

Land Access in the 21st century: issues, trends, linkages and policy options

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Land Access in the early 21st century: issues, trends, linkages and policy options

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1. Introduction

In recent years FAO's Land Tenure Service has prepared a number of documents addressing various aspects of access to land in rural areas, and complementary analyses have been undertaken by development partners such as the World Bank, DFID, GTZ and French Cooperation. FAO has identified a need for a more comprehensive document that draws together key issues and emerging challenges in a way that is succinct and meaningful to policy-makers. Accordingly the Land Tenure Service has planned to prepare a Policy Note in 2005 to address access to rural land in the forthcoming years. This Policy Note would identify the key topics, their inter-relationships, the policy implications and it would explain why they are worth considering.

The present paper is intended to provide analytical background material for the planned policy note. It seeks to cover the key issues, trends, constraints, challenges, knowledge gaps and policy options on a range of dimensions of land access. These dimensions include food security and poverty alleviation, gender, broader natural resource access, indigenous peoples, the role of NGOs and civil society, comparative approaches to state intervention in promoting distributional land reform, the roles of land sales and lease markets, the role of small household plots and the implications of livelihood diversification, migration and remittances.

For the purposes of this paper, land access is broadly defined as the processes by which people individually or collectively gain rights and opportunities to occupy and utilise land (primarily for productive purposes but also other economic and social purposes) on a temporary or permanent basis. These processes include participation in both formal and informal markets, land access through kinship and social networks, including the transmission of land rights through inheritance and within families, and land allocation by the state and other authorities with control over land and landowners. While understanding all of these processes and their operation for land users as a whole is of relevance to land policy, the concerns of this paper are:

a) the opportunities to access and utilise land for the rural poor, considered as those who are landless or with limited, insufficient and insecure access to land, and for whom land access is important for a livelihood and/ or for food security; and

b) to assess the place of policy and programmatic interventions in influencing processes and opportunities for land access for these groups.

Opportunities for the poor to acquire full rights of ownership of land assets equivalent to those conferred by freehold title (amounting to rights guaranteed by the state to occupy, utilise and transfer land at will, in addition to the powers to enforce those rights) represent the strongest form of access to land. All the while, policies relating to land access are equally concerned with opportunities for poor farmers and others to access land or to increase operated areas on a temporary basis and to secure use rights to land and natural resources according to need through market and social processes and tenure arrangements other than those of formal title. However, discussion of the forms of tenure and tenure institutions is beyond the scope of the paper; and it does not attempt any detailed or explicit coverage of land titling, registration or tenure regularisation programmes or the role of land administration systems. Nevertheless, tenure security remains an important dimension of land access for the poor. Consequently interventions to protect and defend the land rights and access opportunities of vulnerable groups including women, indigenous peoples, pastoralists and others dependent on common resources, and seasonal labourers and labour tenants deserve consideration.

The present discussion is based on examples from specific regional contexts, focusing on sub-Saharan Africa, South Asia and Latin America, and drawing upon pertinent literature and experiences. Some overall cross-regional commonalities in land access issues, but to a large extent the land policy trends, issues and opportunities are context-specific. Although there may be general lessons to be learned, there are no standard “one size fits all” solutions.

Particular emphasis is placed on the linkages and interdependency of topics, in an effort to identify why issues are important and provide insights as to how policy-makers might navigate through this complexity.

2. Access to land, food security and poverty alleviation

2.1 Overview

Economic analysis has long recognised the importance of secure property rights for growth, and for the poverty reduction which growth can bring. Moreover, FAO and many others have also argued (see for example EU 2004, Cox et al 2003, DFID 2001, Toulmin and Quan 2000, Ghimire 2001, Baraclough 1999, El Ghonemy 1994, 1990) that increased land access for the poor can bring direct benefits to poverty alleviation, not least by contributing directly to increased household food security. In societies which remain predominantly rural, where agriculture is a main economic activity, access to land is a fundamental means whereby the poor can ensure household food supplies and generate income.

In addition, land is a capital asset offering opportunities for social and economic empowerment and thereby a springboard from which to escape from poverty. Secure rights to land are a basis for shelter, for access to services and for civic and political participation; they can also provide a source of financial security furnishing collateral to raise credit, as a transferable asset which can be sold, rented out, mortgaged, loaned or bequeathed. Moreover secure access to land creates incentives for the user to invest labour and other resources in it so as to maintain its value and sustain its productivity, and allow the user access to social and economic development opportunities.

Carter (2003) summarises the poverty reducing effects of land access as including household income gains; of food security benefits from making food more easily and cheaply available; the safety net and investment effects, where land assets provide a buffer against external shocks and frees up resources for investment e.g. in children's education; and the dynamic income distribution effects of more equitable land distribution across society.

2.2 Land access and food security

Advocates for better land access for the poor and more equitable land distribution frequently focus on the importance of land for food security. At the most basic level, access to agricultural land provides a means of food production which makes a fundamental contribution to food security by making food more readily and cheaply available to the poor (Carter 2003). "Access to land contributes to food security, households' nutritional wellbeing, and the ability to withstand shocks" (Binswanger and Deininger 1999). In societies where household self-provisioning is prevalent, land access forms the sine qua non of household food security. In rural societies where subsistence-based agriculture is less subsistence and more market-oriented, family farming nevertheless provides a principal source of employment thus generating the income with which to buy

food. Even where employment markets provide greater income and welfare opportunities, access to productive land and natural resources provides a supplementary source of food and an important safety net for the unemployed. Whereas rural people, can in theory, derive sufficient income from employment on large scale farms to feed themselves, their food security is vulnerable to changes in agricultural labour and product markets especially those without other opportunities or their own land to fall back on. Indeed, low agricultural wages, vulnerability to eviction and retrenchment, and exploitative labour and tenancy contracts generally fuel demands for land reform. Only in economies less dependent on agriculture, in which economic development and employment derive primarily from other sectors will access to land not be an important means of providing household food security.

2.3 Land access and productivity

Poverty reduction is also dependent on overall levels of economic growth which, in rural societies, is substantially dependent on the level agricultural and natural resource productivity. One economic conclusion is that secure property rights are important to promote investment for both large and small land users, and therefore important for farm productivity. In turn, increased productivity contributes to agricultural and overall economic growth, and indirectly to poverty reduction. Here, there may be trade offs between efficiency and equity, or between growth models based on commercial and small holder farming. One view is that highly efficient commercial farm production farming can make a greater contribution to economic growth, and by creating rural jobs, help generate sufficient wealth to provide social protection for the poor. Another is that the distribution of land rights matters, and that the opportunities for the poor to access land have direct benefits in terms of household food security, livelihoods and income, thereby increasing poverty reduction.

To an extent the issue of what model of agricultural development to pursue and the stake that the poor should have is a matter of ethical or political choice. However, in considering the impacts of land and property rights on productivity, attention has also focused on the efficiency of resource allocation, and the distribution of land rights. Here, another important conclusion of economic analysis is that under many circumstances more equitable distribution of land and widespread opportunities for small farmers to access land is economically efficient (Carter 2003, Deininger 2003, de Janvry & Sadoulet 2001). Research demonstrates an association between more equitable distribution of land assets and higher rates of economic growth (Deininger and Squire 1998, el Ghonemy 1994, 1990) The explanation for this association, which provides an argument for redistributive land reforms as a route to greater economic prosperity, rests on the so-called inverse relationship between farm size and productivity, whereby the greater efficiency of labour utilisation by small owner operated and family farms leads to higher levels of agricultural productivity. Assuming that increases in productive efficiency are matched by good market access and particularly where agriculture remains an important economic sector, then a larger number of small farms provides a greater contribution to economic growth than a small number of large farms.

There are a number of caveats to this argument and cases where economies of scale apply, notably in circumstances where market demands for timely supplies

of large volumes of high quality produce make efficient utilisation of capital more important than use of labour, and create comparative advantages for large commercial enterprises with strong upward and downward linkages into production and marketing chains. However in many circumstances the inverse relationship still holds true, and in many cases the smallholder sector has proved to be exceptionally dynamic, for instance in China, the Far East and throughout West Africa where small farmers in supplying internationally traded cash crops such as cocoa and cotton and in responding to urban market demand for vegetables, staple foods and meat, make overwhelming contributions to agricultural growth.

It is possible to conclude that promoting labour intensive growth, including the encouragement of small farms and more egalitarian land relations is likely to have a more significant impact on poverty than more capital intensive growth which marginalises small producers and undermines their land rights and market opportunities (Quan 2000).

Leaving aside the relationship between farm size and productivity, economic evidence also indicates a strong and negative and empirical link between asset inequality and growth. An unequal distribution of assets, especially land capital and land, affects overall growth, affecting the income growth of the poor disproportionately. A better distribution of assets increases the income of the poor, increased aggregate growth and reduces poverty, but the evidence suggests, better income distribution, without asset distribution will not accelerate income growth (Sabates-Wheeler 2005, Birdsall and Londono 1997, Deininger and Squire 1998)

2.4 Inequitable land access and land reforms

Where land is concentrated in few hands, secure access for the poor will be limited and the consequence is likely to be inequitable patterns of income and wealth distribution. In these circumstances attention has focused on how to remodel the distribution of land and property assets through land reforms. The arguments for more equitable land distribution have been founded on both economic and social principles. On the one hand the inverse relationship between farm size and productivity enables the achievement of higher and faster rates of overall economic growth, thereby contributing poverty reduction across society as a whole. On the other hand increased and more secure land access for the poor can assist them to meet their own basic social and economic needs. In addition, for instance the historical alienation of land from the original owners in southern Africa and from indigenous peoples throughout the world, and the persistence of large scale underutilised colonial or land lord estates alongside rural landlessness, poverty and unemployment in Brazil and elsewhere in Latin America, provides an argument for redistributive land reforms based on the demand for social justice. Moreover, social justice with respect to land may be enshrined in the constitutions of certain countries in the form of rights to land restitution, in South Africa, and the obligation to make productive, socially beneficial use of land in Brazil creating a clear political foundation for land reform policies and programmes.

In the absence of alternative income and livelihood opportunities, there is an association between poverty and landlessness and inadequate access to land, where land distribution is unequal. Moreover, land reforms, which have sought to address structural inequalities and provide better access to land for the poor on a systematic basis, appear to show a positive impact. Specific examples include India, where tenancy reforms in particular have been correlated with increases in agricultural growth and reductions in poverty, including increased real wages, reduced landlessness and improved social development (Srivastava 2004); the first phase of land reform during the 1990s in Zimbabwe (Kinsey and Binswanger 1993); and more recently in Brazil, where land reform settlements have led to improvements in income, food security and wider development opportunities for direct beneficiaries and in the wider local economy, including creation of employment, and improved access to credit, education and health (Leite et al 2004). In addition, increases in the number of small-scale land holdings can be correlated with increases in human development indicators in cases such as Colombia, Costa Rica and India (Deininger 2003, Sabates Wheeler 2005)

2.5 The policy shift to land access

Despite the economic arguments, recurrent social demands and empirical evidence for redistributive land reforms, these reforms have faced great obstacles in practice. Land reform programmes have not always led convincingly to sustainable reductions in poverty, and past successes are now widely regarded as difficult to replicate in today's circumstances. The principle issues to be considered include:

- ❖ The fact that major distributional land reforms have generally been part of wider social, economic and historical transformations, whereby outmoded productive and political systems have been replaced by new ones which are both more democratic and more efficient. Attempts to transform property relations outside of these wider processes of change generally meet with strenuous political opposition and risk provoking conflict and instability
- ❖ Where the law requires full compensation for the value of land expropriated by the state, broad scale land reforms may be simply unaffordable. Moreover significant additional investments beyond land transfers are required to support sustainable livelihood opportunities for new small farmers
- ❖ There are growing trends towards globalisation and the de-agrarianisation of society, whereby agriculture is making a diminishing contribution to economic growth in many countries, large commercial opportunities have major advantages in meeting globalising demand for farm commodities, and there are limited economic opportunities in land ownership for the poor and for new small scale farmers

As a result of these difficulties in effecting major redistributive land reforms there has been a general *shift of emphasis in development policy towards wider questions of land access* and more diversified strategies for land access for the poor, as opposed to an emphasis on major distributive reforms. Although it may be difficult to achieve more equitable and higher overall levels of growth through comprehensive land reforms it still remains possible to reduce poverty by

improving the opportunities and arrangements for land access for specific groups.

Possible improvements might include facilitating land access through rental and - in some cases purchase markets, securing and protecting rights to land acquired through customary allocations and transactions, land titling for indigenous groups, strengthening women's land rights and opportunities to access land, and the programmes to provide access to small homestead and garden plots. The issues surrounding these approaches and the linkages among them are explored in subsequent chapters of this paper.

The improvement of land access for the poor can involve a variety of mechanisms whereby the landless poor, as well as women and indigenous peoples can obtain access to land and natural resources on an individual or collective basis. In many cases land access interventions may seek *to improve the asset status of specific poor groups by addressing specific cases of market failure* – for instance by enabling groups of landless farmers to access land markets, by providing subsidized credit for land purchase by brokering collective leasehold access on favourable terms. Done well, these approaches can provide access to productive resources in response to social demands while ensuring a measure of social protection for beneficiaries by safeguarding them against the risks of debt and exploitation in the marketplace. Intervening to improve the accessibility of land markets to the poor in these ways may also help to mitigate social and political conflicts which result from landlessness.

However, it is not only market failure, but also inequality and the combination of the two, which have negative effects on growth and on poverty reduction. Therefore it is also important to *address the wider structural inequalities by focussing on the social and political institutions and processes which limit land access and maintain asset inequality*. (Sabates Wheeler 2005). Land reforms during the 20th Century attempted to do this through redistributive measures to promote more equitable growth, by attempting wider transformations in the structure of property rights, associated with political changes to bring about greater social equality. However, these redistributive land reforms have faced difficulties in delivering land and effective post-settlement livelihood support to the poor at sufficient scale and pace to satisfy political and social demand, together with problems of affordability, compounded by lack of political will, political resistance and ensuing political and social conflict. As a result the question today is how to address structural inequalities and institutional failures in land access and property rights while stopping short of more radical programmes of land redistribution, since in many cases these lack adequate political support and risk negative economic impacts, undermining the welfare of those whose interests they are intended to serve. This calls for a more contextualised approach to tackling persistent poverty associated with land inequalities, and a commitment to reform the different national, sectoral, regional and local institutions which limit the economic opportunities for the poor and which sustain social, political and asset inequality. Ultimately, this requires changing power relations between social groups. This may involve strengthening the bargaining power of the poor and of women through investments education and capacity building, as well as re-modelling institutional arrangements to make land institutions more accessible to the poor. Strengthening the property rights of

the poor and fostering greater coherence and coordination - for instance between land access, credit supply and marketing support – as well as overcoming corruption and systematic elite bias in institutional behaviour, building accountability, and achieving stronger participation and voices by organised civil society in territorial planning are all needed actions.

2.5 The policy shift to land access

Land issues cannot be seen in isolation from broader agricultural and economic policy. The distribution of land rights and opportunities for land access will have implications for the distribution of wealth, rates of economic growth, and the incidence of poverty. The shape and direction of agricultural development will affect the incomes and returns from different types of farming activities, the value of land, and demands for access to land resources

However, despite the linkages between land access, poverty reduction, and the pathways of economic development and growth, interventions to extend or improve land access have received relatively little emphasis in official Poverty Reduction Strategies or explicit coverage in the PRS Papers (PRSPs) formally agreed between donors and governments which guide PRS investment and spending. To some extent this is a result of a general shift of interest away from rural development, as a result of increasing urbanisation and the belief that agriculture holds limited opportunity for the poor. In addition the strong focus on social protection issues and the generation of livelihoods through enhancing market access tends to lead to a neglect of issues of structural inequality such as the distribution of land rights (IIED 2001). PRSPs tend to involve strong commitments to market liberalisation and the role of the private sector in generation of economic growth by investing in agriculture. The obstacles to achieving increased productivity and strong market participation by poor farmers are sometimes considered so great that focus shifts away from strengthening small farm livelihoods and towards employment opportunities for the poor to benefit from commercial agricultural investment through employment, alongside an emphasis on non-farm livelihoods and social protection.

IIED (Cotula, Toulmin and Hesse 2003) finds that underlying these difficulties is a weakness in analysing links between questions of land access, tenure, productivity, sustainability and equity, and an unwillingness to address clear trade-offs between different political objectives and constituencies. In addition there are problems of limited participation in PRSP development, and limited commitment in from Ministries of Finance and Planning to sectoral concerns and pressure groups, leading to an emphasis on macro-economics. Where PRSPs do include some focus on land issues they are generally treated in a simplistic way, reflecting pre-conceived technocratic positions e.g. that formal land titling and establishment of land markets will be beneficial for the poor (IIED 2001). Often they refer to the need to implement existing policy and legislation as a means of improving land access, but make no strategic recommendations or commitments to do so in practice.

It is also noteworthy that investments in land access and distribution programmes do not figure significantly in the development strategies and budget allocations of

those large, middle income land unequal countries generally considered prime candidates for land reforms, despite the political prominence that land may have in civil society. In Brazil, South Africa, and in India (under the 10th plan) the dominant direction of agricultural policy is to support the existing commercial farm sector to contribute to economic growth and provide incentives for commercial farm investment, even though this stands in contrast to policies to provide land for the rural poor. Land access is regarded primarily as a welfare enhancing measure or a means to improve social inclusion in economic development, rather than a means of more fundamental social and economic transformation in favour of the poor

3. Access to land through state interventions: comparative approaches to land reform¹

The importance with which the need for state intervention to achieve land and agrarian reforms is viewed by governments and civil society alike is greatest in circumstances where the distribution of land is highly unequal. During much of the 20th century, so called “traditional” approaches to land reform initially in the Far East, and subsequently in many countries of Latin America, in South Asia, in North Africa, have been led by and centralised state intervention to acquire and redistribute land. This has been most successful when aligned with a groundswell of demand for change across civil society.

Sharp inequalities in land access persist in a number of regions, notably in Latin America and in Southern Africa, associated and linked to poverty amongst the landless and land poor. In addition, trends towards greater concentration have been identified elsewhere, across Asia and in sub-Saharan Africa. However, there is now a broadly shared consensus that large scale redistributive land reforms requiring state expropriation are generally no longer compatible with current political circumstances (De Janvry and Sadoulet 2001, Deininger 2003, Adams 2004).

In line with processes of structural adjustment during the 1980s and the “Washington consensus” in favour of market liberalisation and the diminished role of the state, there has been little emphasis on the role of the state intervention in achieving more equitable distribution of land rights. Instead, land policy came to focus on the establishment of clear private property rights, through land titling, and the development of land markets. Nevertheless, land markets on their own will not lead to a redistribution of land which improves equity and efficiency because poor farmers lack the financial resources to acquire land, and market distortions invariably drive the price of land well above productive value (Binswanger and Deininger 1996). Yet the role of land as a fundamental livelihood asset for the poor, and the persistence of land inequalities associated

¹ This section focuses on the common interpretation of “land reform” as systematic or planned change in the distribution of land rights, as opposed to a broader definition which might include planned changes to forms of tenure, land administration and management, as well as distribution. Where reforms in these areas are specifically relevant to improvements in land access, mention is made in relevant sections of the paper.

with poverty, social exclusion and limited opportunities for growth have continued to fuel social demands for fairer land distribution and political conflicts over land. Given the difficulties faced by traditional approaches to land reform, particularly in view of the policy consensus behind market liberalisation, the principal issue became how the state should intervene to bring about fairer and more efficient land distribution. The World Bank took the view that it was necessary to assist the poor to participate in land purchase markets, relieving the state of the responsibilities and costs of land acquisition and direct management of resettlement programmes. In line with this thinking attention shifted in the mid-1990s towards alternative policy instruments to improve land access for the poor, centring on the potential role of market based processes and programmes.

3.1 The market assisted land reform controversy

The case for market assisted approaches - government policies and programmes which rely primarily on market mechanisms to achieve land transfers to the poor - has been developed and promoted primarily by the World Bank (Binswanger 1996, Binswanger and Deininger 1996 and 1999, Deininger 1999). These approaches are in effect a minimalist strategy for state intervention in response to recognition of continuing needs to improve the land access of the poor and broaden asset ownership, and the belief, shared by the World Bank, that more equitable land distribution and small scale farming has efficiency advantages over production dominated by large estates, within a dominant policy consensus in favour of market liberalisation.

The critique of state led land reforms can be summarised to include: coercive expropriation of land and compensation below market prices leading to landlord opposition and legal contention; inefficiency of land use as a result of inclusion of people (and lands) not suited to farming in the programmes; failures in cost recovery due to the financial difficulties and the promotion of a "handout" mentality amongst beneficiaries; the slow pace of reforms due to state centralisation; high costs of programmes, again due to centralisation as well as the targeting of high value lands; poor sequencing and coordination of land transfers and development support to beneficiaries in the state sector; impediments to the operation or development of land markets; and the creation of disincentives for large scale commercial and inward investment because of contested land ownership. (Borras 2003 with reference to Deininger and Binswanger 1996 and 1999 and Deininger 1999)

In contrast, market based approaches have been promoted because they were believed to offer: voluntary participation by landlords, and 100% cash payments at market values; a demand driven approach with self-selected beneficiaries; a decentralised, more transparent, quicker and legally and politically less contentious approach; opportunities for land market development; lower land prices, and lower costs all round; a higher level of cost recovery from beneficiaries, and more flexible financing arrangements for project development through loan / grant packages which do not rely on good performance and coordination by state agencies.

Some of these arguments reflect genuine problems with how the state organises land reform programmes. Others reflect concerns to protect existing private

property rights and the operation of the market unfettered by state intervention irrespective of questions of social justice. At the same time a number of similar problems, for instance high land prices, poor rates of cost recovery, lack of transparency, failures in delivery of essential support services, inclusion of unsuitable beneficiaries, as well as political contention, have been identified in practice with alternative, market based approaches.

The principle counter-critique of the market based alternatives includes the high, frequently unaffordable cost of good quality land to beneficiaries, leading to indebtedness, and / or lack of project resources to invest in productive activities, and to an incentives for beneficiary groups to acquire more affordable, poor quality land; creation of opportunities for landlords to offload unwanted, unproductive land, and a tendency to drive up land prices where no effective land market otherwise exists; difficulties in accessing sources of credit independently of those offered by the land acquisition programme; asymmetric information and bargaining power between buyers and sellers, favouring landlords; risks of local political manipulation of decentralised programmes by local elites, closely linked to landlords; and failures to make inroads into structural inequalities in land distribution by delivering land to the poor or assisting the capitalisation of small scale farmers at significant scale.

(See for example Reidinger et al 2001, summarised in Hanstad 2004, Borras 2003, Barros et al 2003, Quan et al 2003)

In contemporary land redistribution programmes - notably in Brazil, South Africa, Zimbabwe and the Philippines - debates about whether or not and how more equitable land distribution should take place, in particular the place and extent of state intervention, have been highly political. Inevitably, since land is a principal capital asset, and source of wealth and power in society, changes in its ownership control are contested by political and economic interest groups, which are generally class-based. Debates about land reform have reflected political polarisation about how society should be organised and the role of the state in general. The most aggressive critics of market assisted approaches have been those seeking wider social and political transformation towards a more equal society, whose outlooks have been rooted in socialist ideology. The critics of state intervention in land distribution have tended to reject these aspirations in favour of market based development and liberal economic policies and focus on the political risks and financial and operational difficulties of centralised state led land reforms.

3.2 Evidence in practice

While much of the debate over land reform methods has been theoretical, ideological in nature and informed to a degree by consideration of paradigm cases of success or failure of both state led and market based approaches, new systematic evidence is now emerging.

Serious research has been commissioned from both side of the political debate, notably in **Brazil** to explore the issues and the evidence. Here the Cardoso government (1995 -2003) embarked on a programme of state led land redistribution, but it also piloted the market assisted approach with assistance from the World Bank. Government commissioned two, primarily econometric,

studies into the impacts of the programme in Northeast Brazil, and the comparative impacts of the state led programme. (NEAD 2002, 2000). Alternative research was commissioned by civil society (Sauer et al 2002) in response to denunciations by land reform movements of the pitfalls of market based approaches and fears that growing policy emphasis on market assisted approaches would be used to undermine the role of the organised land reform movement in pressurising government to expropriate and redistribute land to the poor and to develop more pro-poor agricultural strategies.

While this work provided a good deal of insight into the strengths, weaknesses and risks of market led approaches, and pointed to improvements in programme design in different contexts, the results have generally been inconclusive in relation to the choice of approach. The official research revealed a positive impact on poverty alleviation for the beneficiaries of both programmes, but very little difference in the situations, opportunities and constraints faced by the beneficiaries of the two programmes. A slight tendency towards greater and faster benefits in poverty reduction was observed in the market assisted programme, largely attributable to the fact that, unlike the state programme, it was designed to deliver access to land together with finance for settlement, productive projects and technical assistance in a single package provided through development banks, instead of relying on thin and poorly coordinated support services delivered by the state sector (the findings of the NEAD studies are discussed in English in Quan, Tan and Lahiff 2003). The principal risks and problems of the market assisted programme - that it did not respond to the needs of the landless poor, created opportunities for landlords to gain financially through sales of poor and otherwise unwanted land, was subject to capture by the better off, and susceptible to manipulation by local political elites – were not directly investigated by the official studies, but were to a degree borne out by the independent research, in the limited sample studied. Nevertheless, the difficulties of local elite capture, political manipulation and windfall financial gains by large land owners are also a feature of the state led approach (although they may be less frequent) as landlords are known to deliberately seek expropriation for unwanted land, and to use their links with the courts to achieve higher compensation settlements.

Independently from the intense debate over the rights and wrongs of the market assisted approach, a vast Brazilian literature investigates and demonstrates the impacts of land reform over the last 15 -20 years on rural livelihoods, food security, incomes and development opportunities for the rural poor which have been achieved primarily by state-led redistribution in response to mobilisation in civil society (see for example Leite et al 2004, Sparovek 2003, de Veiga 2003, Schmidt et al 1998). At the same time, the advocates of the more decentralised, market based approaches have correctly pointed out difficulties in the management and design of traditional land reform programmes in Brazil, where the delivery of infrastructure and productive support to land reform settlements has tended to be slow, costly and poorly coordinated, reliant on the concerted action and resourcing of a variety of state institutions

Although post-apartheid **South Africa** has implemented a substantial programme of land restitution this has been applied primarily in urban areas with cases settled through negotiations and generally involving financial compensation to the

claimants. While the state retains powers of expropriation these are not widely used, and major rural restitution cases, deeply contested by commercial farmers and historical claimants are only now approaching settlement (Hall 2004). Opportunities for small farmers and landless people to access new land have primarily been delivered through market assisted approaches, under the guidance of the World Bank, in two phases: first from 1996 -2000 under the SLAG (Settlement and Land Acquisition Grant) scheme; and subsequently LRAD (Land redistribution for agricultural development) a sliding scale grant with a more substantial own contribution/independently accessed credit finance element, oriented towards aspiring small-scale black commercial farmers. These schemes have benefited from very little systematic monitoring and evaluation or impact assessment (Lahiff et al 2003) and independent research in South Africa has concentrated on investigations into the reasons for the slow take up and limited progress of these schemes in changing the structure of agricultural production and their limited impact on the rural poor. Problems have included the need for beneficiaries to pool resources because of high land prices and a lack of small farms available on the market; difficulties in the management of collective groups and land development projects, the absence of technical assistance and organisational support for beneficiary groups, and difficulties in linking them to product markets in areas dominated by larger scale commercial production (Hall, 2004, Jacobs et al 2004, Lahiff et al 2003, Quan et al 2003).

These difficulties have been generally confirmed by a close examination of LRAD projects in Limpopo province (Wegerif 2004). There has not been an open process, the majority of beneficiaries had political, community or religious contacts which gave them privileged access to the programme. The redistributive and market based character of the programme is questionable in that most of the land transferred was state land, which beneficiaries were already occupying on a leasehold basis as a result of an earlier apartheid government scheme. The programme had also become a two tier operation, with the individual participants, predominantly older men, benefiting from larger grants to acquire larger areas, and group projects comprising mainly women and young people receiving much smaller grants and areas per capita. All beneficiaries had difficulties in accessing technical assistance and financing to develop the land. Worryingly, the beneficiaries were overwhelmingly better off, and the programme does not appear to represent an avenue whereby poor people can get access to land. The poorer beneficiaries have not received sufficient land for viable commercial enterprises, and the only beneficiary who actually acquired land on the market already had access to substantial capital and did not appear to need the LRAD grant assistance. Possible explanations of these experiences are that officials responsible for implementation have been excessively influenced by local elites or simply that they have taken the easiest route to meeting implementation targets. However, in Limpopo, Wegerif concludes "LRAD has not brought about any change in existing farming operations and has created no new jobs...[or]...new smaller-scale or more efficient farming units" . In addition "there is no evidence that the LRAD projects are part of any wider rural development strategy, and local government despite its development coordination mandate is not involved in these cases at all. There have been no measures to restructure and improve access to markets so as to make inputs more accessible and affordable, and although existing farm production has continued in cases where beneficiaries were already established on the land....there has been no

noticeable increase in productivity. Whereas it is not clear how far the experience of Limpopo reflects other national and international experience, studies elsewhere suggest that it does.

In **Asia**, governments of various Indian states have pursued subsidised land purchase schemes aimed at improving opportunities for land access for Scheduled Castes and Scheduled Tribes for some 15 -20 years. Since the poor often place higher value on land ownership than the large land owners (who are often absentee or otherwise leave parts of their lands fallow) facilitating land transfers through the market, appropriate institutions for long-term credit and some subsidy to the poor (since land prices are likely to be driven above their economic value due to excess demand) appears to be an attractive option to improve the poor's access to land. Such schemes have been implemented by the Scheduled Caste and Scheduled Tribes (SC / ST) Corporations in Andhra Pradesh and Karnataka and public banks in Tamil Nadu and Kerala. And they are now being taken up by new World Bank supported poverty reduction initiatives in Andhra and Madhya Pradesh. However, these programmes have been found to suffer similar difficulties to those identified with more recent market based land reform pilots elsewhere. The SC / ST schemes have shown failures in targeting the neediest, delivering technical assistance and allowing for land improvements; high repayment rates have led to poor recovery rates and indebtedness; land transfers are initiated by land owners rather than beneficiaries; and monitoring and evaluation have been weak or absent (Hanstad et al 2004). The present schemes are based on insufficient knowledge of the land market and there is insufficient evidence of the performance of the World Bank financed programmes. While theoretically, market based schemes could be of value, careful work needs to be done to assess their design and utility in different regional contexts. (Srivastava 2004)

3.3 Policy Conclusions

Irrespective of the institutional and financial mechanisms of land transfers, on which much research and debate have concentrated, fundamental issues remain concerning the place of expropriation by the state in the tool kit for enabling land access; and, independently of the method of land transfer, there are common issues of how to ensure *linkage and follow up of land transfers with post-settlement support; and in designing effective methods of cost recovery for land acquired, with appropriate repayment rates for beneficiaries.*

Expropriation by the state in the public interest remains a last resort in many cases, and in a few cases where the private sector holds land illegally, or is under legitimate indigenous claims, more extensive expropriation remains politically feasible, albeit contested. In Brazil, the Philippines and South Africa, constitutional provisions for social justice - based on the reversal of land underutilisation, illegal land occupation, and requirements for restitution of alienated land - allow for expropriation by the state as a basis for programmes of land reform.

The extent to which these provisions are applied in practice depends upon the political will and orientation of government, the resources applied, the degree to

which policies for land reform enjoy support in society, and the power exerted by landed and landless interest groups.

A further aspect of the role of the state in land reforms, often neglected by policy analysts, is the potential for re-distribution of public land held by the state itself (or land acquired from the private sector by public and private banking agencies following bankruptcies), presenting significant opportunities to make land available to the poor.

To some extent *the protagonists in the highly politicised debates about alternative approaches to land reform appear to have agreed to differ*. In Brazil, government is now taking a pluralistic approach combining different instruments for land access including redistribution by the state and acquisition on the market, according to demand and available land supplies, within an emerging rural territorial development approach. The agreement of CONTAG, one of the major rural worker's unions, to collaborate in the market assisted programme, has lent it greater credibility. CONTAG is assisting in organising beneficiaries, matching supply to demand, and delivering technical assistance, aspects which had all proved problematic during the pilot phase.

In recent years the World Bank has quietly retreated from its earlier active promotion of market assisted approaches, while continuing to pursue them in practice. The Bank's carefully considered Policy Research Report (Deininger 2003) recognises a role for the state alongside that of the market. *There is also a recognition in South Africa as well as in Latin America that market based approaches alone are unlikely to be capable of delivering land access at the scale and pace required* (Lahiff et al 2004, Baranyi et al 2004) and interest in the design of alternative approaches, combining good practice in both market assisted and state led programmes.

In South Asia state led land reforms are widely regarded as having run their course, in part because they have delivered significant benefits by decreasing absolute landlessness and reducing poverty, and in part because of predominant market orientation in policy. Nonetheless there is a persistent association of poverty with land inequality, and a widespread recognition that earlier land reforms made very little difference to the situation of landless labourers, drawn predominantly from lower caste and tribal groups (Gazdar and Quan 2004). Following a decade of non-interventionist policy in India and Pakistan, there is now some renewed interest in the scope for the state to facilitate intervention by civil society to improve land access for the poor. There are opportunities to expand civil society interventions focussing on those groups who failed to benefit from earlier land reforms. This can be done through civil society lease market interventions of different kinds (Hanstad et al 2004, Gazdar 2002), or through advocacy and support in improving equity in the distribution of public lands which were acquired by the state for purposes of land reform (Barkat 2001, 2004 for some examples in Bangladesh).

As summarised by Deininger (2003 pp 153-156), problems which have affected both state led and market based approaches include the failures to pay sufficient attention to capacity building for beneficiaries, and to undertake proper ex-ante assessment of land reform projects. These failures have undermined their

economic viability and welfare impacts and increased the risks of financial transfers to landlords creating unsustainable burdens for beneficiaries. The World Bank's Policy Research Report concludes, as a result of careful consideration of the issues and considerable dialogue with concerned civil society groups researchers and donors, that *a plurality of methods will be needed to promote land access* including state subsidised land transfers and markets themselves, but also including progressive land taxation, the foreclosure of mortgaged land and divestiture of suitable state land. Land access programmes targeted towards the poor, whether based on state-led or market-led mechanisms, or combinations of these, will need: to have clear and transparent rules; to provide secure and unconditional property rights to beneficiaries; to be decentralised and offer beneficiaries real opportunities to influence outcomes; to provide grant finance for land acquisition and other investments; to involve government facilitated access to training and technical assistance; and to ensure the rule of law in land transfer and expropriation processes.

A key issue is the need to *locate land reform programmes clearly within broader strategies for rural development and poverty reduction, and a policy environment which is favourable to the development of smallholder farming* if providing land access is to be effective and sustainable as a means of poverty reduction. Donors, governments and beneficiary organisations alike will need to confront these underlying issues, irrespective of the land reform models used and "be open to learning from past mistakes and to rigorous, participatory and transparent evaluation" to generate feedback to strengthen implementation and impacts (Deininger 2003).

4. The role of land sales and lease markets in improving land access.

Generally, and in various specific cases, the emergence of sales and rental markets as a means of access to land has accompanied the individualisation of property rights under conditions of population growth, market development and increasing social mobility (Boserup 1965, de Janvry & Sadoulet 2001). Even where formal property rights do not exist, active rental and sales markets may be enabled where social capital is strong enough (De Janvry and Sadoulet 2001, discussing community based land transactions in Guatemala and Mexico). Land transactions, whether through sales, rentals and share tenancies, loans or gifts, have long provided a mechanism for providing access to land for those who seek it and thereby for enhancing land utilisation. Outside of formal markets, land transactions are embedded in customary social practice and social networks based on trust and kinship, features which have been well documented by ethnographic work and recent research (IIED 2002, 2003) in West Africa.

Although policy makers may have underestimated the potential of land markets to provide land access for the poor, there is now a broad consensus that they are often able to do so, and that to facilitate land access through markets, it is desirable that land rights, should be transferable, as well as being secure. Land transactions can play an important role in making land available for those who own little or none of their own; enabling the release of land as the off farm economy develops; and facilitating the use of land as collateral for credit. Transferability also increases the incentives for making land related investments (Deininger 2003).

4.1 Sales markets

Land sales markets have frequently been encouraged because they can provide a basis for the wider development of financial markets. However, despite the benefits of land ownership, in terms of investments incentive and the scope for using land as collateral for credit, the poor are generally at a disadvantage in seeking to access land through sales markets, for a number of reasons. The market value of land frequently exceeds its productive value as a result of its investment or speculative value and the role of land as a source of power and status. The role land as a hedge against inflation, and a speculative form of investment is particularly marked in circumstances of macro-economic instability and where financial markets do not work well. Moreover, in more developed economies, and where land holding is relatively concentrated or land has been improved, land tends to be placed on the market in large units and at relatively high prices. In addition the risks of mortgage finance are particularly high for the poor, and the costs of transacting in land on the formal market (in terms of legal, survey and valuation fees, taxes and duties etc) may also be prohibitively high.

The operation of land markets is sensitive to the functioning of credit markets which, access to which is often restricted for the poor, because of high risks of lending to small farmers, high interest rates the difficulties of financial institutions foreclosing on smallholders' land, and the relative absence of credit agencies from poor and remote areas - a situation which economists describe as *credit*

rationing (Carter 2003, Deininger 2003). Because of the poor functioning of credit, markets, land acquisition is principally funded from purchasers' own savings, yet the risks of failure under adverse conditions such as successive drought are high and liable to lead to distress sales well below the market value in a good year (Deininger 2003). This factor dissuades small farmers from purchasing land, even if they have sufficient capital resources to do so.

Indeed, similar problems have resulted from the abolition of communal tenure systems, their replacement by freehold title and the creation of private land markets. This transformation has led to an erosion of land access for the poor as a result of the loss of risk-coping mechanisms inherent in customary systems, thus leading to higher incidence of distress sales and increasing land concentration.

Credit rationing and the other difficulties of land purchase markets mean that rental markets provide more practical avenues for the poor to gain access to land than sales markets. In contrast to land purchases, land rentals do not generally require major capital thus helping them overcome the imperfections and restrictions in credit markets which tend to exclude the poor.

The obstacles to poor people gaining access to land through land sale markets have been a main reason for the development of the subsidised land purchase schemes with a grant element, such as those discussed in the previous section. As a result of limited evidence of their effectiveness, particularly in assisting the very poor, policy interest is now also shifting towards the potential role of land rental markets to provide land access.

4.2 Rental markets

There has been a significant growth of policy interest in the potential of land rental markets in response to the difficulties of implementing large scale redistributive land reforms, and the large barriers to entry by the poor to land sales markets – together with evidence from around the world of the spontaneous emergence, efficiency and flexibility of rental markets as beneficial to both landlord and tenant.

Deininger (2003), for the World Bank, summarises the arguments and evidence in favour of rental markets as a means of land access. Rental markets:

- “Enhance productivity and equity by transferring land to more productive users, (including the poor) at low cost;
- Facilitate less skilled producers' participation in the non-farm economy, [and]
- Help to smooth consumption response to shocks and facilitate accumulation of experience and capital”.

Accordingly, rental markets are most important in circumstances where land ownership labour and skills availability and agro-climatic conditions are highly variable, and where there is rapid economic and demographic growth and change. A variety of forms of rental contracts are available, and landowners unable or unwilling to cultivate all of their land themselves have options to employ wage labourers, with or without supervision, or renting out the land under a

sharecropping or fixed rent contract. The welfare outcomes of land rentals depend upon the size of the surplus achieved and its distribution between landlord and tenants, which in turn depends on the relative bargaining power of the tenants which is influenced by alternative options available to them - such as wage labour (Deininger 2003).

Sharecropping is a predominant form of land rental in developing countries, but has been widely criticised, both by economists for being less efficient than cash rental contracts, and by campaigners for social justice for being exploitative. Nevertheless, in the real world of uncertainty and fluctuations in output, and limits on working capital available to tenants because of lack of access to credit, sharecropping presents advantages for tenants as well as for landlords. Whereas effort, supply and intensity of input use may be higher under fixed rental contracts, under uncertain seasonal farming conditions and with limitations on working capital and access to credit, share tenancy is a favourable option for tenants. Sharecropping minimises risks on both sides, and landlords themselves often act as a source of credit or farm inputs for tenants in the absence of any others. Although in theory labour inputs and crop outputs may be lower under sharecropping than they would be under cash rentals, sharecropping can improve efficiency overall by providing a mechanism whereby available land and labour can easily be brought into productive use. Sharecropping appears to offer a package of incentives, insurance and inter-linkage to other markets better than other alternatives for both parties. Moreover in some circumstances it may be both possible and desirable to subject share tenancies to a degree of regulation in the interests of equity. Legislation to regulate sharecropping 70/30 in favour of tenants, as part of West Bengal's land reform, led to a significant increase in productivity and agricultural earnings (Norton 2004).

Despite the flexibility of short term rental and sharecropping contracts, incentives to invest in the land and maintain soil fertility are best provided by **longer term leasehold contracts**. Long term leases on public or private land provide security of tenure and collateral for loans, therefore creating a more solid basis for poverty alleviation than short term rental contracts. Leasehold offers a good second best to freehold for the poor who have difficulty entering freehold markets and may be unable to service loan or mortgage payments, but can afford to pay a fair rent. Long term, renewable and transferable leases can also be a good policy option for governments (such as in Guyana) who while wishing to provide good security of tenure and maintain the efficiency and accessibility to the poor of rental markets, do not wish to divest themselves of public land, once and for all.

It is difficult to discuss the operation and outcomes of rental markets without reference to the institutions of tenancy in different regions, how these have evolved and how they are currently developing. The opportunities for the poor to access land via rental markets are explored below with reference to sub-Saharan Africa. In Latin America, participation in rental markets is relatively low for a number of reasons, including historical legacies of rental restrictions, weak and ill-defined property rights, once lack of reliable conflict resolution mechanisms. Although in some cases such as Nicaragua and Mexico distinct effects of rental market liberalisations and the elimination of subsidies to large farmers can be observed in facilitating rental transfers from rich to poor (Deininger 2003). In addition net land availability is high, and although informal rental markets

amongst small and medium scale landowners may be active in some places, the primary means of providing land access have been through colonisation of new lands, redistributive land reform programmes, targeting large and inefficient private holdings and more recently through subsidised land purchase schemes.

4. 3 Rental markets in Sub-Saharan Africa

Some authors (Ellis and Allison 2003) have identified a tendency in customary tenure institutions to inhibit rental markets. Although this is supported by observations of land left idle, at the same time it is clear that customary systems do not inherently lead to the absence or under-development of land rental markets, and there is strong contrary evidence that customary tenure can provide sufficient security to allow a flourishing rental market. In West Africa rental markets have a long tradition, evolving dynamically in response to changing condition, and IIED (Lavigne Delville, Toulmin et al 2002) demonstrates the abundance of evolving, functional and customarily sanctioned land transactions in West Africa which enable efficient land utilisation and livelihood diversification by land holders.

In fact, formal titling is needed primarily to ensure the clarity and security of land transactions when the risks of moral hazard are high (de Janvry and Sadoulet 2001), which is increasingly the case in some rural areas. There are also risks however that formal titling may in fact undermine tenure security and opportunities to access land established through customary arrangements, by introducing additional requirements and raising transactions costs, accessible and affordable for some but not for others. This can increase uncertainty and land disputes (Platteau 2000). These difficulties are borne out by other work on informal rental markets and transactions as a means of land access in West Africa (IIED 2002) and studies of access to land across urban Africa (Mattingley, & Durand- Lasserre forthcoming; Rakodi 2004). In some specific contexts, titling may provoke overt conflicts, for instance, where the clarification of complex and to some extent confused land rights is attempted in a climate of politicised ethnic tension (Platteau 2000; FAO-SDAA, 2002; Mathieu et al 1996, Mathieu et al. 2003). In a growing number of cases, however, it seems that clearer and more formalized land markets would prove more effective and less conflict-prone in the medium and longer term than reliance on informal, undocumented and ambiguous land transactions. However, it must be recognised that there are different social interests at stake in the formal clarification of land rights and tenure rules, and it may entail immediate conflicts of interest and divergent perceptions of the meaning and significance of land rights amongst different stakeholders (Gray and Kevane, 2001, Mathieu, Zongo and Paré 2002; Mathieu, personal communication).

Across West Africa, and particularly in the most productive areas, much land is held under a wide range of arrangements including forms of tenancy, share farming, mortgage and loans which establish what have become known in the literature as secondary, derived or delegated rights (Delville, Toulmin et al / IIED 2002). Through these customary transactions, the rights and responsibilities of land use are assigned from original land holding groups and families to others, frequently migrants, on a temporary, but frequently long term basis, on negotiated terms. This has accommodated the land requirements of those with only their labour to sell and permitted remarkable flexibility and dynamism in

small holder farming sectors response to opportunities to develop and market tradable cash crops such as cocoa, coffee, oil palm and citrus (IIED 2001). Although these arrangements often approximate to those of conventional rental markets, they may also be more complex, and potentially inefficient, as a result of customary restrictions on for example the planting of tree crops by tenants which would confer stronger land rights. There is a widespread perception that share cropping contracts are inefficient, if not inequitable unfair to tenants and. However, in practice sharecropping has allowed a continual reconfiguration of land, labour and capital to take advantage of new markets, opportunities and changing factor availability, as both larger and smaller farmers engage in both renting land in and letting it out. At the same time complaints and confusion abound amongst both landlord and tenants about rent and payment levels, boundaries, sub-letting and transfers, and violation of original terms of agreements. Moreover there is evidence that as land scarcity increases, customary land transactions are becoming increasingly monetised. Where up front fees are now payable to gain access to land on a sharecropping basis, the opportunities for families rich in labour but otherwise poor are becoming more restricted

Instead of seeking to superimpose rental markets on existing customary practice, systems of land legislation and administration need to find ways of bridging the gap and facilitating the evolution and good governance of dynamic customary markets. The development of simple written contracts as part of a simple decentralised land records system, backed by legitimate local adjudication arrangements would provide a basis for the equitable regulation of sharecropping arrangements and for establishing greater transparency and certainty in derived land rights. Although cash rental arrangements may be preferable in many cases, and leases would be more negotiable as collateral for loans, the outright replacement of existing customary practice with tenancy agreements based on standard per hectare cash payments as attempted in Ghana, risks oversimplifying adaptable indigenous systems which still retain considerable legitimacy and rationality.

In both Ghana and in Uganda (studies cited by de Janvry & Sadoulet 2001) land purchases serve to compensate for limited access to land through kinship, inheritance and intra-community transfers. In high population density areas and in urban and contexts ancestral customary claims to particular plots have become widely eroded and customary land transfers approximate sales markets, despite the absence of formalised land title. In other cases however, frequent in Ghana in the West African cocoa belt, transactions in use rights predominate even though in many cases these may be long term and inheritable transfers between groups, traditional land owning families retain their claims. Where inter-group social capital is weak or absent, and formalised property rights provide no substitute, moral hazard can lead to social conflict (de Janvry and Sadoulet 2001).

Yet the problem arises from the ways in which policy and law seeks, and fails to adequately institutionalise customary transactions, in modernising market economies, rather than from the inadequacy of customary practice *per se*, as exemplified by the problems of the migrant farming cocoa belt of West Africa. At the risk of some simplification, in Ghana, a complex body of colonial and post-

colonial legislation and jurisprudence has encouraged widespread litigation involving indigenous land holders and northern migrants with legitimate long standing tenancy claims. In Cote d'Ivoire, the ruling by the government against the claims of Sahelian migrant farmers led to their expulsion and to wider ethnic conflict.

On the whole, it remains true that land under-utilisation, in the context of land shortage "would occur considerably less often in the presence of a workable legislative framework that ensured security of land ownership at the same time as facilitating the development of a rental market in land" (Ellis & Allison p.16). Issues remain, however, especially in sub-Saharan Africa, of how to put in place such legislative frameworks in practice and ensure that they are feasible and affordable institutionally.

4.4 Rental markets in South Asia

In South Asia, land tenancy markets appear to work well, but they face legal hurdles in the shape of tenancy legislation originally intended to protect the interests of the poor (Gazdar and Quan 2004 p.14). This legislation was intended to observe favourable contract terms for tenants, to protect them from arbitrary eviction, and to enable long standing tenants to graduate to full property rights. However, as a result of the widespread restriction of landlord interests and of exploitation of tenant cultivators that were imposed, and the empowerment of small farmers, the issue of land redistribution has largely disappeared from the policy agenda and in this context restrictions on rental markets can have perverse effects (ibid.pp.26, 32). South Asia's land reforms are widely perceived to have outlived their usefulness, and continuing restrictions on rental markets may actually limit opportunities for land access by the poor. As a result a principal policy trend in India is the liberalisation of rental markets as a means of facilitating land access.

Legislation restricting tenancy is now recognised to have led to inefficiencies and to socially exclusionary effects. The creation of permanent rights for tenants and the outlawing of tenancy caused landlords to fear losing their land lead limited rental opportunities for land-poor households, and to the under-utilisation of cultivable land. Existing tenants were stranded without legal protection and others vulnerable to eviction (Hanstad et al 2004); across India, tenants were evicted from about 30% of then operated areas under tenancy (Appu cited by Hanstad et al).

While tenancy markets have continued in practice in India, they have to an extent been driven underground. Survey findings reported by Hanstad et al (2004) confirm that landlords will rent only to people who can be trusted not to assert permanent rights, that rental markets are less active, and that poor households fear lack of opportunity to access land more than they fear exploitative landlord practices.

Land rentals provide the tenant with more flexibility than wage labour and can supply an important rung on the ladder towards land ownership. Large numbers of tenants also own their own land, and the rental markets enables the poor to increases operated areas so as to make full use of available labour. Tenancy

markets can also enable the poor to rent out land and pursue non-farm opportunities involving migration, specialisation, or investment in small business.

Nevertheless there remains a case for regulation of tenancy in favour of the poor: in summary the terms of tenancy do matter, and socio political progress which has enhanced the bargaining power and economic opportunities for the poor have contributed to a climate in which tenancy markets can operate in a more equitable way without feudal vestiges. While the banning of tenancy and granting of ownership rights to tenants have been largely counterproductive, it remains possible to formulate laws to provide security of tenure, regulate rents and curb exploitative landlord practice within dynamic rental markets. Most tenancy contracts in India continue to be oral; these are associated with increasing insecurity and decreasing periods of lease, and seasonal leases are becoming increasingly common (Srivastava 2004). In some areas, seasonal sharecropping arrangements have become little more than piece rate labour contracts, in which the tenants share the risks and responsibility for the cost of inputs while landowners are able to reduce the costs of supervision.

Both better off and poorer households rent in land, and rental markets adapt to processes of agricultural growth. In parts of India, and some other countries such as Guyana, the phenomenon of “reverse tenancy” is quite widespread, and in northwestern states, large lessees are dominant in the lease market. At the same time across India as a whole, household owning half a hectare or less comprised (in 1991-92) 58.7% of all households renting in land, and in most states they account for the bulk of leased land. Significantly, the smallest landowners (those with less than 0.5 ha) lease more land than they own (Srivastava 2004). Moreover, since the 1950s, the distribution of operated farm areas in India has been consistently less unequal than the distribution of owned areas, pointing to the egalitarian role of the lease market in enabling land access.

Srivastava (2004) argues that “the case for tenancy reform has traditionally rested on the adverse efficiency and incentive impact of tenancy, in particular, crop-sharing tenancy. Tenancy contracts show considerable variations[and] certain systematic changes. First, tenancy contracts are generally oral and highly insecure. The period of lease has been shortening and seasonal leases are becoming important for labour intensive/commercial crops. Second, the rental conditions are quite variable and there is a general drift towards fixed/cash rents in developed regions. Third, in such regions (particularly the North-western states of Punjab and Haryana) large lessees are dominant in the lease market.” These changes show that tenancy contracts adapt to agricultural growth, but traditional tenancy contracts and tenant insecurity may still restrict livelihood opportunities (and indeed growth). Srivastava goes on to argue that tenancy reform has considerable potential for accelerating technological change and farm investment.

In backward agrarian regions of India, there could be large potential gains if tenancy reforms, which provide tenants with tenure security, were implemented. However, in the absence of political preconditions for successful implementation of tenancy reform in most Indian states, liberalisation of the lease market with certain safeguards for the small farmer, would still lead to considerable gains, and could thus be regarded as the best real world policy option.

There is now consensus that restrictions on rental markets tend, generally, to restrict opportunities for land access, and the evidence indicates that attempts to suppress rental markets have been subverted in practice by spontaneous market processes. Yet this does not imply that complete liberalisation of rental markets is always desirable, and that judicious measures to facilitate increased access to land through the removal of outmoded restrictions may not also be accompanied by appropriate forms of regularisation aimed at enhancing equity in tenancy transactions (Srivastava 2004). In practice the operation of land markets is context-specific and policy should be formulated accordingly.

A variety of initiatives in **land leasing by NGOs** to facilitate land access by the poor have emerged in South Asia. One of the best documented is the work of the Deccan Development Society in leasing out underutilised private land in Andhra Pradesh for use by Dalit (lower caste) women on a tenancy basis (Hanstad et al 2004, Srivastava 2004; this example was also cited in India's 10th National Plan). The programme has led to increases in food security, and several groups had subsequently bought land in a Scheduled Caste Development Corporation programme having benefited from the experience of leasing.

Ironically, ongoing tenancy restrictions in the state have constrained the development of land leasing schemes like this. In Bihar NGOs have negotiated and acted as guarantors in facilitating collective sharecropping arrangements for women's groups, also providing them with training and production and marketing support (Hanstad et al 2004). There are other examples in Pakistan where community based organisations supported by NGO Rural Support Programmes have begun to extend their role in credit and service provision for the rural poor to intervening in the land market by leasing out large areas from landlords at favourable rates, offering guaranteed rental incomes over a number of years and sub-leasing to community groups (Gazdar 1999, 2004). By also providing credit it becomes possible to establish interlinked contracts similar to those with landlords under sharecropping arrangements but on more favourable terms. Schemes like these offer potentially high returns in terms of social empowerment and protection especially for women, as well as incomes and food security at relatively low cost.

4.5 Policy conclusions

Liberalisation of rental markets: Rental markets have considerable potential to increase both the welfare of the poor and productivity by providing low cost access to land and allowing households to adjust to changing circumstances and opportunities. The prohibition and excessive regulation of land rental markets tends to restrict these opportunities, and while clear and secure tenancy rights and the elimination of exploitative practices are important, there is a compelling case for liberalisation of restrictions on both fixed rental and share tenancy contracts.

Rationality of sharecropping: The option of Share tenancy offers flexibility to both land lords and tenants, and restrictions on sharecropping are likely to lead to inefficiency in land allocation and farm production, and limitations on land access opportunities for the poor, especially in circumstances of risk and constraints in the operation of credit market make fixed rent contracts a less attractive option.

Equitable regulation of tenancy contracts

Most observers appear to agree that in the interests of equity, a degree of regulation of liberalised rental markets is desirable; moreover this can apply to sharecropping as well as to monetary rental contracts. Rental and lease contracts should:

- be simple, transparent, written agreements;
- demonstrate equitability and fairness between the parties;
- provide certainty to both parties and preserve their legal interests in the land in question property of both parties;
- have low transaction costs and involve a minimum of state intervention and regulation.

Arguably the state could provide standard contract models appropriate to different conditions, and act as guarantor of standards rather than exercising direct control or scrutiny over rental markets. While allowing the market to set rent levels, the state could legislate against exploitation and set limits on rent or share levels which reflects an equitable division of the product together with minimal livelihood standards, as was done in West Bengal, leading to higher overall productivity and welfare improvements for the poor. Some source of legal assistance should also be available to tenant farmers.

Formal recognition of customary land transactions through written agreements, backed by decentralised land administration: where there is dynamic informal land market activity, there is a strong case for providing formal recognition so as to clarify rights, increase certainty, provide incentives for investment, regulate exploitative practices exploitation and reduce the incidence of disputes. There are opportunities to do this without significantly raising transaction costs, by building on existing customary practice and strengthening decentralised land management institutions.

Encouragement of long term leasing arrangements on public and private land

The longer length of leasehold contracts provides greater certainty to both landlord and tenant, and encourages the tenant to undertake investment in the land. Leasehold tenure may also be negotiable on the private market, offering the tenant greater flexibility and opportunities to raise formal credit.

The role of NGOs in land leasing

As demonstrated in South Asia, there is considerable scope for NGOs working with the poor to extend their roles as support and service agencies to intervene in lease and rental markets by negotiating with landlords to release land at scale and act as non-profit intermediaries to make land available to the rural poor on favourable terms, and provide user groups with training, credit and production marketing support (Gazdar and Quan 2004, Hanstad et al 2004, Srivastava 2004).

5. Land access and gender

Women's access to land is important for poverty reduction because of their important role as food producers and the broader role they play in social reproduction in both smallholder farming economies. Women also retain the responsibility for feeding family members and maintaining the household in more diversified situations in which wage labour and migration provide livelihood options for some family members. Moreover, female headed households, who constitute significant proportion of the poor, can benefit enormously from the security, status and income earning opportunities that secure access to a plot of land can provide.

In economic terms, there is a strong positive association between women's land access and equity outcomes which leads the World Bank to advocate women's land rights. Women's control over land assets not only enhances their welfare and income earning capacity but also tend to increase spending on food and on children's health and education. Increasing women's control over land potentially has a strong effect on the welfare of the next generation and the rate at which human capital is accumulated. In addition, secure land access for women can also have efficiency benefits, being likely to result in improved investment and access to credit, and better land management and increase in productivity, given women's significant role as food producers (Deininger 2003).

However, women face discrimination in both formal and customary systems of land tenure. Whereas men generally gain access to land through inheritance or through formal systems of land registration, as a general rule women gain access to land through male relatives and exercise only secondary or subordinate rights, which are vulnerable to breakdowns in relationships, divorce and to the changing priorities of male land owners.

While broadly similar constraints characterise women's land access in the major regions of the world, it is worth examining the region specific issues and trends before drawing some general conclusions.

5.1 South Asia

In South Asia, gender and patriarchy go to the core of issues of access to land and property rights, and informal institutions governing land access, reinforced by formal law form part of the bedrock of social conservatism in the region (Gazdar and Quan 2004 p. 22 -23). Women are widely excluded from both nominal and effective land ownership and from land access through tenancy and leasing

Gender issues did not figure in Indian land policies until recent decades, but gender inequalities in land and asset ownership are now widely recognised. Most states have now amended legislation which limited land inheritance to male heirs and government distribution programmes now grant land titles to women or under joint names. However, the exclusion of women from land ownership is a consequence of the functioning of a strongly entrenched patriarchal system and requires a multi-pronged treatment (Srivastava 2004).

Bina Agarwal's classic work on gender and land rights in South Asia (1994) demonstrates the importance of rural women's access to land for poverty reduction because land is the most valued form of rural property in the region, as a livelihood asset and a source of political power and social status (p.17). The case for women's independent rights to land rests on interconnected arguments concerning their effects in improving welfare; economic efficiency, through enabling women producers access to credit, technology and infrastructural support; improved social equality and the benefits of equality in land rights in achieving women's economic, social and political empowerment (pp. 27-44). Access to land can be through formal rights of ownership and use, but can also result from informal concessions and transactions through kinship and other social networks. Consequently it is necessary to bring about processes of change within gender relations within households and extended families, at community levels, in markets and in relation to the state (Agarwal Chap. 2).

In India, women's self help groups have potential to provide an important avenue for accessing land, individually or collectively. For example in Andhra Pradesh, where women's groups have been undertaking joint cultivation on leased land in, amounting to several hundred hectares (Agarwal 1994, Srivastava 2004).

5.2 Sub-Saharan Africa

As in Asia, women in Africa face obstacles to land access in both formal and informal systems of property rights. Patriarchal notions of pre-eminent male property rights pervade kinship and inheritance practices, whether patrilineal or matrilineal (although matrilineal systems can provide greater opportunities for women who are well placed in social networks to access land; however, matrilineal inheritance practices and the benefits they can provide for women are also being widely eroded) as well as formal law.

In few cases are women's rights to hold land and own property recognised in legislation.

In practice in sub-Saharan Africa, women's land rights have generally been subsidiary to and derived from men's. Nevertheless, customary practice has afforded mechanisms for women to access land, often within larger family holdings, where women cultivate separate plots and different crops from men, frequently focussing on food production. While economic analysis questions the efficiency of these widespread practices, and finds no strictly economic explanation (de Janvry and Sadoulet 2001) the social rationality and benefits of these practices, for instance in terms of household food security, independent incomes and strengthened control over the means of social reproduction by women, and the ways in which they are changing require broader historical and anthropological explanation. Moreover, most observers agree that as populations grow and market development proceeds, men's overriding interests in the cash economy and control of land as a source of wealth and power continue to undermine women's opportunities for land access and the security of their land rights.

Accordingly, recent policy debate has focussed on the relative merits of formalising tenure systems or of relying on customary practice in improving women's land rights and opportunities for land access. Although the experience of formal titling has generally disadvantaged women (and other vulnerable

groups) as titling processes have been captured by men (Toulmin and Quan 2000), and those with better access to titling processes. Gender equality is inadequately supported by constitutional and land law and by cultural practice, it is also argued that supporting customary institutions and traditional leaders to assume responsibilities for land management will entrench gender inequality in land access and that an apparent consensus in favour of the potential of customary tenure systems should pay greater attention to the social implications of gender unequal power relations at local level (Whitehead and Tsikata 2003). At the same time considerable political and legal changes are also required for African states to deliver gender-equity in land, as a result of the erosion since colonialism of whatever protection of women's opportunities to access land that traditional kinship-based systems may have provided, together with contemporary attempts by men to capture and redefine customary tenure on their own interests. These processes mean that collective action by women for formal recognition of co-ownership rights, to access secure property rights through the market, to obtain land title and to secure formal legal protection for women's claims on land through customary channels has become particularly important (Tripp 2003, discussing women's land access in Uganda).

5.3 Latin America

In the last decades of the 20th century, Latin American countries have led in establishing women's formal rights to land, and greater progress has been made towards secure land rights for women than in Africa and Asia (Baranyi, Deere and Morales 2004). This has been achieved in the absence of long histories of customary practice discriminating against women, commonly, though insistence that land distribution and titling programmes grant titles grant titles to women in their own right and in joint spousal names. However, the gender gap in land assets remains significant, and in the five countries for which survey data is available women comprise only 11 – 27% of land owners (Deere and Leon 2003).

As elsewhere, women's land ownership in Latin America appears to be strongly related to poverty reduction in that it enhances their bargaining power in household decision making and in the market place, within the market place and in access to food, education and health care for themselves and their children. However, the full impacts and differential outcomes of joint spousal and women's land ownership as opposed to land concentration in male hands remain to be properly assessed in practice. At the same time available data also suggests that it remains easier for men to access land than women, whether from the state or through sales and rental markets. Guarantees of women's land access within systems of collective title for indigenous groups can also be problematic, in the many cases where gender discrimination is customary. Variable inheritance regimes across the continent also constrain land access for widows and female children, but the extent and impacts of this have not been fully documented (Baranyi et al 2004).

5.4 Overall policy trends and conclusions:

Despite the specificities there are broad parallels in issues of land access and gender across major regions. *In general, customary mechanisms of land access*

are familiar and convenient to rural women and afford them a degree of protection and opportunity, but this physical and social proximity can also be repressive (Crowley 2001). On the other hand the formal government land institutions which can potentially provide a neutral forum whereby women can present their land claims are frequently inefficient, corrupt time consuming and complex for women to negotiate. *To facilitate secure land access for women, and the poor in general, land institutions need transparent and consistent procedures and affordable transaction costs.*

There have been definite, although limited trends towards the recognition of gender equality and formal land law, and gender analysis has had a growing presence in policy debate. An increasing number of countries are granting secure land rights to women, as individuals, as groups and through joint spousal titling. However, given the entrenched cultural obstacles to women's land access, notably in inheritance systems and the customary allocation of land rights, and the difficulties of implementing constitutional and land law to strengthen women's property rights and achieve greater land access, the broad consensus is that *in addition to changes in land policy and legislation, advocacy, educational and cultural action will be required* (DFID 2002, World Bank 2003) together with increased organisation by and for women and greater participation of women in decision making (Agarwal 1994 Ch 10), in spheres that stretch beyond land and property rights per se, to achieve gender equality in practice.

Norton (2004 p188) *advocates the need for diversified approaches in overcoming the legal, institutional and attitudinal barriers faced by women in gaining access to land*, including: legal reforms; targeted financial assistance for women; gender analysis at project / programme design stage; training and awareness raising among public officials dealing with land, and public education campaigns. In addition titles should be available to women and jointly to spouses and family units, publicity and legal awareness campaigns should be targeted towards women, land registration systems should be as locally accessible as possible, and involve proper participatory assessment of existing land claims, including overlapping bundles of rights, and the up front cash costs of securing land rights or obtaining land title should be reduced as far as possible, to facilitate land access for women (Meinzen Dick 2001).

Efforts for the gradual improvement of women's land access can be expected to be a continuing feature of the land policy scene for some time to come, and feminist social movements (Tripp 2003) women lawyers (Whitehead and Tsikata 2003) and intellectuals play key roles in maintaining the focus of development policy on these issues. As Agarwal describes the position in relation to South Asia, women face a "long march ahead", in which *social mobilisation is a critical factor*, for instance to achieve the bargaining power of organised male farmers. If women's organisation for land rights is to reach is to reduce poverty however, it must involve and embrace the poor. Access to land title for urban, educated women, while desirable in itself, may have little impact on the situation of rural women, in contexts where formal land administration, however equitable, is unable to deliver. In addition there is recognition among women's movements, that struggles against gender inequality cannot take place in isolation from broader efforts to strengthen social justice, democratic development, political participation of the poor and environmental sustainability (Agarwal p 503).

6. Land access and indigenous people

Overall trends towards recognition of indigenous rights, including collective land rights as part of indigenous people's cultural identity and basis for self determination; from this point of view their land rights are recognised as human rights. However, a key element of land tenure security for indigenous peoples is jurisdiction over natural resource rights in quite extensive areas, something which governments and outside interests in the economic development and exploitation of those resources find difficult to accept.

Land access for indigenous peoples can of course occur through various channels, but given the close relationships between indigenous groups and land resources, the main focus of debate and advocacy has been provision of secure rights through collective titling. Strong proprietary or territorial rights to indigenous resources offer greater benefits for indigenous groups than mere access and usufruct rights. Methods are now tried and tested, using manual and increasingly automated technologies for demarcation of indigenous lands and participatory techniques to understand patterns of resource utilisation and livelihood systems. Moreover land allocation and resource management by groups with strong cultural identities and customary practices tends to be self administering, reducing the need for intervention by the state to guarantee rights of land access for group members.

Nonetheless there remain considerable constraints to secure land for indigenous peoples. The principal problem is that indigenous lands are under intense pressure from forestry, mining, energy development and agribusiness interests. In this context indigenous groups are confronted by a whole series of legal, institutional, technical, economic political and cultural obstacles to secure land access (Colchester et al 2004). In general, the government departments responsible for the developments which impinge on indigenous peoples do not have the skills and participatory mechanisms to understand and take into account their interests. Governments' interests in exploiting the resources of remaining forest and wilderness areas, and the associated infrastructural development, inevitably tend to undermine the gains that indigenous groups may have achieved in terms of land titling and cultural recognition.

Despite the advances, the incorporation of programmes for land titling and development programmes specifically targeting indigenous groups by the World Bank and international agencies, and growing recognition of indigenous rights in approaches to nature conservation and NR management, there are only limited resources for indigenous titling. As well countervailing policies, macro-economic trends and market developments, which tend to erode access to land for indigenous peoples. These factors may support conflicting claims to indigenous lands themselves, but more frequently to the natural resources, notably minerals and timber resources and also plants with medicinal and commercial value, (and associated intellectual property rights) within indigenous territories. In addition, problems of exclusion of women and of vulnerable groups can arise in the

management of collective tenure by indigenous groups, as a result of the ill-adaptation of centralised systems of chieftaincy to contemporary market conditions (Colchester et al 2004), and where customary practices discriminate against women.

A brief assessment is provided here of the position of indigenous people's land rights; broad conclusions for policy are reflected in those of the following section, on access to natural resources.

6.1 Latin America

It is in the America's, where issues of indigenous rights have perhaps made most headway and where the advantages of recognition of indigenous people's collective rights is most advanced. With the exception of Mexico and Peru, all Latin American countries have granted some sort of constitutional or legal recognition of indigenous land claims, and a number of countries, including Brazil, Colombia and Venezuela recognise indigenous land titling as compatible with conservation goals. In response to the recognition that poverty in Latin America is quite strongly correlated with ethnicity, the World Bank adopted a proactive approach to indigenous development, including land titling, food security, productive diversification, financial assistance and building government and community capacity to administer the programmes. Nevertheless, other development agencies have not necessarily followed suit, and a number of countries and many indigenous communities still fall outside the net of this support. As a result, despite the progress with indigenous land titling, indigenous land and territorial security faces major political, institutional and legal obstacles, and is widely threatened by political and economic interests in natural resources extraction and development.

6.2 Asia

Some countries, such as the Philippines, have undertaken constitutional reforms to safeguard indigenous land rights, as conferring strong ownerships rights, but communities still face major financial obstacles in doing so. In the Pacific Islands, customary rights are also treated as equivalent to ownership. In most Asian countries however governments have argued against the applicability of the concept of indigenous peoples (Colchester 2004). In Indonesia and Malaysia, customary rights ("Adat") are simply treated as usufruct rights weaker than private rights, and governments have widely sanctioned private sector development of indigenous land for forestry, oil palm and in Indonesia transmigration programmes to settle Javanese overriding indigenous land rights. A desire to eliminate shifting cultivation and encourage more modernised agriculture has also impacted negatively on indigenous peoples and been used to justify their forced resettlement throughout South and Southeast Asia. At the same time Asian countries have in general gone further than those in other regions in promoting community participation in natural resources management. However, the government institutions involved have generally been reluctant to relinquish their authority over the resource and devolve full property rights to indigenous groups.

In India, Scheduled Tribes have traditionally had strong access to land and forests, but this has been more or less systematically removed. While recent government measures have tried to reverse this process and almost all states

have passed legislation to prohibit alienation of tribal lands, these have met with uneven success (Srivastava 2004). As in the case of gender rights issue, efforts to implement and enforce progressive land legislation could be linked to other measures to give tribal peoples greater influence over their own economic and political affairs. Tribal minorities have faced similar discrimination in Bangladesh through administrative and legal processes which have also disadvantaged Hindus as a religious minority (Gazdar and Quan 2004 p. 24).

6.3 Africa

A limited literature devoted to indigenous rights in Africa focuses on questions of customary tenure which are more fully explored in more mainstream literature on African land tenure (cf the discussions on gender above), as well as the rights of ethnic minorities.

In a sense what distinguishes Africa from other major regions on question of indigenous rights and development is that the social systems and land management of virtually the entire continent, and the majority of its populations can be characterised as indigenous, as a result of the incomplete penetration of colonial concepts and systems of property rights and political organisation at local level. Unlike many indigenous groups in Asia and the Americas, however, most of Africa has been subject to continuous social interaction, trade and market development between groups and with external powers. From this point of view, only relatively isolated groups, such as forest dwellers and hunter gatherers in various countries might properly be regarded as “indigenous” and of parallel status to the tribal, aboriginal and Amerindian groups of other regions. Groups such as the San in Botswana and South Africa, and *Batwa* in Rwanda constitute ethnic minorities within African nations, and frequently face severe discrimination at the hands of numerically and politically dominant groups and external interests. The extensive nature of their primarily natural resource dependent livelihood systems and the size of area over which they may claim territorial rights means that formal property rights are more difficult to secure, especially in the face of vested political interests in mineral and forest resource exploitation. Pastoralists are other groups for whom land and resource access issues are frequently framed in terms of indigenous rights. Issues of access to land for pastoralist peoples are discussed in the next section on broader natural resource access.

7. Access to land and other natural resources

Rural people frequently depend for their livelihoods on a broader range of natural resources than those which pertain directly to agricultural land, and there is growing recognition of the viability of production systems that make extensive but sustainable use of fragile natural resources. In addition the poor commonly disproportionate reliance on extensive natural resources for their livelihoods, as do women and other vulnerable groups (Bruce and Mearns 2002), both routinely, but also in times of crisis, and when farming and other activities fail to adequately provide food security and welfare. Hunting, fishing and gathering wild foods can make important, direct contributions to household food security, and in many cases constitute critical fall back resources on which people rely during times of crisis, drought and agricultural failure. Wood, fibre and other plant products are important building materials and are also used for the manufacture of domestic articles, and plant resources are the mainstay of traditional pharmacopoeia. At the same time the harvesting and trade of a wide range of natural resources provide important supplementary and main sources of income, including timber, an array of non-timber forest products, bushmeat and animal products, charcoal production, and the extraction of building materials. While these activities are frequently combined, seasonally and by division of household labour, with farm production, trade and wage labour, in many cases highly specialised natural resource dependent livelihoods have developed, for instance those based on rubber tapping, and the extraction of Brazil nuts and other nut products in the Amazon. Extraction of plant fibres for handicrafts production can provide an essential source of cash income for women. As urban populations grow, markets to supply rural products like these can flourish, and lead to unsustainable resource pressures.

In all cases these livelihood activities require community access to the resources in question. Under conditions of low population pressure, natural resources under the jurisdiction of specific social groups effectively have the status of Common Property Resources (CPRs), for which access arrangements have generally been guaranteed, or facilitated by customary tenure or resource management arrangements. However, increases in population and commercial resource pressures, and the imposition of formal systems of private property rights or state controls have combined to reduce natural resource access for the poor, or indeed create situations of open access where new controls are effectively unenforceable but customary management systems have broken down or been replaced. In many cases, the interests of the state in revenue generation and private sector interests allied to the state have come to dominate natural resource extraction, for instance in timber, mining, industry, fisheries development and more recently in the extraction of medicinal and other products. Many countries are grappling with the conflicting demands of commercial development, conservation, government revenue generation, community natural resource access and the need to balance competing claims amongst multiple users and uses at multiple scales (Bruce and Mearns 2002).

Based on the popular misconception of the Tragedy of the Commons (Hardin 1994) whereby no individual users of a common resource have incentives to conserve or limit their consumption of it, because of fears that all will do likewise, a dominant strand of policy towards the commons has been to promote their progressive individualisation. In practice, particularly in the cases of rangeland and aquatic resources, common property is difficult to partition among individual users. Moreover, indigenous tenure regimes and patterns of utilisation, based on negotiation and reciprocity to manage multiple user rights and cyclical and seasonal patterns of utilisation geared to the natural variability of the resource have proved resilient, not least because of their centrality to the livelihood systems of the users and the benefits they bestow. Nevertheless, natural resources held in common by, or between social groups have been widely individualised, privatised, nationalised and converted to alternative uses, thus undermining previous customary management systems, creating unsustainable pressures on remaining limited areas and leading to “open access” situations in which collective rules no longer apply because of the ambiguities created by policy - circumstances more akin to the original “tragedy” described by Hardin but arising for different reasons. Consequently, government authorities are faced with dilemmas and choices between individualising rights to common property resources, retaining them under state ownership or supporting some form of common property management by strengthening responsible community institutions.

Systems of allocation and registration of rights to land generally focus on agricultural plots to which exclusive individual rights can be assigned and exclude wider natural resources of livelihood importance. Where tenure individualisation is inappropriate or resisted, demands have emerged for negotiated rights of access and use for local communities, or for full property rights, similar to demands of land titling for indigenous communities. While securing access by the poor to natural resources certainly lies in the general direction of support to some form of common property resource management, there is no easy solution. Firstly, the success of common tenure regimes requires legal and real empowerment to manage the resource, adequate institutional arrangements for decision making and enforcement, and sufficiently developed social capital among the users to allow the collective systems to function (Bruce and Mearns 2002). Secondly, like individual private rights, collective rights can also be private, and rely on the ability to exclude outsiders. In some cases, this can lead to the necessity of developing wider frameworks for negotiated resource access between social groups, which can guarantee access while maintaining sustainability and a degree of equity. Collective rights, and group-based resource management systems also need to provide for individual benefits and rights of access, and, while upholding the rights of the group against external claims, they need to protect weaker members against abuse by more powerful members of the community.

Whether common property rights are exclusive to a single group or not, a series of interdependent and problematic choices still need to be made, regarding the scale at which the resources are to be managed, the type and membership of management organisation, and the mechanisms to empower community for control over the resource (Bruce and Mearns 2002).

7. 1 Community based natural resource management (CBNRM)

Recognition of the livelihood importance of CPRs and the common problems of restricted access to wild resources resulting from state reservation of land for conservation or productive purposes (national parks, wildlife and forest reserves) has led to widespread interest in the potential of Community Based Natural Resource Management (CBNRM) schemes. CBNRM is premised on the desires for equity of access and sustainable resource use, coupled with confidence in the CPR management capacity of local communities and the failures of top-down resource management

Early experiments in CBNRM in southern and eastern Africa which concentrated on negotiating access and benefit sharing arrangements for wildlife, rangeland, tourism and forest resources over which the state retained ultimate jurisdiction, proved partially successful. Murphree (1993) discussing Zimbabwe's pioneering "Campfire" programme identified the key problem with early experiments as the failure to devolve real property rights to the management group, who may in fact have legitimate customary claims to the resources in question. Murphree defines "proprietary rights" over natural resources as sanctioned use rights which include the rights to decide whether or not to use the resource at all, to determine the mode and extent of their use, and to benefit fully from their exploitation in the way the proprietors choose. Key principles for effective community management include: the need for the benefits to the managers to exceed the costs; that the level of benefit should correlate with the quality of management; and the unit of proprietorship should be as small as practicable and should coincide with the unit of production, management, and benefit (Murphree 1993). Overall, the state needs to provide a policy and institutional environment in which group management can succeed.

During the same time that CBNRM has developed, in practice significant resources may remain under state or private control, and outside the reach of the user group restricting sovereignty, mobility and flexibility (Shivji and Kapinga 1998 on the Massai in Tanzania), and leading to resource degradation. Moreover, even where programmes have devolved to users group based property rights, a major problem with CBNRM (common to similar village-based *Gestion de Terroir* programmes in francophone West Africa) is the tendency to designate resource access and utilisation rights as exclusive to particular groups. In practice other groups may have legitimate established claims for instance to rangeland resources or fishing beaches (Ellis and Allison on artisanal fishing in Malawi) and issues of inter-group negotiation for access rights and in application of boundary restrictions have come to the fore for instance in efforts to formalise customary systems of land administration in Ghana, one of the first priorities is recognised to be the adjudication of intensely disputed chieftaincy boundaries in Ghana. Similarly the problems of relatively exclusionary village based *Gestion de Terroir* schemes (Painter and al. 1994; Marty 1993) are now being tentatively addressed by recently emerging *Conventions Locales* in West Africa (Gueye and Tall 2004), which seek to create frameworks whereby multiple user groups can negotiate and manage natural resource access.

Ellis and Allison (2004) find CBNRM to have substantially failed owing to multiple sectoral incarnations, whereby government agencies responsible for different resources seek to develop separate management schemes, based on narrow beliefs that communities depend exclusively on particular resources and failures to address community needs holistically. In addition, there has been a lack of attention to the real world dynamics of resource utilisation and false notions of communities as homogeneous groups with identical interests in the resources in questions. (Similar problems have been observed in collective land reform settlements in South Africa and Brazil, where solutions to the problems of equitable shares to produce and proceeds and clear procedures of entry and exit to the group have remained elusive.

Mozambique, where rural livelihoods are highly natural resource dependent, but not narrowly focused on agricultural land, illustrates a number of the problems identified. The principal difficulties, described by Norfolk (2004), consist in failures to devolve effective property rights over natural resources to local communities, and a lack of clarity and consistency in defining the institutional arrangements for the management and control of natural resource utilisation at local level, in spite of generally progressive land, forest and wildlife legislation. While the law provides for local communities to take responsibility and establish legal entities for land and resource management, legislation has also decreed the recognition that traditional leaders have authority over natural resources, leading to confusion. While the land law facilitates community land demarcation, it does not require it, and capacity both in government and at community level to assume the responsibilities of community land titling is weak, and financial resources are thin on the ground. Outcomes of natural resource benefit sharing are highly subject to local politics, and external interventions by NGOs or the private sector and vulnerable to elite capture. Although forestry and wildlife legislation grants communities a stake in natural resources, this is primarily for subsistence purposes, and the state reserves the right to allocate concessions for commercial resource exploitation, from which the customary owners may derive very little benefit. Where high value tourism or safari hunting resources are at stake, and in conservation areas, this can involve the loss of important livelihood options. Although the law requires mandatory consultation with communities for development proposals affecting natural resource access and use, there is as yet no clear guidance on methods, training or human resource capacity to enable this to take place in an equitable way. Moreover, the land administration and cadastral system is not sufficiently complete or operational to facilitate clear and transparent decision making for the allocation of land and natural resource concessions, and the process has not been integrated with decentralised district based or territorial planning (Norfolk 2004).

7.2 Pastoralism and land access

Pastoralism and livestock keeping are major sources of livelihood in rural areas, particularly in dryland Africa. Livestock provides a valuable array of resources to the poor, including milk, meat, hides and skins, manure for fertiliser, draught power and transport as well as acting as a source of social status, financial security and a buffer resource against crop failure. However, in recent decades secure access to the natural resource base required to sustain livestock dependent livelihoods has become increasingly problematic. Because colonial policy perceived rangelands as largely unoccupied, they were expropriated for

other uses, primarily agriculture and commercial rangelands under private tenure arrangements, and also for wildlife reserves and conservation purposes. Post independence governments have continued these policies, and sought to modernise the livestock economy by settling pastoralists, experimenting with state owned ranches, infrastructure development (including fencing, boreholes and fixed watering points) group ranching, tenure individualisation and rangeland management projects (Cotula, Toulmin and Hesse 2004). In large part, these approaches were premised on the view that pastoralist lifestyles and production systems involving fluctuating numbers of highly mobile livestock were primitive, inefficient and unsustainable, and that livestock numbers must somehow be balanced against the long-run carrying capacity of the range. These views however, were based on a fundamental misunderstanding of the dynamics and resilience of rangeland ecology, and the fact that in a context of variability and uncertainty, herders require the flexibility to move their animals over large areas and access a range of seasonal and fall back pasture and water resources. Rangeland productivity is limited primarily by variable rainfall patterns rather than livestock numbers, and the sustainability and rationality of pastoralist livelihood systems in which the mobility of herds exploiting variable and spatially dispersed pasturelands and water sources is the key component is now widely recognised

In practice, state ownership of pastoral resources has proved to be an ineffective management option. The state invariably has limited knowledge of agro-ecological conditions and local resource management practice, and state interventions attempting to regulate grazing through fencing and seasonal closures have reduced flexibility and mobility. State ownership of rangelands also produces limited incentives and high risks for collective action by pastoralists themselves. In various countries in the Middle East the state has recognised pastoralist communities' use rights and management networks, and granted them a limited role, but still this has undermined community management, leading to conflicts and resource degradation. In Jordan, pastoral cooperatives can be better than state managed reserves, where they have full management and benefit rights but have also often. Grazing licences granted by the state to individuals and specific groups can undermine traditional pastoral rights and increase vulnerability, as can individual leaseholds, which reduce the available common pool resource base. Individualisation of pastoral land rights to substitute for collective systems, can provide incentives for fodder crop production, but as with sedentary farming success is in general dependent on the performance of input, output and credit markets. Individual ranching schemes have high potential for appropriation by the powerful, leading to inequity and negative impacts on remaining grazing resources and pastoralists due to reductions in mobility and the removal of high quality pasture from the commons (Ngaido and McCarthy 2004).

In Africa too group ranching and pastoralist settlement projects have generally failed to deliver more sustainable rangeland management or improved livelihoods. Sub-division of the range and assignments of property rights to individuals and groups at too small a scale has restricted flexibility and increased vulnerability to drought. Moreover, ranching schemes became dominated by wealthier groups and local elites, tending to exclude poorer herders. A further problem has been water resource development, in which the sinking of new boreholes has led to increased grazing pressure in the surrounding areas and the

appropriation and fencing of boreholes by specific individuals and groups. In practice the net availability of rangeland and water resources to pastoralist peoples has invariably declined as a result of development and changing land occupation, and pastoralists face increasing competition for water and pasture in a context of decreased rangeland access. Water development in particular has promoted a competitive sedentarisation process for individual and collective prosperity among and within pastoral communities (Gomes 200X).

Fundamental to the survival of pastoralist systems is periodic access to key strategic resources including water, dry season grazing and livestock corridors permitting movement between seasonal pastures. By their nature, these are not subject to individual tenure arrangements, but access rights to these resources can be protected by the adoption of suitable legal and institutional frameworks. Common property approaches cannot, however, be applied to pastoral resources in a simplistic way. Grazing areas can rarely be defined at a sufficiently broad level to include the full range of necessary landscape niches to guarantee adequate grazing and water irrespective of changing patterns of seasonal and multi-year variability; neither can user groups commensurate in scale with such a sustainable resource unit be identified, and at the landscape scale, user groups tend to be too heterogeneous to overcome the challenges of collective action. As a result, fixed boundary CPR approaches tend not to work; moreover, the pressures on grazing resources pertaining to specific groups tend to be exacerbated by the loss of resources from the pastoral system due to land use conversion (Bruce and Mearns 2002).

Several Sahelian states have sought to clarify pastoral rights through devolution of management rights and responsibilities to local communities, and the development of pastoral laws or charters which regulate competing resource uses (notably grazing and farming), and incorporate elements of customary pastoralist land management, such as herd mobility, negotiated access to natural resources based on reciprocity, kinship and social ties and the multiple, sequential use of grazing and water resources by different actors. Such “negotiated tenure” approaches seek to establish frameworks to fairly regulate fairly competition between user groups and manage conflicts, in which rights of access and boundaries may be subject to continual renegotiation (Behnke 1994). A related innovation across West Africa has been the development of *conventions locales* whereby access and management arrangements for shared natural resources over wide areas are negotiated between the full range of interested stakeholders including pastoralists themselves (Gueye and Tall 2004). These innovations are helping to overcome the deficiencies of more localised *gestion de terroir* approaches which focused on individual settled village communities and tended to exclude mobile herders.

The main challenges to ensure pastoralist land and resource access are institutional: to develop arrangements which deal with the social diversity and complexity which now characterise many arid and semi-arid areas, by establishing platforms for negotiation and consultation; strengthening the fragile cohesion between groups, providing legal backing or locally established bodies and management rules, and integrating the recognition and protection of pastoralist collective rights into legal system which are otherwise geared towards the protection of individual private property. In addition, pastoralist groups and

associations need to build capacity and management skills, while pastoralist people need greater access to education, information and support to reverse discrimination and marginalisation by governments and in civil society (IIED 2001).

7.3 Policy conclusions

The general policy implications of recent experience and analysis of collective natural resource access and management include:

- Alongside the devolution of management responsibilities over natural resources group based community rights and indigenous property rights to natural resources may need to be strengthened in a meaningful way, including decision making rights, in order to provide real incentives for sustainable management and to guarantee an adequate share of the benefit streams.
- Intra-group rules for benefit sharing and for entry and exit to the group all require careful attention and support. Having effective voice in user group organisations is particularly important for women and vulnerable groups in order to guarantee their access to the resource. In socially diverse and particularly customary groups, elite capture of the benefits from natural resource access is a real risk and efforts should be made to understand the dynamics of hierarchical intra-group social relations and to promote equity in this context. Tenure arrangements for access to and control over common property and common pool resources need to be underpinned by governance principles of equity, transparency and accountability
- For collective resource user groups, development of adequate management capacity is critical and likely to require support. Very often the need will be to help rebuild the social capital associated with customary management institutions whose capacity has been eroded or undermined by previous policies. Where there are external interests in resource exploitation, and particularly where natural resources have high economic value, and ultimately commercial development is inevitable, indigenous user groups require capacity to negotiate and manage effective resource utilisation and development programmes jointly with governments and private sector interests, in addition to sovereign property rights
- Because of the complex, holistic nature of natural resource based livelihood systems and the overlaps of sectoral legislation and institutions governing different natural resources as well as trade, markets and state property, development of appropriate systems for common property management is not generally a matter for sectoral law and institutions and may require coordinated holistic approach involving cross-sectoral coordination and constitutional principle.

A number of further policy conclusions can be drawn in relation to access to pastoral land - to a degree these may also apply to other extensive natural and mobile natural resources of variable and sometimes unpredictable productivity:

- Because of historical changes in the management of pastoral resources, and the diversity of geographical contexts, no single approach can provide a blueprint for pastoral tenure. In many cases individualised tenure, group ranching, common property and negotiated access arrangements may have to co-exist. Common features of systems for pastoralist land and resource access are needs for tenure security and to understand local production, risk management systems, and the factors that promote collective action; all of which need to be integrated into policy and programme design.
- Frameworks and processes for negotiating access arrangements to pastoral resources and settling conflicts between groups will, in many cases, be more appropriate than adjudication of substantive, exclusive property rights for individual groups. Secure and exclusive rights to resources for specific individuals and groups need to be balanced with the flexibility to respond to changing conditions including scarcity, decreasing productivity, and seasonal variations of pasture, as well as increasing group numbers, and changing demands on the resource by other mobile groups. The state can delegate rights and responsibilities to specific groups while retaining a collaborative role in facilitating frameworks for negotiation and regulating outcomes in the interests of equity and the avoidance of conflict.
- The availability of water resources influences grazing patterns and the provision of additional water supply can lead to further pressures on pasture and tendencies for groups and individuals to assert exclusive claims to surrounding areas. Water development needs to be planned in a participatory way based on good knowledge of rangeland production and management systems. Access to water resources is a key element of negotiated tenure arrangements for rangeland resources.
- In many cases piloting appropriate tenure and management arrangements to enable learning by experience and the gradual development of a permissive, enabling policy framework which does not specify detailed tenure rules, represents the best way forward for pastoralist land access.

8. The role of small parcels such [as household plot]

The main evidence of the value of very small land parcels to the poor comes from India, where the sheer number of landless people, in relation to limited amounts of available land, renders large plot distribution schemes financially and politically impractical. West Bengal's distribution of 1.04 million acres to 2.54 million land poor households had a positive impact on their livelihood opportunities, confirmed by recent survey evidence even though many households received only 0.07 – 0.38 acre. (Hanstad et al 2004).

Time series data from Pakistan and Bangladesh shows that the ownership of even relatively small plots of land is associated with significant reductions in poverty (Gazdar and Quan 2004). For India, using data from 1999-00, Srivastava (2004) shows that access to land considerably improves the chances for a household to escape from poverty. Small improvements in land ownership are associated with a 5 to 9 percent reduction in the incidence of poverty. Thus, the incidence of poverty among households owning less than 0.4 ha of land is about 36 percent, but among households owning households owning between 0.4 and 1 ha of land, the incidence of poverty is 29.5 percent. For households owning between 1 and 2 ha of land, poverty incidence falls to 23.7 percent. These results complement the results of other micro studies which show that ownership of small amounts of land reduces the vulnerability of rural households.

Small plots play this positive role by providing a supplementary source of income and food supply to those poor households – they make sense within diversified livelihood strategies in which household members also work as wage labourers, engage in trade or cottage industries or receive remittances. Small plots can also function as sources of credit, social status and security in times of crisis.

House-and-garden plots provide both housing and horticultural production opportunities on one unit. The larger the houseplot, the greater the scope for non-housing benefits, which can increase substantially with relatively small increases in plot size. Typically, agricultural labouring households are able to produce enough vegetables, fruit and milk to meet their own needs using their household plots of between 1700 and 2600 square feet, in addition to generating annual incomes of around 11,000 rupees from the sale of home garden produce (Hanstad et al). House and garden plots have the advantages, particularly for women, of being readily accessible and easily tended, and of making fresh produce available directly in the home; benefits which translate directly into improved welfare for children and for families as a whole. Household and kitchen waste can also provide a source of nutrients to help maintain the fertility of houseplots. Extension efforts could target the development of existing house plots by the poor, many of which are effectively under used

However, where the poor are wholly dependent for food and income on production from their own farms, small household plots are likely to be insufficient, particularly where agro-ecological conditions and farm practices are not conducive to intensive production.

Even in high fertility areas, demographic pressure can force the subdivision of land holdings to the level where agriculture no longer remains sustainable as a principal source of livelihood. In Rwanda, where population density is now above 350 people per square kilometre, the average household land holding dropped from around 2 ha in 1960 to 0.7 ha in the early 1990s and in 2001 to less than 0.5 ha (Musahara and Huggins 2004). Cultivation has spread to marginal areas including very steep slopes, fallow periods have shortened drastically, and as cropping becomes more and more intensive there is a general decline in soil fertility. Many households now own too little or no land and land rentals are increasing. Moreover land scarcity and competition are frequently cited as important factors underlying the inter-group and inter-generational conflict which have led to genocide.

Access to small plots of land is clearly of immense importance to Rwanda's poor, it is important to provide security of tenure to even very small household plots (earlier policy pronouncements suggested that government was unwilling to provide title to plots below a certain minimal size, in an effort to promote commercially viable small scale agriculture), and local financial institutions are already willing to accept the value of small plots as collateral because of the strong market demand for land. However, the real challenge lies in diversification and the development of off-farm employment and sources of livelihood to reduce demographic pressure on the land alongside efforts to raise the sustainable intensity of farming through soil conservation and fertility enhancement.

In general plot size must relate to the intensity of farming systems, and the diversity of livelihood systems. Where these remain primarily agricultural, reductions in plot size, can have negative consequences in livelihood systems if available technologies and current farm practice do not permit more intensive land use. Attempts to reduce natural resource degradation in Laos by phasing out shifting cultivation and by providing secure title to smaller plots have had negative and perverse effects because farming systems have been unable to adapt and have not had the technical support to help them do so (Evrard 2004). This has led to shortening fallows and so to reduced fertility, production and food security. In addition to loss of bush products derived from long fallows which have been important sources of cash income. Moreover, shifting cultivation has continued, but in ways which are less well managed, as villagers have also begun illegal clearance of forest land in more remote areas to enable supplementary farming. Informal land rentals and sales have increased, and, as village communities no longer have jurisdiction over larger areas, customary inter village arrangements for regulating. Access to wild resources are breaking down and disputes are increasing.

9. Livelihood diversification and land access

The discussion of rural livelihoods diversification by Ellis and Allison (2004) demonstrates the combined importance of livelihood strategies incorporating on-farm, CPR-based and off farm activities for different income groupings. Important features of diversification are the continuing importance of access to both agricultural land and a wider range of natural resources over more extended areas in diversified livelihoods; the relatively greater dependence of the poor on land access and on subsistence farming; and the role of remittances and off-farm income in subsidising productivity enhancing farm inputs and investments.

In many contexts it is more appropriate to speak of diversity rather than diversification. In practice rural livelihoods have almost always been diverse; a vast historical and ethnographic literature demonstrates complementarity and interdependence across commons and field, often co-existing with trading activities and transactions in labour. While policy should recognise this, it should also pay attention to recent, current and context specific processes of diversification, which change the ways in which CPRs are used and in which labour markets, non-rural activities and migration play increasingly important roles.

Growing populations, the commercialisation of agriculture, expanding urban development, migration and livelihood diversification all tend to increase rental market activity. However, Ellis and Allison (2003) argue that customary land tenure institutions, and the impacts of recent tenure reforms in sub-Saharan Africa, tend to inhibit diversification: the logic is that the absence of secure property rights restricts migrant household's ability to rent out land, and encourages underutilisation prejudicing both land holders and land seekers. While there is ample evidence of the existence of dynamic rental markets under customary systems (IIED 2002, 2003) it is also the case that uncertainty in property rights, leading to a higher risk of land disputes or formal restrictions on rental markets or sharecropping arrangements can limit opportunities for land access, or inhibit people from renting out land in order to migrate or take up other opportunities. Accordingly, in contexts of growing diversification and labour migration, and to improve opportunities for both out- and in-migrants, there is a case for granting formal recognition to and easing restrictions on land rental markets.

Another example of formal regulation that can impose restrictions on livelihood diversification is the imposition of minimum plot sizes which impedes the growth of the non-farm economy by making part-time farming less rewarding.

Diversification can also impact the sustainability of common pool and natural resource utilisation, where access is uncontrolled. Particularly in times of crisis, induced by conflict or drought, coping strategies can make additional demands on wild resources (Ellis and Allison 2004). In Africa, where conflict and climatic change have often coincided, significant population displacement can put immense pressure e.g. on forest and fuelwood resources and lead to irreversible

degradation and longer term dependence on humanitarian aid for both migrant and host communities.

The landless poor (often defined as those who are strictly or functionally landless i.e. without access to sufficient land to meet basic household needs either through subsistence and / or market production) are particularly dependent on seasonal and casual labour on other farms (Ellis and Allison 2004 for Africa; Gazdar, Quan, Barkat and Srivastava for S.Asia). In India those with more secure access to non-farm or urban livelihoods are generally less poor (Srivastava 2004).

9.1 Land access and migration

The perennial and growing significance of migration raises issues of migrants' access to land-both in their destinations, whether these are urban or rural, and in their areas of origin. Land tenure and management systems require the flexibility to enable newcomers to access land, but also to ensure that migrants do not lose all land rights in their original home areas, since their families generally require some foothold there, and migration is often seasonal or temporary in nature, with many migrants returning home to retire.

IIED (Cotula, Toulmin and Hesse 2003) explain the changing dynamics of access to land for Sahelian migrants to West Africa's cocoa belt. Here, customary systems were often structured to enable cultivation of abundant land by controlling a scarce labour force, and migrants' access land via local landlords acting as patrons, reciprocating with labour services, gifts and crop shares. However, after several generations of settlement migrants are seeking to renegotiate tenure arrangements and move beyond the old patron-client relations by asserting their claims to land based on continuous cultivation and the investments they have made. At the same time chiefs and family heads of host communities are unwilling to give up their claims to land based on customary rights inherited from the original occupants who cleared the land. Although farmed by migrants, the land has continued to afford them authority, status and additional income, and moreover, has increased value as populations increase and land available to the host community becomes scarcer. Disputes over land between host and migrant groups have become a source of tension and wider conflict, which changes and ambiguities in policy and law have exacerbated. Younger generations face particular uncertainty: on the death of a land holder, the heirs of each party may try to claim the land back, while a tenant's heirs may find they have to negotiate with the landowning family on tougher terms. The situation is also susceptible to political manipulation: although the law may favour claims established through long periods of continuous cultivation, in 1998 Cote D'Ivoire adopted legislation prohibiting non-Ivorians from owning land, abrogating the rights of some 30% of the country's population. This paved the way for a politically orchestrated wave of expulsions and communal violence against migrants.

While direct conflicts of interest between migrants and hosts need to be addressed through negotiation, in order to protect opportunities for land access by migrants, legislative frameworks need to repeal discriminatory legislation and to recognise and regulate customary contractual arrangements for land access,

including sharecropping, tenancy, formal employment and loans, so as to providing greater certainty and clarity as to the rights of contracting parties.

Rural-urban migration, of course also allows households to access non-land based employment opportunities, where these may not be available locally. In southern Africa, migration of rural labour to South Africa's urban and mining areas has been a longstanding feature of livelihood systems. While this may reduce pressures on agricultural land, as well as generating remittances as a major source of income for those left behind, there is a reciprocal relationship between the urban and rural components of these livelihood systems, as subsistence food production, and small scale cash crop production on household plots continues to be important for women to provide for younger family members and for men working away from home. Earnings from urban employment can also provide capital for investment in farm businesses by returning migrants, who consequently need to maintain their original land rights, or ready access to land through kin groups.

Urban migration also raises major issues of access to urban land for shelter and access to employment in rapidly growing urban centres. Indeed land use conflicts pose challenges in peri-urban areas, whereby customary claimants find themselves excluded from land access by processes of informal land sales by land owning families and traditional leaders, compulsory purchase and land use conversion to meet growing demands for shelter and development land.

For the very poor, policy needs to enable a secure asset base – in which small household plots can play a critical role (Hanstad et al 2004) Srivastava 2004 on India, Barkat 2004 on Bangladesh), as can measures to improve the security and equity of sharecropping based transactions (Srivastava 2004). In addition, and for all social groups, policy needs to facilitate rural people's access to off farm labour markets, and particularly for women, ensure secure rights over family plots. Nevertheless, it can still be argued that ownership of very small plots of land constitutes a poverty trap and that investment would be better directed at creation of skills and opportunities for off farm labour.

It may indeed be better for small landowners; evidence from India suggests that ownership of even very small plots of land does mitigate against poverty and that it is non-migrant landless who constitute the poorest group. While labour migration may be an option for some, and the participants in formal labour markets, (who do own land at least in their destination areas). Most of these people are casual labourers, without the skills or social networks to take up regular or salaries work away from their areas of origin. Statistically, migrancy, especially permanent rather than seasonal migrancy, together with land ownership can be shown to reduce poverty status while increasing *per capita* household consumption. Srivastava concludes that landlessness increases the risk of a household being poor unless households can find a niche in the employment market which provides some job security. Both land access and the labour market can provide routes out of poverty; moreover, as the role of small household plots in India demonstrates, the two strategies can be combined, and, although data and longitudinal studies are lacking, doing so may provide the critical stepping stone to consolidating successful smallholder farming or off farm employment in the longer run.

10. The role of NGOs and civil society in land access

During the latter part of the 20th Century Civil Society Organisations, or CSOs, came to play a prominent role in land policy debates at both national and global levels, and they are active at the forefront of advocacy and campaigning as well as in project and programme interventions to achieve better land access on behalf of the poor. These activities are by no means confined to NGOs, although in many countries they play an important role, but also include farmers organisations, rural trade unions, churches and other religious groups, socio-political movements, and research organisations engaged not only in policy advocacy but in working with a wide range of community based organisations, to promote and strengthen collective action, social mobilisation and capacity building to help secure access to land, defend land rights and develop land-related livelihoods.

There is an implicit linkage between property rights and collective action, in that property rights can be broadly conceived as the capacity to call upon collective institutions to defend claims to the benefit streams (Bromley 1991) that arise from land and natural resources. Rights of access to land are frequently established and defended by collective action of one sort or another, and the poor whose own bargaining power and capacity often rely on action by civil society organisations and NGOs in order to obtain and secure rights to land and natural resources from the state.

Collective action and property rights can be analysed within a common framework (Meinzen Dick and Di Gregorio 2004). Whereas enjoyment of the benefits of private land title depends upon the guarantee of indefeasible rights to use and transfer the land by the collective institutions of the state, benefit streams of various different kinds can arise from access to and utilisation of land and natural resources. The rights concerned are much broader than those of individual private property and can be sanctioned and guaranteed by processes of collective action and institutions other than those of the state. Different individuals, families and groups can hold overlapping use and decision making rights over land and natural resources legitimated by and negotiated through kin-based customary institutions and collective groups which hold formalised property rights or management responsibilities for particular resources. As a result property rights and collective action are mutually reinforcing. In CPR management collective action is necessary to defend access to and manage the resource; holding rights in common also fosters collective action amongst group members, which can extend beyond arrangements for land access and resource management *per se* and into wider social organisation and joint enterprise and cooperative marketing efforts.

The ability of individuals and groups to defend land claims and to manage natural resources can depend on their abilities to organise and negotiate with the state and other interest groups. Typically, vulnerable and marginalised groups lack the resources, time, skills and opportunity to participate readily in collective action, and rely on support by external groups to claim and defend land and natural resource rights. This can involve advocacy, political campaigning and action,

intervening in land markets and land allocation processes, building capacity, and supporting collective action and organisation at community level. NGOs working with community groups to deliver credit, education and health care, water supply, and production support can also assist in facilitating access to land. Intervention by organised civil society may be required to foster successful collective action in the management of common property resources, and to facilitate the transfer of property rights to user groups in line with the devolution of responsibilities under government led natural resource management programmes, especially where traditional management institutions have been weakened.

Federations and networks of local groups can spread collective action from local to national levels to generate voice for the poor at policy level, in defending and securing access to land and resources obtaining development support (Meinzen Dick and Di Gregorio 2004). While such federations and networks can become important civil society actors in their own right, as with community based organisations themselves, their successful development often depends on support from established institutions such as national and international NGOs, and from religious and faith-based organisations.

Historically, social mobilisation by peasant organisations working in effective alliances with the state has been a critical factor in the success of major land reforms which have succeeded in broadening land access, and improving equity in land distribution. This was the case in the land reforms which took place in East Asia, Latin America and North Africa during the early – mid 20th Century, and more recently in India and in Brazil. India's land reforms were arguably most successful in West Bengal and Kerala where strong peasant movements assisted in bringing about wider political changes favourable to the poor. Here, and during the 1990s in Brazil, political organisation and pressure from below proved essential in driving through land reform policies and programmes which faced severe opposition from conservative landowning classes.

Except in these few cases however, as the need for redistributive land reforms led by the state moved off the agenda, land policy debate in the later 20th Century (arguably, in the structural adjustment era, in line with development policy debate as a whole) tended to be dominated by government officials, donors and academics and consequently technocratic in character, and disconnected from issues and concerns on the ground. At the same time civil society environmental movements emerged, focussing attention on the need for more secure natural resource access by the poor, to foster improved environmental sustainability, and international NGOs, together with growing numbers of national NGOs maintained a strong independent voice on poverty issues. In this context demands emerged from civil society organisations for a stronger influence on land policy. During the 1990s, as countries throughout sub-Saharan Africa came to re-examine their existing frameworks of land policy and law, seeking fundamental reforms, NGOs and civil society organisations linked to grass roots farmers and community organisations played an increasingly important role in land policy debate and formulation. Moreover, land reforms and land access programme have delivered more sustainable results in terms of livelihoods where strong organisations are in place civil society organisation is in place amongst beneficiaries. In both Brazil and South Africa recent market assisted programme for land access appear to require not only the blessing but also the active engagement of civil society and

NGOs in order to deliver technical assistance and build capacity in order to succeed, and in CSOs in South Asia have pioneered lease and rental market interventions to enable land access to the poor.

The range and nature of NGO and CSO engagement in land access issues in a number of major regions is summarised below.

Asia

Most available knowledge about CSO engagement with land access comes from South Asia. Throughout India various community based innovations in land management have been undertaken, often backed by NGOs, to improve poor people's access to different types of land and natural resources, including, private cultivated lands, CPRs, wastelands, and forests. CBOs are also increasingly seeking to intervene in land rental and sharecropping markets to facilitate better land access for the poor, notably in Andhra Pradesh. The case of the Deccan Development Association, working with local women's groups has been well documented (Hanstad et al 2004, Srivastava 2004). This type of civil society intervention has been particularly important for women in that it opens up new channels for women's land access which are independent of intra-family land allocation normally controlled by male relatives.

In addition, CBOs backed by NGO Rural Support Programmes have begun to intervene in land lease markets in Pakistan, leasing land from large landlords and leasing on to land less farmers on more favourable terms than they could obtain by themselves, while also helping to organise credit, input supply and technical and social support (Gazdar and Quan 2004). On a larger scale, pro-poor NGOs in Bangladesh such as Samata and Nijera Kori play a similar role in facilitating poor people's access to public (*khas*) land in Bangladesh, often in very adverse local contexts in which local elites effectively control public land through their dominating influence on the courts and political apparatus, and through organised violence (Barkat 2004). These organisations have become quasi social movements, actively supporting networks of farmers' and poor people's community organisations over large areas of the country, providing advocacy support on a case by case basis, advocating for policy change and delivering a range of support services to their members.

In all of these cases national civil society organisations offer a clear comparative advantage in facilitating land access of the poor, in a number of ways:

- The NGOs involved are already engaged in delivering complementary rural development support to the poor, for instance through providing credit, training, education, health, production and marketing support. This fosters sustainability of projects, and in fact engagement with land access appear to have arisen out of this wider engagement, in response to local demands from organisations' constituents
- They have a strong links with the poor themselves, as membership organisations or as networks of local CBOs which are themselves membership organisations. They are able to mobilise beneficiaries and build capacity at local levels.
- They utilise space within governments' own land policy frameworks to facilitate land access by bringing in resources and expertise to engage the poor with private landlords and the machinery of land administration, which

the state itself is either unwilling, or lacks the political will to provide. In doing so, CSOs play a legitimate yet independent role.

The ability of these types of organisations to facilitate land access by the poor at scale essentially depends on their capacity and funding, which relies on linkages with good resources networks with donor support. There appears to be a wide range of scattered initiatives in India which have not as yet benefited from this wider support, even though there has been considerable innovation at local level. Major donor and government interventions to enable land access and strengthen rural livelihoods for the poor have not, so far, engaged significantly with civil society groups with capacity to mobilise the poor, represent their interests and help design and manage appropriate programmes. More work needs to be done to document the progress of innovation on the ground, identify constraints and assess opportunities for scaling up.

Latin America

Throughout much of Latin America the Churches, socio-political movements, rural unions and farmers' organisations have played an active role in land reforms, especially in policy advocacy, campaigning and supporting direct action for land redistribution and to secure indigenous land rights, and to a more limited degree in providing support to established land reform settlements and indigenous communities. Following the collapse of military dictatorships and transitions to democracy, the space for civil society action has opened up and the work of these CSOs and movements has fostered the widespread emergence of local peasants associations. NGOs have played a supportive rather than a leading role in these processes, although they now appear to have key roles in providing technical assistance and capacity building for land reform groups, following the widespread withdrawal of extension services by the state itself.

In Brazil, the Catholic Church, through its dioceses and local networks of priests and churches led the way in struggling against poverty and has been able to establish closer links with the rural poor themselves, and knowledge of conditions they faced on the ground than other organisations, especially in the impoverished, semi-arid Northeast. Through progressive bishops, the Church established a dedicated organisation the *Comissão Pastoral de Terra* (CPT) to work with poor communities on land and agrarian development issues. CPT in turn assisted the emergence of the major socio-political movement for land reform in Brazil, the Landless worker's *Movimento Sem Terra* (MST), while CPT itself remained an important land rights advocacy and support organisation in its own right, working with direct groups with specific needs who often fell outside the network of the organised political movement, such as indigenous, afro-descendent and pastoralist groups, riverine dwellers, labour tenants and sharecroppers. MST's campaign of land invasions (exploiting constitutional provisions obliging the owners of large estates to give up unutilised land for redistribution) and direct action succeeded in mobilising huge numbers of landless rural poor throughout Brazil and brought pressure on the state to invest significant investments in financing land expropriation and post-settlement support, delivered through the state land reform agency, INCRA.

The MST and to a degree the wider land reform movement in Brazil, inspired by combinations of liberation theology and Maoist ideology viewing a marginalised peasant class as the vanguard of wider social and political change, has been largely adversarial in character and reluctant to engage, until recently, in direct partnerships with the state to deliver land access and livelihoods support on the ground, outside of the initial phase of land occupations which coincided with its strategies for building membership and political mobilisation. In addition, the movement has been prone to a degree of factionalism, as a result of differing political ideologies and dissent from the strong centralising tendency of the MST leadership, leading to close associations of different local land reform groups and settlements with specific movements, and to struggles for territorial control over beneficiaries and projects.

Land reform social movements in Brazil and elsewhere have also, with some justification, actively opposed the introduction of market based approaches to land reform, identifying weaknesses in programme design and management, and problems of accessibility to the very poor, and also fearing attempts by the state to undermine the movements' influence and power bases by promoting alternative approaches. After careful deliberation, in early 2003, CONTAG, Brazil's major rural trade union federation, determined that the World Bank supported land acquisition credit programme was appropriate to the needs of some of its members (those with some limited land access, and unable to engage in long land occupations in order to obtain land; at the same time CONTAG continued to campaign for land redistribution by the state, and supported land occupations) risking controversy and schism across Brazil's land reform movement as a whole. Indeed it may be that the decision by CONTAG was fundamental to the continuity of the programme under the Lula government by enabling local unions to play an active role in mobilising and selecting beneficiaries, screening projects for viability, matching beneficiary groups to available market supplies of land, and facilitating delivery of technical assistance and training by NGOs – all features which were absent from the pilot programme and for which it was widely criticised. Under the Lula government, which advocates a pluralistic approach to land access, including a limited programme of land expropriation, to meet the diverse needs of the rural poor, this controversy has largely subsided. However, the major issue has become the lack of state resources for land reforms, land access and support to the family farming as a whole, in an overall national and global trade policy environment which strongly favours the development of large scale commercial farming. The continued high incidence of rural poverty and of land and natural resource conflict means that the organised land reform movement, as before, retains a critical role in ensuring that land and agrarian development issues remain on the policy agenda.

In promoting collectivist approaches to land ownership and seeking to maintain political controls over land reform beneficiaries, Latin American land reform movements have also been criticised for opposing land sales, rentals and markets of all kinds, despite evidence that land reform settlements may not provide the best livelihood options for all of their members, that land reform projects in addition to a general commitment to making a success of farming, also require free conditions of exit and entry, and that small farmers may frequently need to engage regularly in land transactions. Moreover, in a market economy, the success of land reform depends upon successful engagement with

input, credit and product markets requiring combinations of individual incentives to invest and innovate and collective organisation to secure market access. The trajectory of land reform beneficiaries in Brazil and elsewhere, has typically been one of moving from extreme poverty, dispossession, underemployment, and frequently illiteracy, through a phase of socialist political mobilisation, education and growing self worth, generally due to the intervention of a land reform movement, but subsequently it went into a phase in which group members consolidate individual or household property rights over land and are obliged to become actors in a market economy, and ultimately, if land access is to deliver more than basic food security and survival, successful small scale entrepreneurs. This has proved difficult for land reform movements to accept, but in order to remain a credible force for progressive rural change and consolidate the benefits of land access for the poor, they need to do so (Souza Martins 2004).

Until recently, marketing and business development have been areas in which land reform social movements have been reluctant to engage, and support has been required from NGOs, rural unions, credit association and cooperatives and credit cooperatives. The environmental agenda, the need for sustainable natural resource use by land reform projects and emerging opportunities to produce and market non-timber forest products and develop rural tourism has also led to the engagement of a wider range of civil society groups with land reform settlements and movements, opening the way to new alliances and partnerships for democratic rural change and more equitable and balance patterns of land and resource access.

Africa

Of all developing regions, sub-Saharan Africa has seen the broadest engagement by civil society with governments and donors in policy debates on land policy and issues of land access, as part of the ongoing overhaul of frameworks for land policy, law and administration taking place in many African countries. At the same time practical engagement by civil society in implementation of land access programmes has been relatively limited.

The primary players in these policy processes have been NGOs, linked to a degree with community based organisations on the one hand, and with research institutions on the other. In order to have effective influence on policy, African NGOs have sought to build national networks or land alliances, which have assumed roles in information gathering, coordination, policy advocacy and campaigning, as well as in policy dialogue with government. The more sustained and successful examples of these are in East Africa, including the Kenya Land Alliance, Uganda Land Alliance and LandNet Rwanda, while good examples also exist in West Africa, such as LandNet Togo and *Rede -Terra* in Angola. In South Africa the civil society National Land Committee (NLC), comprising membership organisations from every province played a key role in policy changes, advocacy campaigning and programme development for land reform during and after the transition from Apartheid. In other cases, such as Ghana and Malawi, more transient networks of national and international NGOs have emerged to voice popular concerns over land matters at key moments of national policy debate and consultation. NGOs and land alliances also continue to play a critical role in raising awareness and disseminating information about Africa's new policies, laws and implementation programmes including organising translation into local

languages and oral dissemination via local consultations and radio. National land network initiatives have, however, proved difficult to sustain and institutionalise in practice, and they have been dependent on support from international NGOs such as Oxfam, and donor sponsorship through agencies such as DFID and GTZ. While this support has been important and effective at key junctures, it has not been sustained or consistent across the region.

With donor support, African civil society land networks have also organised on a sub-regional and a region wide basis bringing together land practitioners from NGOs and governments with policy and applied researchers actively engaged in the field to exchange lessons and experience. These processes also contributed directly and indirectly to policy development and changing project implementation practice amongst official bilateral and multilateral development agencies including the World Bank, European Union, DFID, GTZ and French Cooperation, as well as influencing African institutions including the African Union, African Development Bank, CILS and SADC. For several years a loose federation of sub-regional networks known as LandNet Africa offered an open consultation and learning mechanism on land and became a significant land policy voice across the continent. A broad agenda and loose consensus emerged, which has proved influential on government and donor policy, and on programme design, including the needs for: the formal legal protection of legitimate customary rights; reform of both formal and customary tenure institutions and practices to guaranteed equality land rights for women; the development of appropriate decentralised forms of land administration in which customary institutions and authorities play some role, but which remain accountable and democratic and capable of safeguarding equity; devolution of effective property rights over common property resources to community groups including pastoralists; and the curbing land grabs by national elites through effective legislative and institutional reform.

The LandNet initiative proved difficult to sustain in the absence of continued donor funding and a strong base in established African national and regional institutions. At present LandNet West Africa survives, with a membership base of regional research institutions and farmers organisations, and links with official inter-governmental cooperation processes in the region; in East Africa attention has shifted to country level where national land alliances continue to play a significant role, and in Southern Africa, following a successful civil society contribution to the development of plans for a SADC regional land reform facility (an initiative which is yet to get off the ground in practice) problems and issues at national level, notably in Zimbabwe and South Africa, came to dominate the agendas of the leading network players. A complementary endeavour was the creation of the Pan African Programme on Land and Resource Rights (PAPLARR), coordinated by the Programme for Land and Agrarian Studies (PLAAS) at the University of Western Cape established a complementary network aiming to reinforce knowledge and understanding of good practice in land policy issues across a network of sub-regional research institutions, and maintain an Africa wide influence on land policy within the NEPAD development agenda. Like other initiatives this network also remains reliant on external funding, in this case from the Ford Foundation. Most recently, a number of UK based research institutions have sought to build on these initiatives by calling a conference and developing an action plan intended to help place land issues on

the agendas of the UK government's Commission for Africa and the G8, and support efforts by African Institutions including the AU, UN-ECA and African Development Bank in taking forward an African driven agenda for land policy to promote poverty reduction, economic growth, sustainable development and good governance across the continent (IIED, NRI & RAS 2005).

Civil society involvement in improving land access for the poor in practice in Africa has been more variable. Community based organisations addressing land access are less developed than in south Asia and Latin America, perhaps because of a lower incidence of landlessness and the continued role of customary tenure practices and informal markets in delivering land access in practice. Across East Africa and the Horn, however, a considerable number of local pastoralist associations and pastoralist NGOs have emerged to address a range of issues, including land and resource access, and in the West African Sahel, especially in Senegal farmers' organisations have become actively engaged in organising production and marketing support also taking up land access issues.

The best examples of concerted action on land access by African CSOs, and perhaps the most analogous to successful initiatives in South Asia, have involved programmes by NGOs supporting capacity development for collective action by local associations for the management of community land rights, linked to wider national or regional policy advocacy and campaigning. In Mozambique, ORAM (*Organização Rural de Ajuda Mútua* – Rural Organisation for Mutual Aid) and UNAC (*União Nacional de Associações de Camponêses* – National Union of Peasants Associations) both grass roots membership organisations organised at national level played a key role in resisting the post-war national land grab by national and urban elites associated with foreign interests, and in establishing a National Land Campaign which had a decisive influence in the development of Mozambique's 1997 Land Law as a framework for securing village land and resource rights and defending land access by the poor. The organisations became key participants in dialogue with the National Land Commission and active in the design and implementation of programmes for community land demarcation, with ORAM in particular supporting village communities in their dealings with the government survey department and external investors (Kanji et al 2002). In the West Africa, action research institutions such as IIED Sahel based in Senegal and GRAF (*Groupe de Recherche et Action sur le Foncier* – Land Tenure Research and Action Group) in Burkina Faso have maintained active networks with CBOs in piloting a range of natural resource management initiatives and in monitoring the implementation of wider programmes to scale up *Gestion de Terroir* approaches at local level and develop appropriate systems for decentralised land administration, while retaining a role in policy advise and advocacy with national governments. More recently this has led to engagement in the development of *Conventions Locales* across the Sahel, aiming to institute frameworks for collaboration between multiple community groups and local government institutions to facilitate land and resource access by multiple interest groups and resolve resource conflicts at local, landscape and wider territorial scales.

Women's and feminist organisations, often professionally based, notably amongst lawyers but retaining links with grass roots organisations in East and

Southern Africa and being active players in national land networks and alliances, have been powerful advocates for equal land rights for women. These groups have sought change in laws governing inheritance and tenure systems and acting to expose and check the gender biases inherent in both formal laws and institutions and in customary tenure practice.

Another group of civil society players in land and resource access issues in Africa have been national and international NGOs concerned with conservation and the management of environmental resources and wildlife, engaging with local communities to support CBNRM, wildlife management and eco-tourism schemes which have provided limited but important access to and benefits from indigenous resources for local people. At policy level, and in national and regional coordination and lesson learning, IUCN has played an important role, bringing together government and civil society member organisations.

In South Africa, provincial level land NGOs, and some international NGOs such as Farm-Africa played an important role as contractual partners and service delivery organisations in the implementation and delivery to beneficiary groups of the first phase of land reforms during the Mandela government, including the SLAG (Settlement and Land Acquisition Grant) programme, projects for the utilisation of municipal commonage, the establishment of Communal Land Associations and support to farm dwellers, labour tenants and workers in securing their rights under the Extension of Security of Tenure Act. The NGOs remain active in monitoring the progress of land reforms on the ground and providing legal advocacy for land rights and campaigning, but formal partnerships with government have largely fallen away, in part because of political differences over the operation and financing of market based approaches to land access, and the Communal Lands Act, which hands responsibility for land administration matters over to traditional authorities with few practical safeguards to guarantee equity in land access. In practice, however the present design of the LRAD (Land Reform for Agricultural Development) programme which is administered by central government departments in coordination with development banks, and largely directed at emerging small scale black commercial farmers, rather than the poor, and the absence of practical programmes to develop effective systems for land administration and management in the communal areas, leaves little or no room for engagement by civil society. The practical indications are however, in line with experience in Latin America and South Asia, that space will need to be negotiated for NGOs and CBOs to engage directly not only in the implementation of these programme but in the design and management of their subsequent phases, in order for them to prove effective and socially inclusive in delivering and securing land access for the poor. As in Brazil the critical gaps which NGOs can potentially fill are in capacity building for land reform groups and projects and in the delivery of post settlement technical support in farm production, marketing, and effective livelihood diversification.

Finally, in a number of African countries, NGOs have been poised to assist in the implementation of the new wave of land policy reforms and engage with the development of accountable and democratic systems of land administration. These, however, have been slow to materialise, for a combination of reasons, including the lack of donor funding as a result of misgiving about wider issues of governance and economic management (in counties such as Kenya and Malawi),

or the absence of practical funding mechanisms for this kind of support (for instance in Tanzania) amidst growing trends towards budgetary support for national government, and over-centralised and ambitious plans by government (as in the case of Uganda). In other cases, such as Ghana, Rwanda, Mozambique, Niger and Benin practical donor funded implementation programmes are now materialising, although the degree to which civil society engagement is supported is highly variable.

In all cases, in view of the continuing trends of commercial and speculative land grabbing by national and local elites, the resurgence of power among traditional leaders claiming rights of management but frequently ownership and disposal over land (Woodhouse 2003), renewed interest in promoting formalised property rights and market processes stemming from the influence of de Soto (2000), growing urbanisation and land conflicts at the peri-urban interface, and limited progress on gender equality, combined with the impacts of HIV/AIDS on land holding, NGOs and civil society will need to remain actively engaged with land access issues. This engagement is needed not only at policy level but also in implementation and critically in monitoring and mitigating negative poverty and equity impacts which may threaten to undermine land access by the poor in practice.

10.1 Policy conclusions on civil society and land access

- Civil society action generally has a fundamental, sometimes decisive role to play, in achieving greater, more secure land and resource access by the poor, though policy debate, advocacy and campaigning, development of innovative practical innovations and in programme implementation in partnership with the state. Practical engagement by NGOs and CSOs in programme design and in monitoring developments on the ground is needed to help guard against inequitable and discriminatory practice.
- While CSOs have been most prominent in advocacy, political campaigning and in national policy debates, they are likely to have an increasingly important role in practical partnerships with the state to deliver better land access for the poor.
- There are some broad differences in engagement with land access issues by civil society across major regions: in Latin America a major emphasis has been on socio-political mobilisation, campaigning and direct action; in Africa on policy debate and advocacy; and in South Asia on partnerships with CBOs to intervene in public land allocation and land markets to create new land access opportunities for the poor. While these emphases have arisen in specific regional and national contexts, there is much to be learnt across the major regions about different civil society experiences and approaches to land issues.
- Civil Society engagement is much broader than interventions by established NGOs and includes the roles of social movements, trade unions, churches and faith groups, research institutes and a wide range of community based organisations. Some of the most effective examples of civil society

engagement are where network organisations with strong grass roots, community membership base are able to deploy professional expertise to build local capacity while undertaking policy advocacy and building national and international links and alliances.

- CSOs and NGOs are often weakly resourced and dependent upon uncertain charitable or donor funding. In a number of contexts CSOs are denied the space and opportunity to influence policy and programme development, and here, particularly, they require external support.
- In addition to the maintenance of an independent funding base to support social mobilisation and undertake critical analysis and advocacy, there are major opportunities for NGOs and other CSOs to work in partnership with the state in delivering decentralised programmes for land access, building capacity of community groups particularly where collective land and natural resource management is involved, and in scaling up successful innovations.
- As a result, there are a range of unresolved practical issues which affect civil society engagement including how to engage in equitable and effective partnerships with the state, without being constrained to deliver programmes which do not respond to the needs of the poor and risk deepening inequalities in land access; how to scale up innovative civil society and community based interventions; and how NGOs and externally led socio-political movements concerned with land engage with the poor and with CBOs in ways which build effective capacity and are genuinely empowering. Problems can arise where external political agendas seek to channel collective action in particular directions, and there are needs to develop appropriate participatory methods and learn from practical experience of facilitating collective action by the poor and influencing policy agendas.

11. Linkages and interdependency of the topics

11.1 Land access, poverty and inequality

In rural societies throughout the world the incidence of poverty is closely associated with landlessness and inadequate access to land. This is particularly marked in cases of severe inequality in access to land and the distribution of assets; it is also now broadly recognised that although growth and poverty reduction can occur in circumstances of inequality, inequality in access to assets impedes overall levels of growth and is bad for poverty reduction. While one dominant theme of recent land policy is that secure property rights provide a basis for investment in the land and thereby contribute to economic growth which enables poverty reduction, improved access to and distribution of land food security of the poor are also required as a basis for social inclusion and economic empowerment of the poor. Moreover, in rural areas, land access strengthens poor people's food security and productive opportunities

As a result of growing urbanisation and increases in urban poverty, the globalisation of trade, and an absence of convincing evidence that agricultural investment in recent years has had significant impact on poverty, policy interest in rural development has declined. Nevertheless, small farming opportunities and land based livelihoods continue to be the principle option of the poor who remain predominantly rural. To quote a recent DFID research consultation document: *"economic growth is the key to successful poverty reduction, but the process invariably begins with increasing agricultural productivity, particularly on small scale labour intensive farms...no other part of the economy can match growth in agriculture for its impact on broad based poverty reduction, or its links to growth in the wider economy"*. Looking at the lessons of the Asian Green Revolution, there is a need to: *"prioritise agricultural technologies that will increase the demand for labour, particularly by increasing yields. Creating employment opportunities remains vital to directly reducing poverty and to creating growth outside agriculture...For most poor countries a strong case exists for focusing development efforts on labour intensive small farms"* (DFID 2005).

11.2 Current policy trends on land reform

While this perspective bears out longstanding arguments of land reform based on the efficiency and poverty reducing features of labour intensive small scale farming, the continuing focus on the importance of small scale agriculture does not necessarily entail a renewed emphasis on creating and empowering more small farmers through land reforms.

In practice, a more fundamental requirement appears to be the creation of a policy and trade environment in which smallholder farming can prosper and succeed. In the absence of this, trends towards diversification and urban migration will become more pronounced.

Although the recent renewal of interest in agriculture and in equality in development policy (WB WDR forthcoming 2005) might suggest the possibility of renewed interest in land reform, greater investments in land acquisition for the

poor will only pay off if a better enabling environment for small farmers as a whole to prosper. This in turn depends on achieving greater success in delivering appropriate technologies, building capacity and achieving better market integration for poor farmers through coherent rural development strategies, linked to growth in the wider economy. Undoubtedly land access programmes have a role to play, but these need, increasingly to be located within coherent territorial or context specific programmes of productive and institutional transformation which can facilitate opportunities for the poor in the context of wider markets (Schejtmann and Berdegue 2003, Quan 2005 forthcoming)

In Africa, where investment is low outside of southern Africa, small scale farming is still of overwhelming importance. In many areas, and for the present generation of farmers, land access does not yet appear to be the major constraint. However, ensuring secure access and enabling land transactions to occur are important as part of a package of measures including improved access to finance, productive support and product markets. In Asia, land reforms, as conventionally understood, have all but disappeared from the policy agenda. Here, as in Latin America and Southern Africa, despite recurrent demands from civil society and policy commitments from government, land reforms are pursued more as a means of social inclusion, and to defuse potential conflict than as a means of broad based social and economic transformation. Nevertheless, there are continuing pressures for those programmes which do exist, to expand and become more far reaching, and there is a strong rationale for targeted action to achieve improved land access and more secure land rights for the poorest groups, for women and for indigenous people.

Within a dominant paradigm of market based growth, and a global policy and trade environment in which sustainable new opportunities for small farms are not apparent, both political will and budgetary resources are required to challenge the existing distribution of assets. . In a climate in which these are lacking, conventional approaches are unable to deliver significant benefits, and land reform led by state expropriation of privately held land is widely contested. As a result, despite the strong in-principle case, land reforms to create more efficient small farms by providing the landless poor with land as a productive asset serving as a base for broad based growth and faster poverty reduction are no longer a significant feature of development policy.

11.3 Land markets and access to land

In this context, the continuing importance of land for the poor in improving food security, incomes and livelihood opportunities has led to renewed emphasis on the potential of land markets to provide access to land, and increasingly, to a broader emphasis on ways of improving land access and securing land rights, in order to improve the social inclusion and protection of vulnerable groups. Because land sales markets are skewed against the participation of the poor, with market values in excess of productive values of land because of its role as an investment or speculative asset, the Indian government, and more recently in various countries of Latin America, with the help of the World Bank have pioneered subsidised land purchase schemes. These “market assisted land reform” approaches have been piloted in a number of countries with some

success, but have generally failed to target the poorest, to quicken the pace of land distribution or to make any real difference to structural inequalities in opportunities to own land assets. There remains scope, and demand, for the state to play a proactive role in speeding up land transfers by expropriating land which is held illegally by large farmers and which has been alienated from indigenous people, or in the case of South Africa, the black majority. Civil society land reform movements, especially in Latin America, have been active in criticising the market led approaches, and in keeping land reform on the political agenda, and pressurising governments to devote adequate resources to the process. Observers including the World Bank (Deininger 2003) agree that there remains a role for the state alongside the market in a pluralistic approach to land reform, which includes more effective utilisation and distribution of public land, and the use of progressive land taxes to improve land utilisation and increase the availability of spare land.

Like the earlier, state led land reforms, market based approaches have had difficulties in channelling technical assistance and development finance to beneficiaries, and creating sustainable new enterprise opportunities, and the principal challenge is to ensure successful linkages between opportunities to access land, by whatever mechanism, with sustained development opportunities for small farmers. In the absence of these, land reform projects of all kinds have been compromised by exit of participants, to take up seasonal labour opportunities or migrate to the cities, combined with restrictions and ambiguities in rule regarding land rentals and transfers by beneficiaries, and lack of opportunities for young people. The general dynamism of both land and labour markets is a reality which can potentially work in the interests of the poor, and this is something which land reform movements and programmes need to recognise in order to design projects which are flexible enough to meet changing needs. Land reform projects need to encompass more diversified livelihood options, which may involve, part time farming, agro processing, utilisation of wildlife and wild produce and small scale rural tourism.

11.4 Land rental markets

In parallel with these efforts there is much that policy can do to facilitate greater opportunities of land access for specific groups and using other channels. Given the limitation of sales markets, and of state or donor engineered subsidised credit for land purchase, there has been tremendous interest in the potential of rental markets as a flexible means of facilitating land access for the poor. Land rental markets have emerged across the world as spontaneous mechanisms for reallocating operated land areas to improve both equity and efficiency, and they provide widespread opportunities to the poor. There is strong evidence, particularly from Asia that restrictions and over regulation of rental markets, originally intended to protect the poor, have proved counter productive by restricting opportunities to access land at relatively low cost, and driven the institution of tenancy underground. As a result it is broadly agreed that restrictions on both fixed rental and sharecropping rental contracts should be lifted. Clarity of tenure rules and security of tenure remain important and the state can assist by ensuring equity and transparency in the land rental market, and the enforceability of simple standard written contracts.

There is less interest in the potential of rental markets in Latin America, where more land is available and tenancy is less developed, but there is evidence from some countries that liberalisation of land rental has facilitated greater land access for the poor. Customary rental transactions of various sorts are prevalent in much of Africa, particularly West Africa, and here the challenge is to bring about an appropriate degree of formalisation so that customary practice can operate more fairly and effectively.

While the state can seek to prevent exploitation in rental markets, the terms – rents or shares – on which the poor gain access to land depend largely on their bargaining power and the other opportunities available to them, and strengthening these may be a more useful area for intervention than legislating to fix rent levels. Education, skills, own farming, off farm employment and trading opportunities will all help to strengthen the bargaining position of the poor in land and labour markets. Evidence from Asia also demonstrates that direct intervention by civil society and NGOs in land rental, lease and sharecropping markets can strengthen the bargaining power for the weakest groups – lower castes, tribal peoples and women - by helping them to pool resources to release land for longer terms, at lower rents, and with greater security, and by providing them with training, credit and marketing support.

11.5 Gender and land access

Gender dimensions of access to land are critical to poverty reduction and food security because of women's major role as food producers and the responsibility they generally assume for household maintenance and social reproduction. Despite gradual progress in recognition of women as land owners in their own right, or as joint spousal land holders, women still face tremendous disadvantage under both formal and customary tenure systems. As a result action to strengthen women's land rights and opportunities for land access includes but goes far beyond the realm of land legislation and policy, stretching into formal and customary inheritance law, education, and wide awareness raising. Women's advocacy and feminist campaigning groups play a critical role in promoting change but they need to directly engage with the needs of poor women. NGOs and women's organisations can also play a direct role in helping women to access land. In addition to the need for equitable access to land and farm income opportunities for women in smallholder farming, access to home garden plots is important to women more widely because of the role they can play in supplementing household food production, and cash income. Access to small household plots can be particularly vital for women, as home gardens to provide fresh food for the household and supplementary sources of cash income. Alongside the importance of household plots and home gardens for women, they are often highly dependent on access to natural resources and common property, to meet both basic and supplementary needs as gatherers of fuelwood and water or bush produce for food, sale or handicrafts production. Land administration and distribution programmes can thus deliver greater benefits to women if they make adequate provision for access to natural resources and natural resource management programmes need to ensure adequate representation and participation of women in decision making. This is particularly important in situations of land scarcity, migration and diversification where husband and male relatives take up off-farm work opportunities. Very often measures to enable land

access and strengthen land rights for the poor as a whole will benefit women, but effort is needed to ensure that new land registration, land distribution, indigenous titling, and community based natural resource management programmes grant equal land rights to both women and men, and develop interventions specifically targeted at women. Finally, gender remains a very important but relatively unexplored cross cutting theme in analysing both livelihood diversification and natural resource access (Ellis and Allison 2004).

11.6 Indigenous land access

Land and natural resource access is fundamental to the livelihoods and food security of many surviving indigenous peoples and development policy generally now seeks not to undermine indigenous land access as a matter of human rights principle, since indigenous cultural identity and survival very much tied up with land. The demarcation and titling of indigenous land is the primary preventative mechanism, and is now well advanced in the Americas. However, these processes are incomplete and agribusiness development and commercial natural resource extraction, notably mining and logging continue to impose severe pressures on indigenous land and surviving indigenous peoples. In addition, land redistribution and resettlement schemes can on occasion threaten to undermine indigenous resource management and livelihood systems. In addition to titling, indigenous groups require support to negotiate on equal terms with outside interests, diversify their livelihoods and act as responsible managers or co-managers of resources with high economic and environmental value. Not all indigenous peoples live in isolated communities and many face discrimination and difficulties in access in land through conventional channels and at the hands of land administrators.

11.7 Natural resource access and management

The principles and practical mechanisms for securing access to land and its wider natural resources also apply to the broader range of rural people who frequently have diversified natural resource dependent livelihoods although they may not be classified as indigenous groups. For forest dwellers, fishing communities and pastoralists, secure resource access is fundamental to food security, and these are often amongst the poorest, most disadvantaged groups. CBNRM programmes have pioneered shared and negotiated access by rural communities to natural resources, but they frequently stop short of devolving secure property rights to the resource and full control of the distribution of the benefits to the users. These initiatives have also suffered from problems of elite capture and weak capacity of local management institutions in which women and poorer people may not be represented. Similar problems have arisen in pastoral land policy where group ranching schemes have benefited the better off, who continue to make use of unsecured communal grazing resources, as ranching schemes prove unsustainable in their own right. Sectoralised natural resource management policy and planning, while now making greater efforts to involve local communities, has also overestimated the extent to which they are dependent on specific resources, such as farmland, forests, or fisheries. More holistic approaches are required which grant secure property rights over designated areas, and which build people's capacity to plan and work to utilise the resource as they choose, subject to overall policy requirements for good

management, equity and resource conservation. Clear frameworks are also required for joint planning and resolution of conflicts of interest over wide area and between different social and ethnic groups, as local resource management projects have frequently proved to be exclusive in nature and incapable of adapting to wider territorial change. Frameworks for access to and management of pastoral and aquatic resources are particularly challenging because of the mobile nature of the resources and practices involved, and the multiple demands on key resources such as access corridors dry season grazing. Adequate land and natural resource information systems capable of recording the access rights and utilisation patterns of key resources of different user groups are needed to support decision making on land allocation and the resolution of disputes.

11.8 The importance of small household plots

Population growth and urbanisation create pressure on land resources and in many contexts land holdings are becoming increasingly small. Nevertheless, part time farming is an important component of diversified livelihoods, even in urban areas and secure access to even very small plots can be of great benefit for food security, supplementary incomes and to provide security in the form of a capital asset. As livelihoods become more diversified and supplemented by remittances from migrant labour, secure rights of land access remain important in people's home areas particularly for women. The stabilising role of the household plot becomes especially important where the poor take up casual or wage labour opportunities, or seasonal or longer term migration. Evidence from India shows that access to even very small parcels of land is correlated with reductions in the incidence of poverty. The role of small household plots is also significant in contexts in which distribution of larger plots through wider land reforms is unaffordable or politically not feasible. Restrictions on minimum land holding sizes discriminate against the poor, although endless subdivision of land should not be encouraged, and sustainable intensification of farming systems is required in order to avert widespread land degradation under conditions of population pressure.

11.9 Livelihood diversification, migration and land access

The growing significance of livelihood diversification, urbanisation and migration challenges conventional approaches to rural development and accordingly the importance of land reform. Nevertheless, opportunities to access land and secure rights of tenure play a key role in the livelihood portfolios of poor in both rural and urban areas, even where agriculture is of declining importance. As diversification and urbanisation proceed the good functioning and equitable governance of rental markets in both rural and urban areas becomes more and more important to enable people to access both shelter and livelihood opportunities. A key observation is that land and natural resources access and livelihoods diversification should be looked at through the same lens: these are not separate issues, and policies e.g. on rural development, employment and migration should be inter-related (Ellis and Allison 2004) and framed holistically. This observation points to the need to set issues of land access, land distribution and tenure security within a wider development context and develop frameworks to invest in both people and places through appropriate cross sectoral coordination and territorial approaches, which provide for a measure of

participatory control on local development policy and priority setting according to people's interrelated needs.

11.10 Civil society and land access

Civil society organisations of all kinds, including social movements, trade unions, church organisations, producers, residents and women's groups play important diverse roles in promoting and enabling improved land access for the poor. In Latin America particularly, land reform social movements, to a large extent rooted in the church, together with rural trade unions have played a key role in putting land reforms on the political agenda and initiating their implementation. History also demonstrates that social mobilisation has been a key factor in effecting successful land reforms in Asia, by legitimating government action for change.

More recently, in Africa, NGOs and civil society networks, organised as Land Alliances or LandNets, have been prominent in national, regional and international consultations on land policy and in programmes to implement policy reforms. In collaboration with research institutions they have played an important role in raising the understanding of customary tenure systems at policy level, and arguing for a balanced approach to the formalisation of customary rights, which safeguards equity. In Africa, and across the globe, women's organisations, feminist campaigners and women lawyers have ensured attention to gender equity in matters of land policy, and they continue to play a vital role in addressing the discrimination women face in both formal and customary systems.

NGOs, indigenous social movements and pastoralist groups have played a key role in advocating and campaigning for indigenous rights and secure natural resource access, also continuing to natural resources development policy. Very often social organisation amongst marginalised groups such as these has depended on intervention and support by national and international NGOs.

NGOs have also been able to support community groups through direct interventions in the land market and in public land allocation, particularly in South Asia, by leasing land from private owners and letting it on to user groups. NGOs and CBOs have the potential to help free women of the constraints of the household production unit and access to land via male relatives, which otherwise represent the only channels.

11.11 Land administration to support improved land access

The foregoing analysis of land access issues has repeatedly come up against the need for effective and equitable systems of land administration, of which good comprehensive land information systems are part, in order to facilitate opportunities for the poor to access land and secure land rights. In order to enable clear and fair decision making on land allocations, and provide a basis for land and natural resource access for the poor by matching up demand with available supplies of land, land information systems need to be comprehensive up to date and encompass the complexity of existing land occupation, use and claims, including overlapping bundles of rights should. Examples of the

importance of land administration and information systems for programmes to extend land access include:

- Efforts to improve the public land inventory in Brazil, and identify available state land and illegally occupied and underutilised private land should facilitate land allocation to land reform groups, and reduce demands for expropriation of new land.
- Pioneering efforts in modernising land records in some Indian states have enabled the protection of indigenous tribal people's land rights, by including their land claims in the system, and made land records publicly available on-line through a network of kiosks, facilitating land applications and reducing risks of duplicate allocations and rent seeking by officials.
- Efforts to regulate and record customary land transactions in West Africa by use of simple documents and witnesses, under the jurisdiction of customary authorities or groups of elders.

Two of the critical issues which efforts to develop appropriate land administration systems need to address include:

- *Legal pluralism* – a multiplicity of channels to access land and secure documentary evidence or social sanction for land rights can create opportunities but also leads to the process of “institutional shopping” whereby claimants exploit their familiarity and links with different authorities and processes in both formal and customary tenure systems to gain access to land. This can lead to considerable uncertainty, and to conflict between different sources of legitimacy and sometimes between different social groups.
- *Decentralisation*: the need to bring land administration closer to the people and make it simpler and more accessible, by establishing one-stop shops and local land boards which can represent and respond to the full range of stakeholder interests, including local government, land owners and customary authorities, farmers and land users, both men and women.

12. Principal knowledge gaps

Across the wide range of material and studies reviewed in this paper, relatively few authors explicitly identify gaps in knowledge and outstanding areas for research. However, from the analysis undertaken, a number of important gaps do emerge, in two broad areas:

- The nature of the linkages between land access and poverty issues, which while widely debated and well understood in theory, and demonstrated by statistical correlations of poverty and landlessness or inadequate access to land, are less well known in practice, particularly their changing and dynamic aspects. These linkages have an important bearing on the place of land policy and land access issues in development policy and planning as a whole.
- Knowledge about the diverse real world social, economic and environmental contexts in which the poor seek land access and operational information to inform policy instruments, and intervention planning.

12.1 Knowledge about land-poverty linkages

Three principle knowledge gaps emerge concerning land and poverty linkages:

- First, within the general land policy literature and analytical work there are tendencies to concentrate on the links between land access, food security, agricultural productivity and sustainability in a context of primarily rural livelihoods, as opposed to a broader view incorporating the changing development context and policy environment. The result is that there is a need for research to address changing development contexts and how affect demands for land and its utility for the poor. This includes:
 - the effects of rapid urbanisation, urban-rural linkages, livelihood diversification, and patterns of migration. Ellis and Allison (2004) make detailed suggestions for further research on NR access and diversification;
 - the changing trade and trade policy environment, including market liberalisation, global and regional integration and commodity supply chains and the opportunities and constraints for land based livelihoods that these generate in different regional, national and local contexts.
- Second, there is only partial and incomplete knowledge about how land access interventions of different kinds, including major programmes of land reform, have impacted on poverty in practice, particularly over the longer term. Under this heading we can include:
 - The historical impacts of land reforms – and the needs for time series data and follow up studies to identify changes which have taken place in cases such as the tenancy reforms in West Bengal, the first phase of land reforms during the 1980s in Zimbabwe, and the impacts of land reforms in Brazil;
 - Better understanding of the impacts of land purchase credit programmes, the opportunities these have provided for different groups and their relevance to the very poor;
 - The impacts that decentralised and customary approaches to land administration have on equity and land distribution, including their

effects on women and vulnerable and external groups with interests in land and natural resources. This also applies to other interventions which restore traditional authority over land, including land restitution and indigenous titling programmes;

- The need to look beyond the benefits of land access for food security, farm production, incomes and livelihoods – which have provided the traditional criteria for evaluation – and consider the impacts in areas such as educational participation and attainment, health status, access to services, asset status, social capital, local economic prosperity, citizenship and democratic development – and how best to foster these linkages.
- Third, there are questions of the political economy of land access and land reform, and the scope of “the art of the possible” in relation to overcoming structural inequalities and barriers to greater land access for the poor. This includes:
 - analysis and understanding of those drivers of change which have a bearing on the role of land in national power relations and economic accumulation, and the incentives which governments and politicians have to bring about progressive change;
 - analysis of the nature and determinants of processes of elite capture of land registration and titling programmes, land administration systems, natural resource privatization, devolution of responsibilities for land and resource management, and the restoration of customary and traditional authority over land.

12.2 Operational information and analysis to inform intervention planning:

This second major gap includes the need for better factual information about needs and opportunities for land access and better understanding of local and sub-regional contexts and key processes at work

In regards to factual information:

- At the most basic level knowledge about available land supply is often weak, which underlines the needs for better land information systems – including more comprehensive public land inventories, and the compilation of databases of underutilised and illegally occupied and fraudulently held land, and land that has been re-possessioned by banks.
- At the same time there is a need for better data availability on the asset status of the poor, especially in relation to gender (reported by Baranyi et al 2004 for Latin America) and better information about who exactly “the landless poor” are in different contexts, and what their land needs are – for urban or rural plots, for farming or home gardens, for better access to commons, whether seasonal, short-term or long term access is needed and what sort of tenure arrangements are appropriate, and what level of costs, or other contributions they are able to meet.

- There is a need to draw together information and knowledge about NGO and civil society initiatives for land access in South Asia, including interventions in lease and rental markets and in sharecropping arrangements.

In addition, better knowledge of the social and economic processes affecting the needs opportunities to access land in different contexts is required to inform programme design and implementation. Together with better understanding of dynamic land and poverty linkages and the changing political economy of land which can also inform development policy. In particular more needs to be known about a number of specific processes and issues:

- The inter-related and locally contextualised operation of informal land and labour markets, including rentals, sharecropping and other forms of transaction, and in more urban and peri-urban contexts the operation of informal and customary-based land delivery mechanisms and the opportunities and constraints they provide to the poor
- A series of knowledge gaps and areas for useful research in South Asia reported by Hanstad et al (2004), including the views of the rural poor and livelihoods perspectives on tenancy, operation of rental markets in different agro-climatic, socio-economic and policy settings; and how tenancy arrangements can assist or inhibit acquisition of other household assets, reduce vulnerability and assist diversification.
- The issue of how rental markets operate in specific sub-national regions and what liberalisation, regulation and support measures are required in order to enhance secure land access for the poor through rental markets is identified by Gazdar and Quan (2004) for South Asia, but also applies in other regions where documentation and knowledge of the operation of land rental markets are relatively underdeveloped. The variable potential of rental markets to deliver land for the poor have important implications for the role of state and civil society organisations and the design of suitable instruments and processes to facilitate land access.
- How people utilise kinship and social networks to facilitate access to land across physical space and in both rural and urban areas, to support diversified livelihood strategies including migration. In turn, greater understanding is needed of the impact that these processes have on the nature of demands for land and for the consolidation and fragmentation of land assets by poor households across generations and over time.
- How the poor access, or fail to access formal systems of land administration land allocation and dispute resolution, and the constraints they face. The capacity of weaker groups to access and negotiate with formal institutions and to utilise legal procedures and information in claiming and defending land rights, particularly where these are contested by more powerful groups has a critical bearing on the design of appropriate mechanisms to enhance secure land access and manage land related conflicts, and the provision of legal and advocacy support to the poor.
- The continuing role of large landowners and the private commercial sector in making land available to the poor, the impacts of existing land and enterprise share ownership initiative and outgrowing schemes, and their implications for the design of partnership arrangements with private sector to facilitate land access opportunities and shares in the benefits of land development.

- In relation to the role of civil society two important issues on which more needs to be known are: what approaches do and do not foster collective action that is sustainable beyond time bound project interventions; and how external agencies and externally-induced organisations interact with indigenous institutions to foster successful collective action (Meinzen Dick and Di Gregorio 2004). Both of these issues have a bearing on strategies and mechanisms to help put in place strong community based organisations to assist in decentralised land rights management, undertake land access, land reform and natural resource management projects and put in place viable communal land or collective property associations. In most countries the state has considerable resource and capacity limitations in addressing complex and collective land rights, and in establishing effective interfaces between local and formal land institutions. As a result greater knowledge is likely to be required about what approaches work in practice to empower the poor themselves to achieve better and more secure land access, and about the roles that civil society organisations can play.

13. Interdependent trends, challenges and policy options

This study has identified a number of major trends identified which can be expected to have significant bearing on strategy for to improve land access for the poor in the context of wider development policy.

Current trends:

The dominant policy perspective is that the basic condition for poverty reduction is economic growth. Because of growing urbanisation and limited evidence that investments in agriculture and rural development as a whole have led to growth and poverty reduction, and a global context in which there appear to be few sustainable opportunities in smallholder farming, there has been a general policy shift away from rural development leading to a lack of emphasis on support to smallholder farming and the needs for the poor to access land.

Urbanisation and the growth of urban policy means that land access for the urban poor has now become a major issue, and policies and institutions for land access need to devote at least as much attention to urban as to rural areas, and tackle the issues in an integrated way. Urban growth, migration, livelihood diversification and the differential impacts of globalisation on different social groups and areas means that livelihood strategies are becoming more complex and demands for access to rural land for farming may be in decline.

There is, however, enduring evidence of rural poverty and that land access is critical for rural livelihoods. There is also a renewed emerging emphasis on asset inequality and recognition that inequality impedes growth and poverty reduction. Given the continuing importance of agriculture and natural resources in rural livelihoods it is difficult to avoid the conclusion that a reappraisal of the need to support small farmers and the rural poor in general in accessing and accumulating capital assets such as land is needed.

Nevertheless, demographic growth also leads to land fragmentation, diversification and migration, and means that less land is available to meet the need so of the poor. Consequently access to small plots of land becomes more and more important for the poor.

Another continuing trend is that of sustained development pressure on natural resources from governments, commercial interests and the poor themselves. This limits the scope for resource access and sustainable livelihoods, but also at the margin, creates new short term opportunities for the poor, while creating immense challenges for resource conservation and the governance of extractive industries.

Within rural development policy there has been a move away from traditional approaches to land reform and an emphasis on the potential of the market. However, it has been clearly recognised that land sales markets, left to themselves, cannot facilitate land access for the poor. Moreover despite the contribution that market assisted approaches to land reform can make, they have

limited potential to reach the very poor or address structural inequalities, in addition to suffering from many of the same practical defects in as conventional state led approaches. There is currently a strong emphasis on the potential of rental markets to provide land access, but little evidence in practice of how far they can enable new opportunities for the poor outside of South Asia.

Within land policy, in the late 20th and early 21st centuries, there have also been a number of very positive, but incomplete development trends which favour land access for the poor. These include

- Widespread policy recognition and some practical improvements in women's equality in land rights, and opportunities for land access;
- Recognition and titling of indigenous land rights and a the formal recognition of customary land rights;
- Widespread experiments in collective titling, land demarcation and land and natural resource management for local communities;
- The development of modern, decentralised land administration and information systems which are more accessible to people and help facilitate land access for the poor;
- The easing of restrictions on land rental markets as a means of land access.

Land access overview of the principal regional trends in relation to:

In **sub-Saharan Africa** land access continues to figure significantly in government policies and donor investment portfolios. The main emphasis has been in the implementation of comprehensive new land policies, together with legal reforms and capacity building for land administration systems so as to recognise and secure customary rights and legitimate customary land transactions. There has been a policy focus on improving gender equity, but otherwise, since land holding is generally regarded as relatively equitable, outside southern Africa, the emphasis on land distribution has been limited. However, questions arise as a result of growing evidence of social and economic differentiation and persistent poverty of certain groups associated with inequalities in land holding in rural Africa (Cross 2002, Jayne et al 2001) and increasing tendencies for local elites to privatise land. These may be reinforced by decentralising policies for natural resource management, particularly those which strengthen and formalise the powers of customary authorities (Woodhouse 2003). In addition, providing land and securing land rights for the poor in urban areas and designing mechanisms which can at least begin to catch up with the exponential growth of informal settlements in a rapidly urbanising Africa is becoming increasingly important.

In **South Asia** poverty remains strongly correlated with landlessness and limited access to land, and inequities in land distribution, despite the virtual disappearance of land access and land reform from the policy agenda in the region and its absence from poverty reduction strategies (Gazdar and Quan 2004). Nevertheless there is some renewed emphasis on providing land access for vulnerable groups, developing accessible and transparent systems of land administration, and the potential of rental markets, leasehold and subsidised purchase schemes to open up new opportunities for the poor. In East and South East Asia, the main focus has been on securing land access for smallholder

farmers through land titling, and the consolidation of private property rights in former collectivist societies such as China, together with some recent emphasis on securing land and natural resource access for rural communities.

In **Latin America** distributional land reform has formed a perennial ingredient of the policy agenda, although this is now giving way to a broader concern with land access. There has been considerable experimentation with market based methods of land access, and ongoing controversy in the face of continued demands for the state to intervene directly to bring about more equitable land distribution. The improvement of land administration and information systems, and making better use of available public land are recognised as important factors in enabling greater land access for the poor. Securing indigenous land is a prominent issue in many countries of the region.

13.1 Challenges and policy options

The trends and issues discussed here pose a number of challenges:

First among these challenges is ***a need to reconceptualise rural development and restore its place on the policy agenda***. Within this global perspective, policies to improve land access and secure property rights for the poor should continue to form part of functional policies to support diversified livelihoods. However, the priority will be to create policy and institutional environment at all levels in which smallholder farming can succeed alongside more diversified livelihoods. The solution seems likely to lie in a greater recognition of the importance of rural –urban linkages and of extra local market networks and social capital, together with stronger cross sectoral coordination and more context specific approaches, as exemplified in the territorial perspectives on rural development now being pursued in Latin America

Alongside the need to ***sustain the diversified approach to land access which has emerged over the last decade***, in situations of extreme inequality and indigenous land alienation, there will be a need to find ways of financing redistributive land reforms, to address persistent poverty arising from structural inequalities and to avert the risks of land related conflict. Here there may be some opportunities for innovative financing mechanisms which blur the boundaries between state and market led approaches, for instance by: (i) pooling available public land, expropriated illegally held private land and purchased land; (ii) creating intermediary, non state agencies which are accountable to poor beneficiaries and which can assume a greater proportion of the risks and responsibilities on behalf the poor. There should also be scope for joint ventures between the private sector and the poor, such as those now being pursued in South Africa, where the poor have clear land rights and the private sector takes responsibility for training, prosecution support and marketing. Nevertheless, the financial resources will be needed to transfer available land out of private hands and this will primarily be a question of political will.

There is a major challenge to ***establish clear property rights over natural resources including collective property rights for the poor***. This will also

entail sound frameworks for management of natural resources subject to multiple use, and platforms for negotiation between local resource users and wider public and private interests. Considerable economic and livelihood diversification will be required by natural resource dependent communities and indigenous groups. There are also practical opportunities to devolve management of land rights and NR access to specific groups and to decentralised institutions. These demands, trends and opportunities are not, however, unproblematic. Intra-group rules on division of benefits and on entry and exit to the group require serious attention. In addition to the right legal and institutional frameworks there will need to be considerable investments in capacity building if the poor are to retain and exercise a stake in increasingly scarce, high value natural resources.

The positive policy and practical trends on land access which have emerged in recent years will also need to be sustained, which will require continued commitments of resources, innovation and collaboration by governments, civil society and donors:

- Sustained action continues to be needed to **strengthen women's land rights and land access opportunities**, not only through land policy and law but in education, awareness raising and social mobilisation by and on behalf of women.
- There will also need to be a growing focus on **land access for young people**, a neglected group in land policy. As populations rise youth can no longer expect to gain access to land for their parents, since in many countries family land has already been subdivided into units of minimal size. As a result there is increasing need for targeted programme for land access for farming (such as the Minha primeira terra scheme, an offshoot of World Bank supported subsidised land purchase credit in Brazil) and for housing. Youth may be, however, no longer be interested in working the land, and more interested in skills training for off farm / urban employment
- **Appropriate, decentralised and equitable land administration systems need to be developed and implemented at various scales.** This will entail considerable resources, and so will need to be tackled as part of decentralised development planning and priority setting, within coherent national frameworks, rather than through centralised land administration projects. At the same time effective checks and balances on the growth unaccountable and potentially highly inequitable practices land allocation and administration, and associated processes of elite capture, of which decentralised and particularly customary based systems of land administration are at risk.
- **Land policies, institutions and social movements need to get to grips with the practicalities of collective land access and tenure:** Communal, collective and group based access to and ownership of land and resources is a significant trend and a persistent demand, particularly for indigenous and customary groups, as well as offering a practical means of transferring property rights over large areas to small farmers in land distribution and purchase programmes. However, if collective groups are to be effective land rights holders, as appears to be desirable, there will need to be investments to support collective land and resource management, and group development and capacity development so as to provide the necessary skills and ensure transparency and equity.

- Both states and civil society land reform movements will need to ***come to terms with the realities of rental and sales markets and with the need for individual households to enjoy the freedom to transact in land rights.*** Freedom of entry and exit to collective tenure groups and land reform settlements of all kinds will need to be resolved through development of workable transparent rules on land transactions.
- ***Practical programmes for access to and ownership of small household and garden plots*** will need to become a reality for millions of poor people, as a key element of diversified livelihood strategies to help provide food, shelter, supplementary income, security and economic empowerment. On the one hand this involves a lowering of expectations, but also on the other hand a broadening of the role of land for the poor, and a scaling up of action.
- ***NGOs and poor people's organisations will need to intervene at greater scale*** in improving land access and strengthening land rights for the poor as a whole and for specific vulnerable groups, through campaigning, advocacy, intervention in land markets, training, capacity building for community based organisations, and other means.

Finally there will be a great challenge to ***provide secure land access for the poor in urban areas*** as well as rural, and to develop more integrated policies, frameworks and institutions capable of facilitating land access and ensuring tenure security in both urban and rural areas.

The pace of programmes to extend land access should not reasonably be expected to run ahead of improvements in infrastructure, services and technical support, and of government capacity to coordinate these functions, or of institutional capacity to deliver adequate land administration services and to oversee and regulate land markets and land management in an even-handed effective and transparent manner (Adams 2004).

These issues and a number of other identified in this paper point towards the ***growing importance and potential of decentralised and territorial / area-based approaches:*** Effective, transparent and inclusive programmes to deliver land access require institutional arrangements and policy environments which are accessible and responsive to conditions at sub-national, if not local levels. Decentralisation and devolution of responsibilities for service delivery are amongst the dominant features of development policy in recent years and in some cases this has extended to devolution of decision making power. There have been significant trends towards decentralisation of land administration and of natural resource management and there is an emerging recognition of the importance of understanding region and area-specific social, market and cultural conditions in order to formulate appropriate targeted strategies to provide land access and for rural development more broadly. This perspective is reflected in the idea of territorial development, as developed and practiced primarily in Latin America (Schejtman and Berdegue 2003, Quan 2005 forthcoming). Although analysis and documentation of the policy and operational implications specifically for land access has not far advanced, there are practical examples of territorial and area based approaches developed in Brazil and elsewhere. These centres on diversity and inclusion, in terms of ethnicity, gender, generational issues, and the selection and combination of instruments for land access, within wider perspectives on rural development based on cross sectoral coordination and

strengthened civil society partnerships in the development of supra-local territories. In some respects, these approaches, if integrated with coherent broader approaches to decentralisation represent a key avenue for navigation among the land access policy and practical issues reviewed here.

BIBLIOGRAPHY

Adams M (2004) Issues and new approaches in land policy: draft working paper for DFID agriculture policy team, unpublished

Agarwal B (1994) *A field of one's own: gender and land rights in South Asia*. Cambridge South Asian Studies, Cambridge University Press 1994

Arnold, J.E.M., 1998, *Managing forests as common property*. Rome: FAO (Forestry paper n° 136), 64 p.

Baraclough S. 1992 *An end to hunger ? the social origins of food strategies* Report prepared for United Nations Research Institute for Social Development and for the South Commission based on UNRISD research on food systems and society. Zed books, London

Baranyi S, Deere CD and Morales M (2004) *Land and Development in Latin America: openings for policy research* North South Institute / IDRC, Ottawa, Canada 2004

Barkat A, us Zaman S, and Raihan S 2001 *Political economy of Khas land in Bangladesh*, Association for Land Reform and Development, Dhaka

Barkat A 2004 *Land reforms and the poor in Bangladesh, an overview of issues and recent evidence*. In Gazdar H and Quan J 2004 *J Poverty and Access to Land in South Asia: A study for the Rural Support Programmes Network, Pakistan*. Vol. 2: Country Studies DFID / RSPN / NRI May 2004.

Barros F, Sauer S and Schwartmann S et al 2003 *The negative impacts of World Bank market based land reform*. Rede Brazil 2003

Binswanger H et al 1995 *Agrarian Structure and Productivity in Developing Countries*, ILO, Geneva 1995

Binswanger H 1996 *Rural development and poverty reduction*. In *Agricultural land reform in South Africa: policies markets and mechanism* Van Zyl J, Kirsten J and Binswanger H (eds) OUP Capetown

Binswanger H and Deininger K 1996 *South African land policy: the legacy of history and current options*. In *Agricultural land reform in South Africa: policies markets and mechanism* Van Zyl J, Kirsten J and Binswanger H (eds) OUP Capetown

Binswanger H and Deininger K 1999 *The evolution of the World Bank's land policy: principles, experience and future challenges*. *World Bank Research Observer*, 14 (2) August 1999, pp 260-261

Birdsall N and Londono JL 1997 *Asset inequality matters: an assessment of the World Bank's approach to poverty reduction*. *The American Economic Review* May 1997, Vol.87 No. 2, pp32 - 37

Borras SJ 2003 *Questioning Market led agrarian reform: experiences from Brazil. Colombia and South Africa*. *Journal of Agrarian Change*, 3(3): 367-394

Bruce JW and Mearns R 2002, *Natural resource management and land policy in developing countries. Lessons learned and new challenges for the World Bank*. IIED Drylands Programme Issues Paper No. 115, IIED London

Carter MR, 2003, Designing land and property rights reform for poverty alleviation and food security. Land Reform, Land settlement and Cooperatives No.2, 2003. FAO

Colchester M, Griffiths T, MacKay F and Nelson J (2004) Indigenous Land Tenure: challenges and possibilities. Land Reform, settlement and cooperatives, No.1 2004, FAO

Colchester M 2004 Indigenous peoples and communal tenures in Asia. Land Reform, settlement and cooperatives, No.1 2004, FAO

Cotula L, Toulmin C and Hesse C 2003 Land tenure, land reforms, and land administration in Africa: lessons of experience and emerging issues. Report for FAO, IIED Dryland Programme, Edinburgh June 2003

Cross S 2002 A comparative study of land tenure reform in four countries: Uganda, Tanzania, Malawi and Kenya. LADDER Working Paper No. 31, University of East Anglia, Norwich. <http://www.uea.ac.uk/dev/odg/ladder/>

Crowley E, 2001, Empowering women to achieve food security; land rights Focus Note 6, A 2020 Vision for Food, Agriculture and the Environment, IFPRI, Washington DC August 2001.

De Janvry A & Sadoulet E 2001 Access to land and land policy reforms. Policy Brief No. 3 WIDER (World Institute for Development Economics Research, United Nations University, Helsinki, Finland

De Viega JE 2003 Poverty alleviation through access to land: the experience of the Brazilian agrarian reform process. Land Reform No. 2, 2003, FAO Rome

Deininger K 1999 Making negotiated land reform work: initial experiences from Colombia, Brazil and South Africa. World Development, 27 (4), April 1999 pp651-672

Deininger K 2003 Land Policies for Growth and Poverty Reduction: a World Bank Policy Research Report. World Bank / Oxford University Press

Deininger K and Squire L 1997 Economic growth and income inequality: re-examining the links Finance and Development March 1997 pp 38- 41

DFID 2003 Better Livelihoods for poor people: the role of land policy. Consultation document, DFID, London

DFID 2005 DFID's draft strategy for research on sustainable agriculture (SRSA) 2006 -2016

El Ghonemy MR 1994 Land reform and rural development in North Africa. Land reform, Land settlement and Cooperatives FAO 1994

El Ghonemy MR 1990, The political economy of rural poverty: the case for land reform Routledge, London / New York

Ellis F and Allison 2004, Access to land and the implications of income from livelihood diversification and remittances FAO Livelihood Support Programme paper (ODG-UEA, UK 2004)

Evrard O 2004, La mise en oeuvre de la reforme foniere au Laos : impacts sociaux e effets sur les donctions de vie em milieu rural FAO Livelihood Support programme paper 2004

FAO- SDAA 2002, Lessons learned from land administration projects. The cases of Côte d'Ivoire and Ghana. Land Tenure Service, FAO, paper prepared for FAO World Bank cooperative programme, 29p.

Gazdar H and Quan J 2004, J Poverty and Access to Land in South Asia: A study for the Rural Support Programmes Network, Pakistan. Vol. 1: Regional Overview. DFID / RSPN / NRI May 2004

Ghimire KB 1999 Land reform at the end of the twentieth century: an overview of issues, actors and processes. In Land reform and peasant livelihoods: the social dynamics of rural poverty and agrarian reforms in developing countries. KB Ghimire (ed) ITDG London

Gomes N 2005 Access to water, pastoral resource management and pastoralists livelihoods: lessons learnt from water development in selected areas of Eastern Africa (Kenya, Ethiopia, Somalia) IFRA-Nairobi for FAO Livelihood Support Programme.

Gray, L. & M. Kevane, 2001, Evolving tenure rights and agricultural intensification in Southwestern Burkina Faso. World Development 29 (4): 573-587

Gueye MB and Tall SM 2004 Conventions Locales – Local Agreements in the Sahel: an instrument for co-governance of natural resources IIED Sahel, Dakar, April 2004

Hall R 2004 Rural Restitution. Evaluating land and agrarian reform in South Africa, Occasional paper No. 2, PLAAS, University of Western Cape, Cape Town

Hanstad T, Nielsen R, Bown J 2004 Lands and livelihoods: making land rights real for India's rural poor LSP paper (Rural Development Institute, USA), FAO May 2004

IIED, NRI and RAS 2005 Land in Africa: market asset or secure livelihood? Summary of conclusions from the Land in Africa conference held in London, November 8-9, 2004

IIED 2001 From abundance to scarcity – the closing of the frontier: addressing land issues in West and Central Africa. Report for FAO, IIED Drylands Programme, Edinburgh, October 2001

Jacobs P, Lahiff E, and Hall R 2003 Land redistribution Evaluating land and agrarian reform in South Africa, Occasional paper No. 1, PLAAS, University of Western Cape, Cape Town

Jayne TS, Yamano T, Weber M, Tschirley D, Benfica R, Neven D, Chapoto A and Zulu B 2001 Smallholder income and land distribution in Africa: implications for poverty reduction strategies. MSU International Development paper No. 4, Department of Agricultural Economics and Department of Economics, Michigan State University Michigan, USA

Kanji N, Braga C and Mitullah W 2002 Promoting Land Rights in Africa: how do NGOs make a difference? IIED, London

Kinsey BH and Binswanger HP, 1993 Characteristics and performance of resettlement programmes: a review World Development Vol 21, No.9, pp 1477-1494, Pergamon Press, Oxford, 1993

Lahiff E, Hall R and Jacobs P 2004 Redistributive land reform in South Africa: a review of methods and impacts of land and agrarian reform. Working paper for DFID, PLAAS, University of Western Cape, Capetown.

Lavigne Delville P, Toulmin C, Colin JP and Chauveau JP 2002 Negotiating Access to Land in West Africa: as synthesis of findings from research on derived rights to land. IIED, London / GRET (Land Tenure and Resource Access in West Africa series)

Leite L, Heredia B, Medeiros L, Palmeria M and Cintrao R 2004 The impacts of land reform settlements: a study of rural Brazil. NEAD studies No.6 NEAD / UNESP, Sao Paulo

Marty, A. (1993) "La gestion des terroirs et les éleveurs : un outil d'exclusion ou de négociation" ? Revue Tiers monde, t. XXXIV, n° 134, avril-juin 1993, pp.327-344.

Mathieu, P., P.J. Laurent et J.Cl. Willame (Eds), 1996, Démocratie, enjeux fonciers, pratiques locales en Afrique. Cahiers Africains (CEDAF- L'Harmattan), n° 23-24, 247 p.

Mathieu, Paul, Mahamadou Zongo, Lacinan Paré, 2002, Monetary land transactions in western burkina faso: commoditisation, papers and ambiguities. European Journal of Development Research, 14 (2): 109-128

Mathieu, P., P. Lavigne- Delville, H. Ouedraogo, L. Paré et M. Zongo, 2003, "Securing land transactions in the west of Burkina Faso". London: IIED (Drylands Issue paper no. 117).

Mattingley M, & Durrand Laserve A 2004 Housing the poor through African neo-customary land delivery systems DFID research report Project No. R8252 April 2004

Mitchell R and Hanstad T - Small homegarden plots and sustainable livelihoods for the poor. Rome: FAO, LSP paper, 41 p (Rural Development Institute, USA)

MDA 2004 a Programa Nacional de Desenvolvimento Sustentavel de Territorios Rurais: Referencias Metodologicas para o Desnevolvimento Territorial. Working Paper 3rd Edition Ministerio de Desenvolvimento Agrario, Secretaria de Desnvolvimento Territorial –SDT. 25 March 2004, Brasilia

MDA 2004b II Plano Nacional de Reforma Agraria: Paz Producao e Qualidade de Vida no Meio Rural. MDA / INCRA / NEAD, Brasilia 2004

Meinzen-Dick R 2001 Peer review of Land Policy and Administration: lessons learned and new challenges for the Bank's development agenda. Mimeo prepared for the Wrld bank, IFPRI, Washington DC 2001

Meinzen Dick RS and and Di Gregorio M 2004 Collective Action and Property Rights for Sustainable Development: Brief 1: Overview, IFPRI 2020 Vision Focus Briefs No.11 CAPRI, IFPRI, Washington DC

Murphree MW 1993 Communities as resource management institutions. Gatekeeper Series No. 36, IIED London

Musahara H and Huggins C 2004 Land reform, land scarcity and post conflict reconstruction : a case study of Rwanda Eco-conflicts Vol 3 No.3, African Centre for Technology Studies (ACTS) October 2004

NEAD 2000 Programa Cedula da Terra: resultados preliminares, desafios e obstaculos. NEAD (Núcleo de Estudos Agrários e do Desenvolvimento Rural), MDA (Ministério de Desenvolvimento Agrário), Campinas / Brasília, February 2000

NEAD 2002 Estudo de avaliação de impactos do programa cedula da terra 2001. Relatório Final. Universidade Estadual de Campinas / NEAD (Núcleo de Estudos Agrários e do Desenvolvimento Rural), MDA (Ministério de Desenvolvimento Agrário), Brasilia, July 2001

NEAD 2004 Referencias para o desenvolvimento territorial sustentável, Serie Textos para Discussao, No.4 2003, NEAD (Núcleo de Estudos Agrários e do Desenvolvimento Rural), Ministério de Desenvolvimento Agrário, Brasilia, 2003

Ngaido T and McCarthy N 2004 Institutional options for managing rangelands g Collective Action and Property Rights for Sustainable Development: Brief No. 9 CAPRI,IFPRI 2020 Vision Focus Briefs No.11 IFPRI, Washington DC

Norfolk S 2004 Examining Access to natural resources and linkages to sustainable livelihoods: a case study of Mozambique. FAO Livelihood Support Programme Paper 2004

Norton RD 2004 Agricultural Development Policy Concepts and Experiences (Chapter 5 Land Tenure Policies) FAO, Rome, 2004

Painter, Thomas, J. Sumberg and T. Price, 1994, Your terroir and my "action space": Implications of differentiation, mobility and diversification for the ap-proche terroir in Sahelian West Africa. Africa 64 (1): 447-464

Place F Access to land and the role of sales and lease markets : paper for the Kampala meeting (May 2002: co-organized by World Bank, DFID)

Platteau JP 2000 Does Africa need land reform? In Evolving land rights, policy and tenure in Africa, Toulmin C and Quan J (eds), DFID, IIED and NRI

Quan J 2000 Land tenure, economic growth and poverty in sub-Saharan Africa Ch2 in Toulmin C and Quan J (eds) Evolving land rights, policy and tenure in Africa. DFID, IIED & NRI 2000

Quan J, Tan SF and Lahiff 2003 Assessing the impact of major land reforms on livelihood opportunities for the poor. Paper submitted to the New Directions in Impact Assessment Conference, Enterprise Development Impact Assessment Information Service (EDIAIS), Institute of Development Policy and Management, University of Manchester, 24 -25 November 2003

Quan J 2005 forthcoming Land access and participatory territorial development: concepts, approaches and experience so far. Unpublished Background paper for a DFID policy oriented research project 2004-06

Rakodi C 2004 Informal land delivery processes and access to land for the poor in African cities; summary of main findings and policy implications. International Development Department, School of Public Policy, University of Birmingham

Reidegger JM, Wan-Ying Yna, and Brook K 2001 Market based land reform: an imperfect solution. In Power in the village: agrarian reform, rural politics, institutional change and globalisation, ed Morales HR and Putzel J

Sabates Wheeler R 2005 Asset inequality and agricultural growth: how are patterns of asset inequality established and reproduced? World Development Report Background paper on asset inequality and agricultural productivity. World Bank . IDS (Institute of Development Studies University of Sussex

Schejtman A and Berdegue J 'Desarrollo territorial rural'(Rural Territorial Development) RIMISP, Chile www.rimisp.org ; http://www.iadb.org/sds/doc/RUR_Cap2_desarroloterritorialrural.pdf

Schmidt BV, Marinho DNC, e Rosa SLC 1998 (org.) Os Assentamentos de Reforma Agraria no Brasil Editora Universidade de Brasilia , Brasilia 1998 ,306p

Shivji IG and Kapinga WB 1998 Massai rights in Ngorongoro, Tanzania IIED, London and Hakiardhi, Dar-es-Salaam

Souza Martins J 2004 O Sujeito Oculto USP Editora, São Paulo, 2004

Sparovek G. A qualidade dos assentamentos da reforma agrária Brasileira São Paulo: Páginas & Letras, 2003

Srivastava RS 2004 Land reforms and the poor in India: an overview of issues and recent evidence. In Gazdar H and Quan J 2004 Poverty and Access to Land in South Asia: A study for the Rural Support Programmes Network, Pakistan. Vol. 2: Country Studies DFID / RSPN / NRI May 2004.

Thebaud B 1995 Land tenure, environmental degradation and desertification in Africa: some thoughts based on the Sahelian example. IIED Dryland Programme Issues Paper No. 57. IIED London July 1995

Toulmin C and Quan JF (eds) 2000 Evolving land rights, policy and tenure in Africa. DFID/IIED/NRI March 2000

Tripp AM 2003 Women's movements, customary law, and land rights in Africa: the case of Uganda. African Studies Quarterly. <http://www.africa.ufl.edu/asq/v7/v7i4a1.htm>

von Benda-Beckmann, K., et al., 1997, Rights of women to the natural resources, land and water. The Hague, NEDA (Netherlands Development Assistance), Working paper 2, 59p.

Wegerif M 2005 A critical appraisal of South Africa's market based land reform policy: the case of the LRAD programme in Limpopo. PLAAS, University of Western Cape, Research report No. 19

Whitehead A and Tsikata D 2003 Policy discourses on women's land rights in sub-Saharan Africa: the implications of the re-turn to the customary. Journal of Agrarian Change Vol. 3 Nos. 1-2 January and April 2003, pp 67 -112

Woodhouse P 2003 African Enclosures: a default mode of development. World Development Vol 31, No. 10 pp1705-1720, 2003