unit size;
- establishing institutions (the *SAFERs*) to intervene in the land markets to enable young farmers to start up with the help of land credit from the Bank;
- the setting up of mechanisms encouraging older farmers to retire and giving young farmers incentives to start up.

Today, in France, more than 60 per cent of producers rent their land. This percentage has increased in recent decades and farmers only buy land, which is very expensive, in the absence of other alternatives.

agrarian

43. which the basically

family
generally
market
mechanisms
traditional

farming economies, often based on unequal inheritance between brothers and sisters, or on dowry arrangements, etc. In almost all countries in continental Western Europe, there are measures of this type responding to the same objectives, with different procedures according to the particular history of each rural society. (see boxes # 4 and # 5)

44. It should be underlined that the same laws do not necessarily have the same effects, depending on the level of organization of the producers and of civil society. For this reason, the transposition of the French tenancy law in Spain gave results that were very different from those expected, with a reduction in area of land being leased.

45. Land tenure policies and their regulation, the responsibility of the State, have not been addressed in European policies. Today, the new common agricultural policy takes up the diktats

*Continuous
interventions:
management of
structures*

Countries in agrarian structure is made up of commercialized producers have put in place land regulatory in addition to the mechanisms of

of the dominant liberal thinking without question, forgetting that the policies that led to the development of Europe were radically different.

46. In China, the unregulated expulsion of poor farmers to the towns has become a very serious problem over recent years. In Vietnam, in Albania and in many other countries the management of modernized family agriculture calls for policies on agrarian structures. At the global level (Africa, Asia, Latin America, Eastern Europe), there is clearly a lack of awareness of the possibilities offered by regulatory policies. This is one of the central themes on which governments need to build capacities.

Policies for the recognition of land rights: diversity, progress and limits

47. State policies are not limited to managing or regulating access to natural resources and land. They are equally concerned with the mechanisms for recognizing and protecting the various rights. There are two broad groups of procedures establishing rights: 1) rights are acquired in the course of time by means of de facto validation by society for which the legal instrument is “*prescription acquisitive*”; 2) rights can be granted by the state through *land titles*. Although the latter would seem to be at the origin of all rights, we always return, last of all, to a previous situation of the validation of the de facto situation, which redirects us to the former.⁸

48. Worldwide, there are different systems for the registration and validation of changes in rights, inheritance, sales, and temporary transfers. We find the same two categories, one based on the *existence of titles* in which changes are registered, and the other based on *secure transactions*. The two systems can coexist and be combined. In any case, safeguards will only exist if any changes made are known to the other inhabitants, and if public access to all data is guaranteed. This is what lawyers call the *public announcement of land for sale*. There must also be *procedures for managing rights that are accessible to all and rapid and equitable procedures for resolving conflicts*.

49. State land tenure security programmes, mainly influenced and funded by international institutions, usually concentrate on the attribution and management of land titles. Basically, these programmes rest on an *absolute conception of property rights*⁹ and not on the recognition of *multiple rights* which still co-exist on the same plot. In cases of community land, the programmes focus on privatization and enclosure, recognizing only some of the pre-existing rights and marginalizing some of the eligible parties. Today this is happening on a large scale, at the level of entire continents.

50. Even in cases where exclusive individual rights prevail, or cadastral programmes encounter common problems: 1) which rights should be validated when establishing the starting point for taxation and how far back in time one should go in accepting any questioning and reconsiderations; 2) the cost of updating land transactions is prohibitive for small producers whose rights soon return to the informal sphere; and 3) mediation procedures in cases of conflict are not foreseen by land administration systems because they are difficult to manage in a centralized way.

51. Recognizing multiple rights has however made progress in recent decades, both at the level of states and at the level of the international organizations (New Caledonia’s customary cadastre; the land law in Mozambique recognizing the rights of rural communities without taking as a starting point absolute private ownership of land; the national land programme under way in Madagascar; the process of recognition, boundary marking, and customary registration in Ghana following a hybrid system of rights, with land being managed by customary councils etc.).

⁸ Land rights in Latin America seem to be based on the existence of royal title, held in the archives in Seville, but the act of possession of the continent’s ultimate cause can only be due to the military conquest, save any ideological justification of the divine origin of the Pope’s decision.

⁹ in the singular, as opposed to properties to which reference was made before the French Revolution. See Joseph Comby, in the selected bibliography.

However, these different processes can encounter difficulties; the final objective is still often to obtain a "real" title deed and problems of updating and local governance persist.

52. Recognizing the rights of nomadic pastoralists and, more generally, of *occasional users* of resources is practically impossible because under absolute private property systems. Large stretches of land are involved, with transhumant livestock herders or gatherers of wild natural resources(*extractivistas*).

53. For more than ten years, Niger has been developing its Rural Code with remarkable success. It is almost the opposite of what we have just described: the Code emphasizes the progressive development of mechanisms for dialogue and local governance involving the traditional authorities and facilitate their development. On the basis of nomadic herders' practices, some new concepts have been developed concerning the notion of rights, such as that of the *home territory*, over which nomads have priority use rights, but without the right of denying access to water to occasional users.

54. *Secure delegated rights* and *users' rights* in general, are central questions that still need work. Yet a considerable proportion of land in developed countries is worked under tenant farming. Guaranteeing use rights for producers independently from individual or collective property rights constitutes one of the major challenges of our time. The evolution of the rights of the *ejidos* in Mexico demonstrates that it is not straightforward. The *ejido* system set up after the land reform was remarkably modern and interesting, but the social and technical developments fostered a process of privatization of rights that the regulatory institutions were unable to manage.

55. This inability to develop the structures of governance in step with economic and social changes is typical of the situation generally. This problem is of vital importance in the area of capacity building: the proposals in this paper aim to give some guidelines for the elaboration of effective strategies.

56. The interface between local taxation and secure land rights is another interesting field of research. Taxation to generate resources that can be mobilized locally leads us naturally to wonder about development options for the territory and the link between collective and individual interests.

57. On the subject of capacity building, two areas are particularly important: that of *participatory mapping* enabling both the re-appropriation of the territory as a whole by its inhabitants and dialogue with the institutions at the next level up; and *management of decentralized funds* which can turn into a real learning experience in governance.

Box # 6. Niger's Rural Code

The setting up of the Rural Code has been a slow process (more than 10 years) that involved numerous consultations with the various social groups. Land Commissions registered the different users' rights at the local level and were responsible for updating records and making them public. What is original and not very common, is the process by which new forms of governance, dialogue and social organization have come about.

The Land Commissions incorporate the customary authorities that had an important role in land management and also members of the different departments in the administration, representatives of the various users. The Commissions do not work at the level of one unit of the traditional chieftaincy but several neighbouring chieftaincies. The process is spreading little by little. New agreements and new ideas are gaining ground. Recognizing the rights of nomadic pastoralists has not been definitively achieved despite the new concepts written into the legal texts of the Rural Code.

Partial conclusion on governments' capacities

58. We have only spoken about land and land tenure policies, but there are similar problems for other natural resources such as fish, forest and water resources.

59. Governments have an essential role to play in the design and implementation of policies providing far more egalitarian and equitable access to natural and land resources, both at times when rapid redistribution is necessary and also at times when slower development of agrarian structures is advisable. The limits and thus skills and capacity building needs are at the same time political, economic, legal, and technical: *political*, because the power relations do not always permit progress and the groups in power often protect interests not shared by the majority; *economic*, because some measures require resources that governments do not always have at their disposal, and because the situation of developing countries in the world economy is often difficult; *legal*, because concepts and laws, often originally imported or imposed, are frequently unsuited to the local situation and their modification is complicated and sometimes requires constitutional changes; and lastly, *technical*, because the dominant development model leaves little room for the search for alternatives based on the sustainable use of renewable resources.

B. THE IMPORTANCE OF THE ACTIONS AND PROPOSALS BY SMALL FARMERS', RURAL COMMUNITIES' AND USERS' ORGANIZATIONS

Land struggles: from resistance to the development of alternatives

60. Without the struggles of small farmers' organizations throughout the world for access to land, this crucial issue for the future of humanity would not be on the global agenda. It was the Zapatista uprising of January 1994 in Chiapas, when the free trade agreement between Mexico, the USA and Canada came into force, that first drew the world's attention to the dramatic consequences of the globalization of trade. The exemplary and widely reported struggle of the Landless Movement in Brazil played an important role in returning the land question to the foreground of the international stage. Landless farmers' struggles in South Africa, Guatemala, Honduras, Indonesia and the Philippines, and the non-violent campaigns and resistance movements of poor farmers and castes with no rights in India, are today indispensable for major and essential changes to take place.

61. These movements are not limited to developing countries: European farmers' struggles have brought to the fore the serious problems affecting family farmers on this continent. Productivism and the abandoning of policies that had led to modernization based on family farming has caused an unprecedented crisis. In France, farmers' organizations were behind the proposals for the "*lois d'orientation*" of the 1960s which set up a *policy on agrarian structures*. Without the work of these organizations, there would have been no *tenancy law* protecting farmers' rights. Today, these policies have been gradually abandoned and it has become very difficult for young farmers to start out. The countryside is emptying to the point that maintaining even the basic social fabric is under threat and there are increasingly serious environmental problems. The most recent reform of the Common Agricultural Policy, to bring it in line with WTO requirements, introduced a system whereby subsidies are, for the most part, decoupled from production, which is a serious threat to family farming. The stakes are not only access to land, but access to revenue divided up in a very inequitable way, based on a one-off payment (the *DTU*) that encompasses all the subsidies received by a farmer the past reference period. Although

traditional farming in Europe is very efficient, it also suffers from competition with the agribusinesses of the emerging countries and countries of the former Soviet bloc, all of which benefit from very low labour and land costs.

62. For this reason, the development of the *Via Campesina*, which includes organizations from four continents, is an important process. The *World Forum on Agrarian Reform*,¹⁰ which was held in Valencia in December 2004, gathered together civil society organizations from all over the world and was able to go beyond the differences and emphasize some problems common to traditional farming. With the interplay of unequal degrees of productivity and the different forms of economic or social dumping, the interests of family farmers in Europe are the same as those of small-scale producers in the South, in Brazil, Niger, or Indonesia.

63. Keeping the best agricultural land productive has become a strategic question at the global level. If we want to feed the world, we must stop urban construction on the best lands that could otherwise produce food whether in Chile, Haiti, China, Europe, etc. In the Philippines, a law allowing land to be listed as *suitable for urbanization* has, in numerous regions, blocked all possibility of implementing the land reform law. As a result, the farmers' organizations have made the fight against the conversion of farmland one of their main priorities.

64. If the results of farmers' struggles in the past were decisive, the absence in many countries of powerful farmers' organizations puts a brake on the design and implementation of sustainable development policies. This is clearly the case in countries of the former Soviet bloc where capitalism is developing on a large scale in relation to land just as has happened in some countries in the South (Argentina, Brazil, ...). This constitutes an extremely serious threat for small farmers the world over and, in the same way, for any hope of feeding all humankind.

Rights management systems: the informal sector; usage and customs, and the new territorial claims

65. Throughout the world there is much experience in managing rural space which is rooted in history and which constitutes an ingredient for the creation of new forms of governance, going beyond the usual opposition between what we call *customary law* and *modern law*. The new techniques available for map-making, with *satellite positioning systems* and *orthophotoplans*, make it possible today to greatly decentralize land administration. What once required a technician can now be done by rural people. The development of participatory map-making in Central America, and of the use of 3-D models in the Philippines puts the planning tools into the hands of the local people and enables them to negotiate better with the authorities. *Dialogue* becomes possible between actors who could not communicate before due to the lack of a *common tool* understood by all. If we add to this the opportunities offered by internet, we now have new means of resolving a part of the problems of *secure land tenure* systems. *Public announcements about land available for sale* could be considerably improved, but *social organization* is still the key factor at the local community level.

66. Recent decades have seen a flowering of territorial claims and experiences of organizing land. Amongst these, it is worth noting *territorial claims by indigenous groups*, but they are not the only ones. Bolivia is today a fully-fledged laboratory in this field. But hundreds of experiences prior to this, that are not very well known, deserve to be taken into consideration. In Mexico, for example, the management experience of indigenous communities in the State of Oaxaca, benefiting from a special law, is a good example of an alternative to the political party system for local management.

67. New claims rely on very old concepts, which are still topical today in the face of land privatization. References to Mother Earth, to the *Pachamama* of the Andean Indians find echoes well beyond their geographic origins. One of the central challenges of traditional farmers' and rural people's struggles today is to regain a certain degree of control of the territory. The slogan,

¹⁰ <http://www.fmra.org/>

"land to those who work it" is not really typical today. What is at stake is rather "the control of the use of land by its inhabitants", commented the rural manager J. Bové at the *World Forum on Agrarian Reform* in Valencia in 2004.

68. Farmers' claims in Colombia led to the creation of the concept of *reservas campesinas*, later incorporated into the legal instrument of the land reform institute, but still the subject of endless reconsiderations. In the areas of agricultural colonization, it meant being able to reserve access to land for small producers and to prohibit the development of large-scale production. It is a sort of localized *policy on agrarian structures*, over which the producers should have, at least partly, some control.

69. The original and innovative experience of the *Société Civile des Terres du Larzac* (SCTL) prefigures the type of control of the territory by the inhabitants which could be introduced, in forms suited to each country (see Box # 7). The task is immense, especially since the problems are not only to do with land tenure questions.

Box # 7. The territorial management experience of the SCTL in Larzac (France)

The 6300 ha of land recovered after 10 years of struggle on the part of the Larzac farmers in opposition to the expansion of a military camp are managed according to procedures created with a view to contributing to the debate on the establishment of "land offices", a major reform which did not succeed in the end. Land remained the property of the State which gave renewable emphyteutic leases to inhabitants for 60 year period.

A specific structure was created to manage these lands, the *Société Civile des Terres du Larzac* (SCTL). Its members are individuals or legal entities representing the different inhabitants of the region. Farmers are in the majority.

The SCTL decides on the development policy to be adopted and favours new farmers who want to start up rather than the expansion of existing farms. It rents the land to family farmers, by means of leases of variable duration up to retirement age. It also establishes agreements for the use of other non-agricultural goods, housing, and hunting rights so as to control the resources.

The SCTL manages to combine safeguarding family farmers and the collective land management by the inhabitants.

The importance and limits to the construction of alternatives from the grass roots

70. The inventions of rural societies, agricultural producers, herders and fishermen at the technical level and as regards the organization and management of resources have always been and are still fundamentally important. Without the work of farmers' and citizens' organizations, without the resistance movements, the demonstrations, even revolts sometimes, what we today consider to be fundamental human rights would never have been considered as such. Rights are built and created in the field. Before it arrives on the statute book, this future law, this prospective law, is at best something *unsaid*, at worst a violation of the laws in force. Resistance and civil disobedience often contribute in this way to the creation of rights. At this point, the question is how to encourage the emergence of new proposals and new options while not falling into chaos which would mean a generalized non-respect of the law. *Non-violent movements* have contributed greatly to the promotion of ways of contestation which have been of great benefit to humanity, in India, in Chiapas, and today more or less all over the world.

71. The difficulties and limits encountered by farmers' organizations and movements, and in general the processes for the construction of alternatives from the grass roots must never be underestimated. Capacity building is also necessary here. An action can be legitimate without being legal, but national laws do not take this into account. International pressure or the activities of international organizations can help remove blockages at the national level. Assistance for

empowerment meets a need of all humankind: to help societies invent solutions to their problems increasingly quickly and to respond to accelerating changes.

72. Initiatives coming from the grass-roots have their limits and constraints. Needs are *political*: there is often a lack of democracy at the local level; traditions, customary usages also contain their own set of exclusions. The bitter nature of struggle and the violence suffered by poor farmers lead to a radicalization that can block wider alliances which are nevertheless vital in order to gain ground. The absence of pluralism as regards unions, sometimes imposed by States which prefer to have relations with a single organization that is easier to control and the lack of internal democracy within the movements are also obstacles to be surmounted. Needs are also *technical*. Information is now globalized but social movements have little access to information that could be useful to them for making proposals. Lastly, the overdetermination of unequal economic relations at the global level is ruining a number of attempts to build a world with fewer poor people and capable of sustainable development. Social movements and civil society organizations need, at the same time, to think and act at different levels: local, national and global.

73. Just like the State, civil society movements and farmers' organizations, territorial organizations also need to build up their capacities in order to have more say in the innovation process and in developing solutions to the serious questions raised at the beginning of this paper: hunger, poverty, and the sustainable management of resources. The strengthening of civil society organizations is one of the three essential pillars in the search for solutions, alongside strengthening State institutions and international mechanisms.

III. Chapter 3: New forms of regulation and governance

74. The first two parts of this document have emphasized the limits of the efforts of States and civil society in taking up the big challenges of the agricultural sector and the rural world, especially poverty reduction, the eradication of world hunger, and environmental degradation. Before analyzing capacity building needs, we should try to understand how these limits can be overcome or, at least, how to open up new avenues for reflection on these questions.

75. The very different initiatives, to which we have made some references, whether they have a top down or a bottom up approach, are also attempts to compensate, through regulations, for the negative effects of the market when they are overly damaging, especially land and agricultural products markets. The initiatives are therefore directed at regulating in reaction to events. How can we go further in order to develop a regulatory approach that tackles problems at the source? This requires looking at new forms of rural governance, and learning from the most advanced experiences. This is the subject of this part of the paper.

A. THE STAKES

76. We will start with the role of agriculture in the world. It should fulfill several functions: 1) *an economic and feeding function*, managing to cover food requirements and biological raw material needs (wood, textile fibres, etc.) without, in the future using fossil energy, and with sufficient labour productivity to enable the other economic sectors to grow; 2) *an ecological function*, protecting and renewing natural resources and ecosystems (land, water, forests, and biodiversity); 3) *a social function*, guaranteeing the dignity of the way of life and the well being of rural people and those living in other environments (urban, industrial, ...); 4) *a cultural function*, protecting, developing and passing on know-how about farming and managing natural spaces as well as the cultures that go along with them. *Family agriculture* often has specific capacities in managing its work better overall and at a lower cost (especially if we include environmental and social and health costs) than large enterprises. Now, the regulatory mechanisms that prevail in the modern world run counter to the viability and profitability of family agriculture. We are witnessing a generalized withdrawal away from family agriculture which takes the form of excluding large numbers of poor farmers without offering any alternative economic opportunities. Today, to a large degree, this process is generating serious poverty at the

global level. Other regulatory mechanisms must therefore be set up, in different forms according to the geographic and historical context of each people.

77. The functions of agriculture are functions of general interest that preserve the common good at the global level. This is why they involve the whole of society and not only agriculture and/or rural populations. Now, the political weight of rural people is decreasing greatly throughout the world and their marginalization is increasing and, as a result, the regulations tend to be made only in framework of power relations (expressed through the play of political pressure or that of supply and demand) between actors whose respective powers and political weight is far from equal. We must therefore ask ourselves two questions:

- 1- If regulation largely comes about through interest group pressure, how can the interests of all the parties concerned be taken into consideration, in particular, the interests of the weakest¹¹ when they do not have the means of organizing and lobbying?
- 2- How can the regulatory mechanisms concerning questions of general interest and the common good be debated as a social question in which all the actors feel involved?

78. These questions are the premises for the reasoning that follows, about what we could call "good governance" of agricultural questions and rural zones. They mean going back to the drawing board to look again at the concepts and principles to allow the expression and consideration of both the general interest and the interests of all, even the weakest, in an equitable relationship.

B. CONCEPTS

79. Defining governance as being *the way in which society manages the general interest and the common good as well as the particular interests of each one of its members*,¹² *good governance* is that which ensures the best possible balance between the general interest/common good and particular interests *in an equitable relationship*. In the modern world, some basic concepts have been developed to guarantee this balance:

- Human rights: the notion of *rights* expresses and clarifies the universal bases of the interests of each individual. Any man or woman and, all the more so, any human group has a certain number of rights which society must guarantee. From this point of view, the *Universal Declaration of Human Rights* is the key to building good governance at the global level;
- Democracy: beyond any *formal democracy* and the periodic delegation of powers that happens at elections, *democracy* is the possibility given to each individual and each group to express its individual or collective interests, and therefore to *assert its rights*. It is fundamental for governance, first, because all human beings and/or social, ethnic, or religious groups, as a result of their capability of expressing themselves and their intelligence, are always in the best position to express an opinion on their desires/interests and their rights; second, because the capacity to find the most suitable solutions arises from the comparison of interests and desires in the context of seeking consensus in an equitable way rather than looking for a compromise which is most frequently the result of the power relations between the most privileged.

80. We would like to refer to two complementary ideas in order to understand governance: *co-responsibility* and *social cohesion*, concepts recently put forward by the Council of Europe. Human rights cannot only be the business of the public authorities, they also concern society as a whole, from which comes the concept of *co-responsibility* on the part of the various actors (public authorities, enterprises, citizens, and families) to guarantee the rights and the well-being of each individual, appearing as the other side of *citizenship* (*rights* in return for *responsibility*). *Social*

¹¹ particularly, the poorest farmers.

¹² The concept of governance used by the World Bank is less precise, namely "the way in which power is exercised in managing the resources of a country in view of its development." World Bank Governance and Development 1992.

cohesion is defined as being the capacity of society to ensure the well-being of all and to prevent disparity. It is the result or the expression of good governance and must be envisaged at all levels: local, regional, national, continental, and global. By including the well-being of future generations in this definition, we can link *social cohesion* and *sustainable development*.

C. PRINCIPLES

81. Bringing to the fore human rights and democracy (and therefore dialogue and partnership to look for equitable and consensual solutions) in a relationship of co-responsibility for the well-being of all including future generations (and therefore shared commitments - also in the long term for their implementation) implies certain principles for the application of these concepts. We consider four principles to be essential:

Dialogue and the territorial-horizontal partnership *to create and define the main guidelines*¹³

82. Defining the main guidelines for society requires *consultation* and *dialogue* between the various parties involved, leaving no-one out. This explains the importance of the territorial aspect of the dialogue: the reference to territory (and not only to social, professional or ethnic group) is essential for governance. Managing the general interest and the interests of all inevitably proceeds through a process of consultation of all the actors living in a certain territory or have interests in the territory. In a situation where a large part of the population is poor or very poor and thus excluded from democratic debate, a specific effort is indispensable to give an opportunity to the most marginalized in the community to regain their right to speak.

83. The reference to territory leads to defining the various levels at which dialogue must take place. Specifying the objectives and approaches adopted varies according to each level: from the general objectives and approaches on general principles taken at the global level and going from general to more specific points when passing to lower levels – national, regional and local/community levels.

84. Dialogue must cover all the aspects under consideration in the general interest and the common good, especially access to land, territorial resources and their management. Nevertheless, the search for *consensus*, allowing the best mix of the general and the specific interests in an equitable relationship, is difficult to achieve because it means reviewing the rules of the game. To succeed, dialogue must go beyond immediate action and look at shared values and long-term objectives.

Dialogue and the bottom-up vertical partnership: the principle of active subsidiarity

85. The existence of several levels of dialogue (local/community, regional, national, continental, and global) poses the problem of their inter-relationships. The rights of each to participate mean that the *subsidiarity principle* has to be applied i.e. the principle whereby decisions must be taken at the lowest level possible before moving up to the next one.

86. The next question is therefore who decides when to move up to the next level. Logically, it should be the actors representing the territories at the lower level in the framework of a dialogue between all these actors. The idea of *active subsidiarity* introduced by Pierre Calame¹⁴ specifies and modifies the concept of *subsidiarity*. For

¹³ For a more detailed analysis of the principle of dialogue and territorial consultation and its application, see the FAO document "Participatory and Negotiated Territorial Development (PNTD)."

¹⁴ *Simple subsidiarity* always implies the establishment of levels of competence: each level corresponds to a type of competence and there should be no question of lower levels dealing with questions that do not fall within their own competence. *Active subsidiarity* breaks these boundaries and develops bottom-up vertical

example, in the European Union, the States decide together on the kinds of decisions they consider should be discussed at the European level. Therefore, active subsidiarity introduces a bottom-up vertical dialogue that results in the delegation of powers to a superior entity for the execution of specific responsibilities.

The principle of autonomy in return for responsibility in dialogue and partnerships

87. The principle of autonomy in return for responsibility, or responsible autonomy (i.e. an agreement between two partners according to which the first delegates responsibility to the second and grants him the autonomy to act, with *a posteriori* control later), is found at all levels of governance and plays a key role, in particular:

- in the implementation of concrete actions in agreement with the broad approaches defined within a territory – autonomy for those carrying out the actions in return for responsibility vis-à-vis the territorial partnerships;
- in the bottom-up vertical dialogue and the delegation of powers – autonomy of the higher institutions in return for responsibility vis-à-vis those administered;
- in the top-down vertical dialogue, corresponding to the implementation of common policies in a decentralized setting – autonomy of the local partnerships in return for responsibility to the higher institutions.¹⁵

88. This fundamental principle allows the full expression of co-responsibility and confidence building. This principle is itself based on principles of transparency, *a posteriori* control, co-training and co-decision-making.

Dialogue and inter-territorial horizontal partnerships

89. For several reasons, some forms of dialogue and inter-territorial partnerships are necessary. On the one hand, human rights and co-responsibility for the well-being of all calls for notion of citizenship and solidarity at the global level leading to forms of partnership and cooperation between more favorable and less favorable territories, especially between the North and the South. On the other hand, agriculture and the management of rural space are questions touching on the general interest and the common good. Therefore, they involve the whole of society and not only agricultural and rural populations. Experimenting with new forms of partnerships between rural and urban zones concerning the principles of citizenship (rights and co-responsibility) and of solidarity is vital. Experiences are multiplying, in particular as regards questions of access to land and the flow of products towards urban areas.

90. There are many means of enabling dialogue and inter-territorial cooperation to develop, but one in particular deserves special attention – *migration*. Due to their double culture and double geographical ties, migrants can be a driving force for the creation of bridges for cooperation and solidarity between territories, especially in the more advanced and the least favorable zones of the world. In the most wealthy countries, migration is often analyzed from the short-term threat/opportunity angle, but it can be a means of making connections if it is viewed as a political opportunity.

dialogue. For more information, read Pierre Calame, *La démocratie en miettes. Pour une révolution de la gouvernance*. Ed. Charles Léopold Mayer et Descartes & Cie, Paris, 2003.

¹⁵ The application of structural funds in Europe for regional and/or rural development is a good example (see below).

Complementarity and mutual reinforcement of principles

91. While there are numerous obstacles to the application of the principles of good governance, as the following examples will demonstrate, it is nevertheless possible to observe the effects of mutual reinforcement:

- Top-down vertical dialogue is a tool for strengthening territorial dialogue, as shown by the example of the LEADER Programme. What is more, the intervention of at least three levels in vertical dialogue (local, national, continental, federal or international) means that any obstacle arising between the different levels can be circumvented, as seen in Brazil for example;
- Inter-territorial partnerships play a vital role in exchanging methods and practices and have a positive indirect effect on local consultation processes;
- More generally, any expansion of democratic debate means that any constraints caused by certain power relations can be surmounted. On the contrary, closure, partitioning or reduction of participation leads to the rules of the game once again favouring special interests over the general interest. This is why principles of good governance constitute a whole: by applying them as a whole, virtuous circles are created which further consolidate them.

D. EXPERIENCE GAINED: LIMITS AND LESSONS

Structural funds and the LEADER initiative (European Union)

92. The concept and the implementation of structural funds in the European Union is an interesting example of decentralized governance of rural zones and rural and urban territories. These funds, which were established in the 1980s with the aim of creating solidarity at the European level between the richest and the poorest countries and regions of the Union, help the latter to *catch up in their development* thus ensuring *economic, social and territorial cohesion* at the level of the continent. Based on the principles of subsidiarity, territorial partnership, autonomy in return for responsibility and inter-territorial cooperation, these funds have greatly contributed to new forms of governance in Europe and have had an important influence on the development of the political culture, especially in the least developed countries.

93. Among these funds, the community initiative LEADER (1991-2006), specifically set up for rural zones, is one of the most interesting. Without going into all the details here, we think that its limits and lessons are partly linked to the application of principles and partly to the basic idea

The LEADER Programme (1991-2006)

The LEADER initiative was originally designed as a laboratory to revitalize European marginal rural zones in crisis, in particular as a result of the abandoning agriculture in favour of more productive intensive agricultural zones. It was applied in a decentralized way in more than 1 000 rural territories and gradually became a point of reference for agricultural and rural development policies.

It is of interest for having introduced the principles of top-down vertical dialogue and territorial dialogue at the local level, while leaving the local players in each small rural territory (between 20 000 and 100 000 inhabitants) to organize themselves into a formal local partnership (open to all those with interests in the territory), to draw up together and with the local population, their own local development strategy, to implement it and organize decentralized cooperation with other territories, with the means to provide a support team playing the role of facilitator for the process as a whole.

of the programme. An analysis of these will enable us to find new avenues for moving ahead.

94. The implementation of a genuinely bottom-up and participatory approach was

difficult, despite the existence of the support teams, but solutions exist and difficulties were

overcome. Some limitations were encountered in building local partnerships, often stuck in their evolution process because overly controlled by authorities. The formalization of effective local development strategies was also a stumbling block since action plans usually limit themselves to diagnosing the problems and making a list of possible actions, without much creativity in their methods. We should underline the *autonomy in return for responsibility* principle was not sufficiently applied in the vertical dialogue. If this principle is applied correctly, it is possible to go beyond the limits mentioned above, as has been seen from certain key point in the initiative in 1995 or 2000.¹⁶

95. The main intrinsic limit to LEADER has to do with the initiative's objective, explicitly formulated as local economic development in the rural environment. There was no mention of human rights nor objectives of well-being for all or equity. As a result, local territorial dialogue did not allow any real changes to the rules of the game, in particular as regards access to local resources. The initiative hardly ever allowed discussion of the problem of the distribution of land, even where this problem constitutes a structural brake to local development.

96. In conclusion, while the LEADER initiative opened up the way, arousing great interest, for a new kind of governance of rural zones, it has still not produced satisfactory answers to the crucial problems that exist on a global scale for the better governance of rural zones and the agricultural development.

Other experiences of territorial dialogue and decentralized approaches

97. There have been numerous experiences of participatory approaches and/or territorial partnerships in the rural zones of the world. Some were able to develop under the impetus of international organizations or NGOs which tried to systematize these approaches. FAO and other institutions developed these participatory methods in various fields (forest and land management for example). For almost 20 years, the Capital Development Fund (CDF) has been recommending local consultative approaches to identify equipment needs. More recently, the Community Driven Development (CDD) approach was created and applied by the World Bank and IFAD. The "Agenda 21" is part of the same family of territorial dialogue in a conceptual framework recognized at the international level following the Earth Summit in Rio de Janeiro in 1992.¹⁷

98. Few of these initiatives have, like LEADER, been the subject of policies structured with several levels of intervention and dialogue and exchange. Dialogue has taken place at the community and/or local level (cases mentioned above) or at the national level, such as under the Poverty Reduction Strategy Papers (PRSPs), without any real link to the local level. The national rural poverty reduction programme in Cape Verde, co-funded by IFAD and running for the last five years, provides a counter example. It is based on an approach inspired on an analysis of the LEADER experience and its approach is organized around several levels of dialogue.

99. It is thought that putting the objective of poverty reduction in the foreground is more relevant than that of rural development because it re-positions the problem of equity and well-being for all as a problem of society as a whole. The limits to the bottom-up approach can be overcome by dialogue at the level of the communities which are then represented in the local partnership. The introduction of a capacity building phase for several years (three years in the case of Cape Verde) and international exchanges on similar experiences (Portugal, Brazil) are key elements to establish the approach and ensure its success. Nevertheless, despite this progress, two limitations persist in these approaches: the non-consideration of equitable access to resources, particularly physical resources (land, water, etc.); and the absence of non-rural populations in the territorial dialogue. Putting the fight against poverty first clarifies the objective of dialogue, but it is not enough.

¹⁶ Some methods tried to go beyond this limit, in particular, as regards the forms of supervision and of the production and circulation of information, around the idea of bottom-up evaluation.

¹⁷ They are nevertheless not much known outside the continent of Europe and are often confined to environmental questions, although poly-dimensionality has been affirmed in the concept in the concept of sustainable development.

New forms of governance dealing with access to physical resources

100. How can the principles of both bottom-up and top-down territorial dialogue, such as we have described above, be applied to access to resources? The existence of private property creates a de facto legal limit to any dialogue on the use of land and natural resources and is difficult to reconcile with the management of the common good. In particular, it is absolute property that constitutes the obstacle to democratic consultation. In fact, in modern societies, property rights are increasingly being limited.¹⁸ In reality, there are numerous ways of achieving territorial consultation on the use of land while trying to preserve the collective interest and meeting the needs of private, family or collective economic management.

101. We have mentioned the case of Vietnam where the land, remaining the property of the State, was put at the disposal of the villages and where farmers have use rights that they can sell. In the example of Larzac (France), the civil society foster a permanent dialogue between local partners, manages the land and puts land at the disposal of agricultural families according to their needs and the development strategy decided by the members. We once again find local territorial dialogue for the attribution of resources in function of needs and the vertical dialogue with the State which gives autonomy to local actors organized into partnerships to manage the resources, at the same time makes them responsible for the results. The expected outcome is an equitable distribution of land and an adequate balance between resources and needs and social equity. We note that other criteria may be favoured in the formula *autonomy in return for responsibility*, in particular as regards the conservation of the common good (land, environment, etc.). These devices must take account of anthropological data, family structure and the inheritance practices in order to allow sustainable management for several generations, resolving, in particular, the complex question of young people starting out.¹⁹

102. While the territorial dialogue approach facilitates taking account of the general interest and the collective management of the common good, and is also a factor in local democracy and social cohesion, it comes up against the limits of the law and regulations fixed at other levels. Good governance of land supposes a revision of its by-laws and, therefore, a decision taken at the national level which is a serious obstacle of a political nature. Experimentation within territories is often only possible in exceptional conditions and the passage to the extension and promulgation of a public policy is almost always difficult.²⁰

The link with urban populations

103. Urban populations, nowadays often in the majority, can provide neutral judgement that is closer to the general interest, and that tends to form a fair and equal compromise between the general interest and the interests of all. In this way, they constitute an important democratic resource for the good governance of rural zones.²¹ However, the participation of urban populations in the debate on rural zones cannot be forced. This is a link that is formed over time, a link of citizenship in the sense given above of rights and mutual responsibility: rights to enjoy the products of both agriculture and the rural world (healthy food, open space, tourism, etc.) and mutual responsibility for the well-being of the people who live there and for the common good.

¹⁸ The principle of the social function of land enshrined in a certain number of Latin American constitutions and the basis for a certain number of land reforms represents one of the forms these limits can take.

¹⁹ Ownership of the land need not necessarily revert to the State. Many solutions exist amongst which the case where private owners associate to place their land at the disposal of a local structure that guarantees its management by means of territorial dialogue.

²⁰ This was confirmed in the Larzac example with the failure of the national "land offices" project which followed the same reasoning.

²¹ This is particularly important in situations where particular interests obstruct the expression of the general interest and the equitable management of common goods, as can happen in the case of access to land. Note the role of citizens in support of the Landless Movement in Brazil, for example.

104. The division of policies into sectors has become so important that very often the only experiences come from the citizens themselves i.e. links between groups of citizens/urban consumers and small-scale farmers, that take different forms in relation to the supply of healthy products and can, in some cases, lead to the collective purchase of land in order to ensure access to it. In this way, these links address the two most important factors of security and maintenance of small-scale family farming: security of market access and fair prices, and access to land. From this aspect these links can be seen in the context of autonomy versus responsibility. Fair trade largely developed along similar lines.

IV. Chapter 4: Capacity building needs

105. This brief outline of the stakes involved in the governance of rural areas and of some current experiences has enabled us to complete the analysis begun in the first two sections of the inadequacies and the gaps to be filled. We can now recall and summarize the consequences of what we have described on the subject of capacity-building.

A. HOW TO ADDRESS CAPACITY BUILDING NEEDS

106. The establishment of good governance in rural areas is a major issue that should be based on a combination of several approaches and should emerge from a coherent whole, as we have tried to outline in the third section.

107. *Capacities must therefore be built* rather than merely transferred: no totally satisfactory solution to this challenge exists. Through critical analysis of each possible approach examined in comparison with other experiences, know-how can be developed. It is nonetheless advisable to have a *common reference framework* as regards concepts and objectives. Following the global affirmation of the concepts of human rights, democracy and sustainable development, and more recently, the Millennium Development Goals that are the concrete, quantified and dated expression of these concepts, an important step that ICAARD could advocate would be to declare the need for good governance of rural areas, at the same time identifying the principles involved and framing this issue in the form of a shared political project.

108. It is also important to mention *systemization mechanisms*²² and *method transmission*. Without a framework for conducting *collective training* processes at the global level, the risks of losing significant knowledge, repeatedly taking the wrong track and having to constantly reinvent the same solutions are great.²³ From this point of view, the *observatory* envisaged by FAO could play an important role.

109. We also underlined, however, that experimental mechanisms were difficult to set up and we explained the reasons for this. An advisable step therefore, is to consider, from various perspectives, the mechanisms through which pilot mechanisms can be transformed into new legislation and new public policies. Multi-level dialogue will also be essential for this. Rather than promoting a single outlook, it would undoubtedly be more important to create the conditions to enable humanity, in all of its diversity, to derive possible responses to the questions posed at the start of this report. Without a doubt, it is vital for international organizations to adjust their response mechanisms in order to improve their performance in this field.²⁴

²² Or capitalization of knowledge and experiences.

²³ Even in the most developed experiences, such as the creation of networks in the framework of the EU community initiatives, the capacity of capitalization and transmission methods is still well below what it could be. From this point of view, there is a considerable "waste" of potential in building and strengthening know-how.

²⁴ This would also imply strengthening the capacities of their managers, which could be inspired by concepts in this document but which would clearly demand developments of a much greater significance.

B. SOME PRACTICAL METHODS FOR CAPACITY BUILDING OF DIFFERENT ACTORS

110. In relation to the need for capacity building, the central issue nowadays lies in the field of inter-institutional and political relations at different levels rather than in technical or management know-how. Capacity building for good governance should serve as the core concept while other objectives linked to capacity – techniques, management, market access, etc., and basic training such as literacy, training in communication skills, management of meetings, leadership, and specific training for women and young people, etc. – could be seen as components of a global and federal project of building good governance. A project of this kind has a mobilizing effect that creates new requirements and new motivations to build capacity.

111. However, a programme such as this assumes that certain conditions will be fulfilled, particularly in terms of accepting and applying a common framework of reference. It would not be reasonable to implement such a programme if the basic rules of democracy and freedom of expression were not guaranteed. However, these conditions also require acceptance and the will to put into practice the principles of active subsidiarity, territorial partnership and responsible autonomy, among others. Lastly, it would be virtually impossible to successfully carry out such a programme without an agricultural policy aimed at ensuring adequate prices for producers in each particular context at the national or regional level and without the necessary political openness for experimentation and definition of new land policies.

112. The relevance and effectiveness of a capacity-building programme for good governance of rural areas rely on the possibility of creating a smooth link between training and practical application, with practice providing input for evaluation and vice versa. This would assume methods of training that would incorporate the results of this evaluation. In this situation the trainer becomes a facilitator of the training process.

113. Finally, the success of such a capacity-building programme requires a *simultaneous and coordinated intervention* at many levels, involving: territorial cooperation at the local/community level; vertical partnership at higher levels; stakeholders as facilitators, leaders and/or trainers; follow-up and evaluation; the encouragement of the self-identification of consumers as citizens; the establishment of new laws and new policies at the national level on this basis; and, at the level of international organizations, the establishment of adapted model programmes and coherent regulatory policies, among others.

114. In the second section we emphasised a certain number of fields in which capacities were clearly lacking in international organizations and national or local governments as well as in civil society organizations. We concluded that it would be very difficult to implement many policies without strengthening producers' organizations.

C. PROPOSALS: OUTLINE FOR DISCUSSION

115. On the basis of these different issues, it is possible to outline a process of capacity building for the *good governance* of rural areas. The first stage would be to affirm the objective of the *good governance* of rural areas by laying the foundation of a common framework. ICARRD is an opportunity to achieve this.

116. Once this is achieved, an appeal could be launched to governments to implement the process in an experimental manner by supporting already existing initiatives²⁵ or new programmes²⁶. In both cases the governments should intend to go further than merely

²⁵ Such as LEADER in Europe, the Community Driven Development (CDD) approaches, Agenda 21, and the Sustainability Threshold Assessment (STA) approach where it has been implemented, etc.

²⁶ In the first case, the commitment would consist in trying to complement the approaches in place on the points in which they present some insufficiencies in relation to the objective of good governance, by combining them with other

implementing experimental programmes at the local level, so that it may be possible to address the possible revision of agricultural and land tenure policies.

117. Specific programmes for capacity building at various levels would then be put into place. One of the principles would be to enable the various players concerned to experiment within a small-scale approach in a capacity-building phase in order to understand the issues and then be able to apply them on a larger scale. On the other hand, the training programmes would be designed on the basis of real life experience and problems encountered. They would be addressed to all the actors involved in the processes, public authorities and ministries, rural organizations and, more generally, organizations representing civil society (at their different levels of local, national, continental and global activity), NGOs and other stakeholders who could have a facilitating role in the dialogue process as well as specific experts (lawyers, other specialists), etc.

118. Monitoring and development work would have to be carried out at the global level to draw on lessons learned from different experiences and determine a common reference framework, particularly in terms of methods and their adaptation to different contexts. Some methodological elements concerning fundamental issues that merit particular attention are, for example:

- How can we enable the poorest people to regain the right to speak and take their place in territorial dialogues, first at the community and local level and then at higher levels?
- Beyond the concepts and principles, what are the methods that allow dialogue about the general interest and well-being of all to be undertaken in an equitable way?
- How can we use dialogue between the different levels to overcome obstacles, including legal obstacles, to good governance over resources such as land and water; a revision of land and water regulations, and the implementation of new forms of local management, etc.
- How can we ensure that monitoring and evaluation will be shared among the different levels?

119. The proposal by FAO to establish an observatory for agricultural and rural policies as an output of ICAARD is fundamental for achieving the above goal. Its role could be to ensure a global dimension to the training process for good governance of rural areas and to build capacities to this end. It should: 1) specify a common reference framework as a starting point, based on the ICAARD conference and the follow-up to the conference; 2) ensure assistance to governments interested in experimenting with the approach, in order to help them determine the most important elements of the experiment to take into account which would then be the subject of the observation and methodological analysis at the global level; (3) establish and implement a system for monitoring existing approaches to identify knowledge gained and limitations, which would serve as a basis for dialogue on their improvement; (4) identify the most problematic issues and organize exchanges on them and the most relevant and interesting responses that have emerged. This concerns both local implementation and agricultural, land tenure, and rural development policies; (5) develop methods at the global level and enrich the common reference framework of good governance by taking different contexts into account; (6) ensure a wide dissemination of information about current objectives and processes; (7) support networking among relevant actors with the final objective that the functions performed by the Observatory will gradually be transferred to the networks themselves (functions such as methodological development, dissemination, facilitation of exchanges, political dialogue, etc).

120. Furthermore, each year the Observatory would be responsible for producing a Global Report on Access to Land, Water and Natural Resources, listing an inventory of issues on equity and securing land use rights for rural people, fishermen, nomadic populations and those with forest-based livelihoods. This would not only allow progress in governance in these fields to be monitored, but would also assist States, international institutions and civil society organizations to become more accountable.

approaches. In the second case, there could be some programmes designed around new bases trying to take account of the different dimensions of good governance.

121. The most difficult challenge for developing good governance of rural areas will most likely be the application of lessons learned to general policies (mainstreaming). All too often this does not occur due to a lack of the correct political balance of power at the global level. This explains why it is necessary to address the issue of supporting networking from the outset, an issue which could play a crucial role in political dialogue at the global level, in terms of exchange and capitalization of experience, and gradually take over the role of the Observatory itself: these networks would represent small-scale producers but also the different actors involved in the process, including town inhabitants. It is therefore particularly important to plan programmes for the building of specific capacities to this effect, such as:

- ✓ a specific programme aimed at strengthening small farmers' and rural organizations.
- ✓ the organization of the systematic participation of rural populations in designing and applying policies for securing land tenure, as well as various categories of rights, especially use rights, by relying on existing governance structures or assisting in the establishment of new *ad hoc* local territorial institutions.

122. Furthermore, for this process to be successful, other kinds of interventions should be planned, such as:

- ✓ recourse, on the recommendation of United Nations organizations, to urging and/or constraining policies as used by international financial institutions vis-à-vis States, in order to accelerate redistributive agrarian reforms. These reforms would have objectives that can be assessed quantitatively in terms of lowering the Gini Coefficient over long periods of time in areas where land distribution is extremely unequal, and recourse to land market regulatory mechanisms and/or property taxation where distribution is relatively equal, to prevent land concentration.
- ✓ comparative research on competitiveness between small-scale and large-scale agricultural production, taking into account social and environmental externalities.

Conclusions

123. In conclusion, we would like to summarize the conditions necessary for moving forward towards the implementation of these proposals and the achievement of the desired objectives.

1. *Recognizing the diversity of situations in the world and abandoning the tendency to accept a single viewpoint* are currently indispensable prerequisites for completing a serious problem analysis and finding solutions to the complex challenges of the 21st century. Common regulations in all countries should be established to protect this diversity and allow all nations and social groups, even the poorest, to be able to live, be recognized, assert their rights and, in particular, rise out of poverty.

2. *The true causes of the increase in poverty and hunger in the world must be at the heart of the debate in order to address the root of the problem.* The main current causes of rural poverty are the mechanisms by which different agricultural production systems with very different levels of productivity are placed in competition with each other, the existence of considerable market distortions linked to direct or concealed subsidies, differences in labour costs in different regions of the world, and different relative weights of countries and economic players in negotiations. Land access problems and national policies that are unfavourable to poor farmers must also be included. It is futile to establish safety nets and create government welfare policies that remedy inequalities if the mechanisms that are their cause continue to exacerbate the problem at its source. Increasingly numerous organizations and movements rightly demand that agricultural products, or at least food products, should not be treated like other commodities and that liberalization mechanisms be halted while appropriate regulatory mechanisms are set up. This would involve, for example, the establishment of regional free trade areas to protect, when

necessary, farmers from countries affected by the devastating consequences of the global market. No land access policy can be viable without making changes at this level.

3. *Should we not abandon the myth of TOTAL LAND OWNERSHIP in order to reinvent new forms of territorial governance?*

124. Today it is essential to recognize the existence of different kinds of rights, individual and/or collective, and the importance of use rights to resources. It is easy and relatively common to speak of bundles of rights but much more difficult to obtain true legal status for them. The range of possibilities is infinite if one accepts the idea that there can be different rights for the same plot of land and that these rights can be subject to specific methods of distribution and management by market or non-market mechanisms.

125. Abandoning the myth of TOTAL LAND OWNERSHIP²⁷ gives us the means to look at the situation differently and to see that the scenarios on different continents are not necessarily incomparable. This would renegeate European *tenancy laws*, the *social function of land* in Latin America, and indigenous territorial *customary rights* in a coherent conceptual framework.

4. *Should we not urgently abandon the illusion of a perfect market for land and natural resources?*

126. Even if rights to land and natural resources are frequently bought and sold, these are not goods produced for sale and cannot constitute commodities like others, as Karl Polanyi discovered in 1944. The market alone can never redistribute land and natural resources for the optimum benefit of the majority of human beings. Redistributive agrarian reforms encouraged by the States and traditional farmers themselves on the basis of broad social consensus are more necessary than ever, not only from the perspective of justice for the poor, but for the well-being of the greatest number of people and for global economic balance. These reforms will not have the same characteristics as those of the last century and should break new ground to address the new world order.

127. Nor is the total lack of markets a solution. We have to free ourselves of the sterile dichotomy – total market versus no markets – and give ourselves the means to determine the types of rights that could be subject to market transactions, and the rights that must be managed by non-market mechanisms. It would be advisable to discuss which social regulations or which limits must be established for these markets. If family agriculture (or traditional agriculture) is indeed still the most economically, ecologically and socially attractive form of production, policies on agrarian structures are then of utmost importance, as agricultural policies aimed at modernizing production units while controlling the evolution of agrarian structures from one generation to the next in a way that conserves the family nature of the production unit.. Together with economic and educational policies, they will enable the advantages of family farming to emerge.

128. Constructing solutions for tomorrow can only be done in a pluralistic and progressive manner. It is within the dynamics of increasingly broad alliances that power relations can gradually be forged, which will ensure lasting progress.

129. In this sense, international organizations of the United Nations (FAO, UNDP, among others) have an essential role to play. They must continue intervening at the level of States but must also extend their action, in particular towards working with civil society movements and organizations representing different sectors.

²⁷ Invented exactly two centuries ago i.e. yesterday in the scale of human history, following the fight of the bourgeoisie against feudal power.

130. Many other avenues have to be pursued beyond those discussed here, including: *global taxes* that could fund compensation for market distortions; broad alliances between producers and consumers, between capitalist sectors interested in expanding legitimate global demand and small farmer sectors directly affected by the current changes. By virtue of the variety and quality of its participants, this conference could be the right occasion to formulate and elaborate many new ideas. In response to the urgency and the size of the crisis, we need the imagination and analytical abilities of each individual, and contributions from the many cultures of the world

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