

# Book of Abstracts



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Governance for Equitable and Sustainable  
Development

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## **Key note speakers**

### **Jun Borras**

Saturnino 'Jun' M. Borras Jr. is Professor of Agrarian Studies at the Institute of Social Studies (ISS) and Editor-in-Chief of the Journal of Peasant Studies (JPS). He is a political activist and academic who has been deeply involved in rural social movements in the Philippines and internationally since the early 1980s. Borras was part of the core organising team that established the international peasant movement La Via Campesina and has written extensively on land issues and agrarian movements. Jun is also Adjunct Professor, COHD at China Agricultural University, Beijing; a Fellow at the Transnational Institute (TNI) and Coordinator for Initiatives in Critical Agrarian Studies (ICAS).

### **Pádraig Carmody**

Pádraig Carmody lectures in Development Geography at Trinity College Dublin, from which he holds both a B.A. in Geography and History and M.Sc in Geography. He completed his Ph.D. in Geography from the University of Minnesota in 1998. Subsequently he taught at the University of Vermont, Dublin City University and St. Patrick's College, Drumcondra. He also worked as a policy and research analyst for the Combat Poverty Agency in 2002-3. His research centres on the political economy of globalization in Africa. He is editor-in-chief of Geoforum.

### **Maria Anne van Dijk**

Maria Anne van Dijk is Head Environmental Social, Ethical Risk and Policy at ABN AMRO Bank. As a member of the Management Team Sustainable Development, she is responsible for policy development and risk management in areas of social and environmental issues. Maria Anna has over 10 years of experience working on sustainable development.

### **Jan van de Haar**

Jan is General director of Solagrow PLC, Ethiopia. Solagrow focuses on the development of full crop rotation systems (of potato, barley, onion, linseed, and cabbage) with farmer's Producer Groups, starting from varieties, basic seeds, crop production and up to marketing in the highlands of Ethiopia. Jan has a background in Plant Pathology at Wageningen University.

### **Harold Liversage**

Mr. Harold Liversage is a Land Tenure Adviser for the International Fund for Agricultural Development (IFAD). He has 18 years of experience working in land rights advocacy and land policy formulation and implementation, mainly in Eastern and Southern Africa. He worked at a land rights NGO and subsequently as the Land Reform Pilot Programme Coordinator for the Department of Land Affairs in KwaZulu-Natal, South Africa. He has also worked as a Land Tenure Adviser for the Zambézia Agricultural Development Programme in Zambézia, Mozambique as well as a Land Policy Adviser for the Ministry of Lands and Environment in Rwanda.

### **Tony Liwang**

Dr. Tony Liwang is a Board member of the Indonesian Oil Palm Community (MAKSI). He started his career in PT SMART Tbk, as a Division Head, in 1999 to establish SMART Research Institute (SMARTRI) and the Dami Mas oil palm seed garden. In 2007 he also established the Plant Production and

Biotechnology Division of PT SMART Tbk. to develop a new era of research in tissue culture and biotechnology in oil palm and Jatropha sp. He received his Bachelor of Science and Master of Science from Agricultural Engineering and Physics, Wageningen Agricultural University, the Netherlands. And his Doctorate in Management and Business from Bogor Agricultural University, Indonesia. He joins Indonesian Government delegations to several countries and occasions to support the Green Campaign for Sustainable Palm Oil. Besides doing research and promoting sustainable palm oil, in the last decade, he has published a book and over 90 papers in national and international journals, seminars and conferences.

### **Esther Obaikol**

Ms. Esther Obaikol is a lawyer with a Masters degree in management. She has eighteen years of experience in legal and social research in environment and land. She has held several research positions at the Faculty of Law at Makerere University, Uganda. Esther has worked on development issues for the last 20 years with broad experience in policy development, legislative drafting, developing institutional frameworks, and training and sensitization on land and natural resources. In 2008 Esther started up a women's land rights movement that is spreading to the entire country. Since 2004 she has worked on law review and policy development within the land and natural resources sectors in Uganda. She worked as the Executive Director of Uganda Land Alliance. Esther worked as the Country Coordinator for the World Bank's Land Governance Assessment Framework 2012 - 2014. She is currently coordinating the Global Land Indicators' Initiative at the Global Land Tool Network (GLTN). Esther is part of the Uganda country team working to improve the governance frameworks around land and agricultural investments.

### **Robin Palmer**

Robin Palmer is a Global Land Rights Policy Specialist, with a particular focus on Southern and Eastern Africa and South-East Asia. He had 20 years' experience with Oxfam GB in a range of advisory, management and communications posts, with a focus on land rights, gender, HIV and AIDS, livelihoods and food security, and 15 years' experience as an academic, predominantly in Southern Africa, with a focus on agrarian history. Robin has published extensively on land rights and agrarian issues as a development worker, as an academic and as a Mokoro consultant. He has worked on governance issues, giving advice and programme and advocacy support to civil society organisations, governments and donors on global land rights issues, including women's land rights and legal issues, principally in Africa and South-East Asia. He has undertaken consultancy work on land rights issues for DFID, Danida, the EU, the Legal Resources Centre of South Africa and Oxfam. He is currently working on the impacts of global land grabbing and continues to manage the prestigious Land Rights in Africa website (housed by Oxfam from 2000-12) which was moved to Mokoro in May 2012).

### **Julian Quan**

Julian is currently team leader of the DfID (UK government) land governance advisory and support programme (LEGEND). Dr. Quan has served with the Natural Resources Institute of the University of Greenwich for over twenty years. During this time he has worked as a development researcher and practitioner, undertaking a wide range of consultancy and applied research assignments for a variety of international clients, including the African Union, DFID, the European Union, FAO, IIED, SIDA, UNDP, UN Habitat, the World Bank and a number of developing country governments. Dr Quan's

work has focused on: land tenure, land rights and land policy; rural territorial development; rural institutions, policy and governance; local economic development; climate change adaptation and mitigation; rural livelihoods, community based natural resource management, development of smallholder agriculture, and rural extension in developing countries, particularly in sub-Saharan Africa and also in Latin America.

### **Alda Salomão**

Alda is an environmental lawyer from Mozambique with a Masters in Environmental Law from the American University, and is a LANDac PhD Candidate at the Utrecht University International Development Studies Group. After working as a lawyer at the Ministry for Coordination of Environmental Affairs in Mozambique from 1995, she worked, from 2000 to 2002, as a project coordinator at the World Resources Institute's Institutions and Governance Program, in Washington DC. In November 2002 Alda founded the Center for Environmental Research and Advocacy – Centro Terra Viva (CTV) in Maputo, where she initially served as Executive Director and Coordinator of CTV Environmental Law and Policy Research Program. Currently Alda is CTV General Director and Senior Legal Advisor. She represents CTV in several platforms and boards, including the Technical Committee of the National Consultation Forum on Land, the Steering Committee of the Community Land Fund, the Steering Committee of the Civil Society Platform for Extractive Industries, and the National ITIE Coordination Committee. Alda has authored and co-authored several articles on participatory land and natural resources governance.

## **Theme: Local governance and stakeholder participation**

### **Session: Where are the real stakeholders? How to promote policy debate in ‘recipient’ countries that include farmers’ organizations**

Wednesday 8 July, 16.30 – 18.00

Chair: *Jur Schuurman* (Agriterra)

#### **From challenged relationship to inclusive dialogue: an innovative approach for CSO to successfully address land policy reforms (Benin case study)**

*Kouassi Sébastien Dohou and Simon Bodea* (Syndicat National des Paysans du Bénin, SYNPA-BENIN)

**Abstract :** The Republic of Benin is situated in West Africa with roughly ten (10) millions of population spread on 112,622 km<sup>2</sup>. The country is suffering from the land mismanagement. The legal framework was poor and fragmented. Recently (2010), to overcome the situation, the Government submitted to the Parliament a draft of the land code for adoption. The farmers syndicate association (SYNPA) objected to the main points developed in the draft, questioned the Parliament and call for an inclusive dialogue. Then, has started a long process of advocacy and dialogue.

The created space of discussions appeared for the farmers' syndicate association as a unique opportunity to raise small farmers' voice and obtain a consensual land code through an innovative approach essentially based on dialogue among actors.

The approach used included the following steps:

- Having a good understanding of the statue of land management in Benin by undertaking specific studies.
- Having informal contact with decision makers to better obtain their commitment for change.
- Organizing inclusive workshops and seminars with donors and decision makers to discuss the disagreements points.

As for results

1. The farmers syndicate and the other actors agreed for a “*consensual and socially fair land code*”.
2. The Parliament accepted to consider the farmers syndicate position paper as important input to be examined
3. Government and donors agreed to involve the farmers syndicate in the whole process of the code implementation

#### **Land policies in Brazil**

*Patricia Queiroz Chaves* (Espaço Feminista)

**Abstract:** The paper will examine how a group of grassroots women and community leaders are challenging and changing the traditional land administration and building transparency and accountability in land policies in Recife, Brazil. It offers evidence on how an organized group of grassroots women can influence and monitor policies and make those policies work in favour of marginalized groups, reducing their vulnerability.

It offers a concrete example of how a Brazilian civil society organization has developed a continuum process of political and technical education and has engaged a group of grassroots

women and community leaders in an effective process of dialogue with different stakeholders around land policies, effectively influencing and monitoring land policies such as land regularization and slum upgrading process in Recife and ensuring that women have the same right as men to land and to other land related policies.

Beyond examining how this group is collectively acting and changing policies, the paper demonstrates the importance of bringing grassroots women's voice to land policies implementation and monitoring in order to ensure security of tenure for the most marginalized group who is living in the worst conditions – women.

Armed with a good understanding and knowledge of those policies, this group of grassroots women was able to: i) be counted, heard and considered in all the stages of the land regularization; ii) to take part in the monitoring process that was established and, by doing so, effectively influence the completion of the process; iii) to break with the invisibility of their presence in those spaces; iv) and to ensure that women had effectively the same right as men to the land titles.

### **Prioritize primary stakeholder engagement for sustainable development**

*John Mwebe (International accountability project)*

**Abstract:** Policy debate around land governance in Uganda is often perceived as complex owing to varying interests in land particularly as a means of production for more than 75% of the population and a commodity for the unregulated real estate sector. At the politico-economic front, the focus of government is to attract foreign direct investment by initiating policy changes in land tenure to ease acquisition of land for economic gain. To the non-profit organizations, funding priorities by donors take precedence over farmer's interests because it's the only way to remain relevant. However, in a country that depends on agriculture yet 68.6% of the land is unregistered (customarily held), such priorities that exclude farmer organizations from the land policy debate pose a threat to farmers' tenure security and disempower them to act upon unlawful land acquisition.

Through a Land Academy study on the role of farmer organizations in land governance in Uganda, leaders of farmer organizations highlighted a weak lobby and advocacy platform for farmers characterized by limited understanding of land governance principles, inefficient and costly land service delivery and an unregulated land market. Such justifications for minimal local participation should be turned to opportunities for empowerment to ensure meaningful farmers engagement. Transition from representation to involvement as primary stakeholders lies with farmers' recognition of their own political and economic power and exploiting it as leverage for engagement in deliberations on land governance in Uganda.

The existence of a Land and Agricultural Investment Forum in Uganda consisting of government, civil society, academia and farmer organizations presents a platform for farmers through Uganda National Farmer's Federation to articulate and cause to uphold rights as spelled out in national, regional and international safeguard policies that seek to ensure responsible investment on land for sustainable development.

## **Pastoralists' participation in the Cameroon's pastoral code elaboration**

*Charles Tah, Fidele Yobo Akoue, Marguerite Belobo Belibi (SNV Cameroon)*

**Abstract:** The 1974 Land Law had become obsolete to handle current distribution of land and land-based natural resources, and increasing numbers of farmer-grazer conflicts. Pastoralists in Cameroon have increasingly difficult access to pastoral resources because national policies and legislations do not provide a suitable framework for equitable access to agro-pastoral resources. Reduced availability of arable and grazing land due to population growth, degradation of farmland and pastures, as well as land grabbing by influential individuals and large companies has worsened local land access resulting to severe farmer/grazer conflicts.

The Government Ministry of Livestock, supported by FAO and SNV carried out a project to elaborate a National Pastoral Code which is part of the 1974 land law. SNV as an organisation specialized in strengthening capacities engaged a formal partnership with the Ministry of Livestock with the objective of mobilising the concerned grassroots population in formulating the Cameroon's pastoral code. This paper asserts that the 'real stakeholders' can directly and effectively participate and contribute in policy debates. The method used during the process include 1) awareness raising of the National Confederation of Cattle Breeders (CNEB-CAM) on the pastoral code elaboration process 2) organisation and capacity building of the federation on lobby/advocacy and leadership with focus on policy 3) support to CNEB-CAM and Ministry of livestock to organise 25 divisional and 6 regional policy debates attended by over 600 pastoralists to review the draft law proposed by the team of experts in charge of elaborating the Law. The feedback from various debates facilitated by the team of experts were integrated in the draft law which was validated during two high level national stakeholder workshops with representation of CNEB-CAM. The Pastoral Code is at the Prime Minister's Office for review and submission to parliament.

## **Session: Grounded analytical approaches to stakeholder interaction in large-scale land acquisitions in Africa (part one)**

Thursday 9 July, 10.30 – 12.00

Chairs: *Sandra Evers<sup>1</sup> and Froukje Krijtenburg<sup>1</sup> (VU University Amsterdam)*

### **Researching stakeholder interaction, imagination and mediation in large-scale land acquisitions through the 'Zones of Intermediality' Model**

*Sandra J.T.M. Evers (VU University Amsterdam)*

**Abstract:** International actors increasingly work through global structures and deploy discourses to access, acquire and exploit vast tracts of arable land in Africa for various purposes (e.g. agricultural production, biofuel, multinational mining and conservation). At the site of such projects tensions emerge, caused by divergent international and 'local' conceptualizations of land, development, history, heritage, livelihood security, and sustainability.

In this paper, the author proposes the analytical approach of 'zones of intermediality', to assess mediations of diverse, culturally-informed stakeholder approaches to the environment and land use when they come together on the same playing field. 'Zones of intermediality' can be conceptualized as stakeholder spheres of influence in the land project. It is specifically designed to analyze the mediation of diverse ideologies, discourses and practices of land use and valuation

between and within stakeholder groups. It focusses on: (1) *land access and legitimization*: by investigating media used by stakeholders to legitimize their land claims; (2.) *embodied valuations*: by analyzing how different land and livelihood valuations are mediated by cultural paradigms.

Mediation (agendas, messages and audiences) is highly contextual and conducted through political processes of social navigation, imagination and interaction between and within stakeholder groups. Our approach combines an analysis of the political economy and individual navigating in such structural frameworks, making use of methods ranging from participant observation, interviewing, social, discourse and semantic network mapping, inventorying media use and means of mediation, to the application of GIS technology. Employing ‘zones of Intermediality’ as an analytical tool, we gain a better understanding of stakeholder mediation, persuasion, and convergence and divergence (including flare-up of conflict) of perspectives within and between stakeholder groups in their dealings with land, its uses and valuations.

### **Discursive hurdles in stakeholder interactions: A case study of development and nature conservation debates in Tana Delta (Kenya)**

*Froukje Krijtenburg (VU University Amsterdam)*

**Abstract:** Surrounding the now defunct Canadian Jatropha plantation in Tana Delta (Kenya), two distinct local discourses circulated in the period between 2010 and 2013. One may be qualified as a development discourse, with the local Tana Delta district administration, local farmer cooperatives (including their communities) and the Canadian company as its primary proponents; the other, as a nature conservation/environmental discourse, led by Kenyan NGOs, international partners and some local supporters (and over time by government officials and the director of the National Environmental Management Authority).

Initially, the ‘development’ discourse dominated the debate surrounding the Jatropha plantation in Tana Delta, with environmentalists fiercely critiquing it. However, following a growing international and national resistance against Jatropha as a biofuel feedstock crop, the local environmental discourse gained a much wider (international) audience and gradually overruled the local ‘development’ discourse. Local non-NGO engagement in the debate was minimal. This is noteworthy considering their firm stand and outspokenness in the earlier ‘development’ debate.

In fact, different arguments could be given for this particular shift in local stakeholder engagement according to the perspective taken. This paper starts from the basic assumption that the discourse itself can be a primary obstacle or facilitator of stakeholder engagement. Using a discourse analytical approach, the paper zooms in on the interplay between discourse repertoires and stakeholder mediations and positionings in land access legitimization strategies.

To this end the paper presents a sample of stakeholder interactions during these two debates in Tana Delta. This is followed by an analysis based on pertinent social-scientific insights into (the limits of) stakeholder engagement that can help to explain stakeholder (lack of) (inter)actions described before.

## **Local institutions (*Deréba*) amidst large-scale land acquisitions: Stakeholder confluence in changing landscapes of livelihood and ‘reciprocity’ in Oromia (Ethiopia)**

*Theodros Woldegiorgis* (VU University Amsterdam)

**Abstract:** Ethiopian rural livelihoods are anchored in both agriculture and cattle rearing. Small-scale agricultural production is the main feature of the agricultural sector, and concerns 85 % of the rural population. Other than crop cultivation, rural dwellers focus principally on livestock rearing in order to supplement their income.

The recent phenomenon and expansion of large-scale land acquisitions threatens the livelihood of small-scale producers in places where large commercial farms are introduced. Based on fieldwork in West Shewa Zone of the Oromia regional state, this paper will discuss the consequences of the pervasive landscape changes brought on by the transformation of communal (grazing) land to commercial farms. It will particularly stress the livelihood changes that this process has entailed and highlights the effects on local reciprocity networks between highlanders, people living in adjacent towns and lowlanders. This mainly happens because peasants in the highland areas are confronted with scarcity of land for cattle breeding and resolve this problem through self-operating ‘reciprocity’ local institutions (*Deréba*) with the lowlanders.

The author argues that the transfer of land to the foreign investor not only affects land use systems but also the socio-cultural landscape that existed before the start of the commercial farm. In order to show this, the author conducted an ethnographic study with a particular focus on a case study approach that explains the social fabrics of *Deréba* from an emic perspective as an institution which creates social and livelihood networks among different stakeholders in the region. In other words, the consequences of the implementation of the commercial farm were felt well beyond its geographical borders as it affected the processes of ‘reciprocity’ between highlanders and lowlanders in the region.

## **An imperfect lens: Macro and micro views of the Malagasy rainforest**

*Mija Andriamarovololona* (VU University Amsterdam)

**Abstract:** Reducing Emissions from Deforestation and Forest Degradation or REDD+ is an UN-endorsed programme aiming to reduce carbon emissions by conserving forests. Madagascar hosts at least 5 REDD+ pilot projects worth tens of million USD and covering more than 1.5Million hectares. Previous conservation projects have been criticised as global and foreign driven and as having adverse impacts on local people. However, the realities of local implementation processes leading to these impacts have been overlooked in the literature. Following REDD+ during its implementation in the South Eastern rainforest Madagascar, the author uses the ‘zones of intermediality’ and ‘landscape biography’ approaches to analyse the interactions of multiple concepts, actors, interests and activities involved in REDD+. In this paper, the focus is on ‘equity’, a concept employed in REDD+ projects and also a key reference in Malagasy social relations.

At the design and policy level, equity discourse is centred on benefit-sharing between Government, facilitators (NGOs) and local communities. For the villagers, equity is about finding ‘adequate alternatives’ to replace existing livelihood strategies deemed to be unsustainable and ensuring fair distribution among community members. Complicating factors generally enter into play at the stage of concretely defining the substance of ‘adequate alternatives’. Limited

communication/interactions between stakeholders creates a backdrop of unexpressed expectations and disappointments, reinforcing stereotypes and narrowing opportunities for seeking common ground. While living in the villages for over 20 months, the author describes the process of how project-makers design policies based on utopian visions of the Malagasy rainforest and its dwellers, who must deal with the consequences of such projects on a day-to-day basis.

### **Seeking *fiadanana* ('peace') in Madagascar's Ambatovy mining project: Stakeholder imagination and mediation**

*Carole Rabemanantsoa* (VU University Amsterdam)

**Abstract:** Fuelled by government legislative reforms, investment regimes for mining in Madagascar are attractive. This engendered among others the implementation of the Ambatovy nickel and cobalt mining project in the Central East of the island. Being a more than US\$7 billion enterprise the company prides itself as "...positioned to become the world's biggest lateritic nickel mine. Ambatovy's goal is to create lasting prosperity for all stakeholders and contribute significantly to sustainable development in Madagascar..." (<http://www.ambatovy.com/docs/>).

The company even claims to bring *fiadanana* to the region. The concept is infused with new meaning and mediated to (displaced) villagers as 'peace' or 'the absence of trouble'. But with the current strikes and unrest in the project, peace is not the first concept that comes to mind. Simultaneously, villagers discovered upon displacement that whereas the new villages might contain hallmarks of development, they feel miserable and long for 'home'. But home has become part of the mining site. Indeed for the villagers *fiadanana* entails the preservation of the sacred bond between land and their ancestors, which is crucial to identity. As this is of primordial importance to them, they do not passively undergo the pervasive changes to their lives but actively deconstruct, construct and reconstruct the development discourse used by the Ambatovy project.

The paper elaborates on how (discursive) interaction and imagination lead to new social, political, economic, cultural and existential configurations in the villages affected by the mining project. During sustained fieldwork, emerging trajectories of friction and conflict surrounding the mining project but also fragmentation of local forms of collaboration and resistance, were noted with new dynamics between the *tompon-tany* (landowners) and *tompon-tanana* (village owners) in the newly constructed villages. The complexity of stakeholder dynamics is further complicated by the positionings of the Malagasy government, journalists and NGOs.

### **The politics of large-scale land acquisitions in Uganda: Stakeholder interactions and land-use change in Nakaseke district**

*Josh Maiyo* (VU University Amsterdam)

**Abstract:** Uganda has in the last decade pursued an agrarian reform programme –the plan for modernisation of agriculture- anchored on an ideology of market-oriented production, in conjunction with land reform practices promoting foreignization of land access for large-scale commercial investment. Recent studies on the phenomenon of foreign 'land-grabs' are lacking in evidence-based empirical analyses of the role of local politics in the governance of commercial pressures on land in Uganda. This paper examines the interaction between institutional and actor-oriented dynamics to analyse the role of various stakeholders in foreign land acquisitions in Uganda. The analysis draws on

empirical data collected during a multi-sited ethnographic fieldwork conducted between 2012 and 2014 on four foreign-owned farms in Nakaseke district, central Uganda.

Findings show how multiple, and often competing political interests over land operate in the context of institutional decentralisation and a complex tenure system. The convergence of these stakeholder interests at the local level produces complex dynamics and challenges in the governance of (foreign) commercial interests in land. The effects of competing jurisdictions, political interests, and institutional failures in land and environmental governance result in observable land use-changes characterised by environmental degradation with potentially disruptive socio-ecological effects. However, organic farming practices on one large-scale farm presents possibilities for a more nuanced perspective vis-à-vis dominant discourses of the negative socio-ecological impacts of large-scale agriculture investments. The author concludes that while challenges in land governance persist, initiatives in agroecology and other environmentally responsible farming practices provide potential for socio-ecologically responsive agrarian change in Uganda.

### **Session: Grounded analytical approaches to stakeholder interaction in large-scale land acquisitions in Africa (part two)**

Thursday 9 July, 14.00 – 15.30

Chairs: *Sandra Evers<sup>1</sup>* and *Froukje Krijtenburg<sup>1</sup>* (<sup>1</sup>VU University Amsterdam)

#### **Land governance in Sahelian countries**

*Hermine Papazian<sup>1</sup>* and *Patrick D'Aquino<sup>1</sup>* (<sup>1</sup>CIRAD Agricultural Research for Development, France)

**Abstract:** The 2007-2008 world food crisis has sharpened the international public awareness on Sub-Saharan Africa agricultural potential, and has highlighted pressures on natural resources, and therefore the need of new land use policies for rural areas. Land governance in Sahelian countries is currently defined by the overlapping of several land regulation sources, from informal customary land rights (which local people recognize and respect) to legal land policy rules that place the major part of the territory under State responsibility.

Since the 1960s, the choice of land policy has been geared towards expanding individual land ownership, but this objective was far different from local context issues (built on a flexible partial common resources management), and these land policies generally did not succeed in wiping out other forms of land rights, leading to a current pluralism of rules and authorities that we named in this approach “a stakeholder-oriented pluralism of land regulation”. Indeed, this pluralism expresses itself through the diversity of ways actors choose, according to their perceptions, the local contexts, and their land-use objectives, to mobilize these different land regulations in order to access, to use, to manage Sahelian natural resources.

Based on the conception and experimentation of different complementarity tools (a role-played game, an agent-based model, a conceptual framework), the current study focuses on presenting an original analytical framework aiming to structure the complexity of natural resources uses and regulations in rural areas of Senegal, a Sahelian country familiar with the concept of land regulation pluralism. Goals of this analytical framework are (1) first to propose a structured vision of the complex reality in which the new rural land use policies will be implemented by Sahelian states and in particular the Senegalese state, and (2) to question at the same time the relevance of relying on this stakeholder-oriented pluralism of land regulation for choosing the directions of futures Sahelian rural land-use policies, based on the assumption that it could constitute a response to a

more efficient, equitable and all in all sustainable management of Sahelian land and natural resources.

### **Guidelines of responsible land tenure reform and governance in Madagascar: The challenge of bringing customary land access arrangements into the ambit of the positive law system**

*Sandra J.T.M. Evers<sup>1</sup> and Sarah Hayes<sup>2</sup> (<sup>1</sup>VU University Amsterdam, <sup>2</sup>University of Strasbourg)*

**Abstract:** The scramble for land, as it is referred to in scholarship on 'land grabbing', is characterized by investment on an unprecedented scale of states, semi-public companies and private businesses in large-scale land projects outside their own countries. The increasing stress affecting land exacerbates existing conflicts and engenders new ones. Land targeted for investment is rarely unoccupied and for the most part, host states do not offer efficient tenure security to protect land users.

The increasingly complex nature of recent large-scale investment can be broadly broken down into three components for the purpose of our analysis:

- (i) Investment Aims: Farming, Conservation (including REDD), Mining etc.
- (ii) The Players: Gulf Sheiks, Chinese & Indian semi-public and public corporations; private multinational resource companies, NGOs, indirect financial investment etc.
- (iii) The Rules: Multiplicity of applicable laws, policy, convention and customs.

In this paper, we will discuss large-scale land acquisitions in Madagascar, where pervasive changes in land legislation, initiated in the 2005 land tenure reform, have yet to resolve inherent land title issues. A general climate of uncertainty still governs the rights of land users, large and small, within Madagascar. We therefore propose an overview of the land reform scheme and an assessment as to whether the FAO Voluntary Guidelines on land tenure governance achieve the dual aim of creating a national land tenure system favourable to international stakeholders, while respecting the rights of users who rely upon the traditional Malagasy view of land as sacred and linked with the ancestors. Part of this overview will include a flow chart identifying 'zones' of conflict and potential resolution within this new web of investment targets, actors and the legal grid within which they operate.

### **Convergent and divergent dynamics of land use and valuation in the Nacala corridor, northern Mozambique, in the context of ProSavana land rush**

*Filipa Oitavén (VU University Amsterdam)*

**Abstract:** The Nacala corridor of Northern Mozambique is renowned for its fertile soil and quality access infrastructures, which attract interest well beyond the densely populated region. During recent years, a wide range of stakeholders has been vying for land: foreign investors, state officials, local communities, NGOs, humanitarian and development agencies, particularly under the ProSavana project. The ProSavana project is an on-going and controversial joint venture between Japan, Brazil and Mozambique to promote agricultural development in the three provinces along the Nacala corridor. In Nampula province, which is the focus of this study, several companies for the production of soya beans are already firmly established in the local setting. This research aims to describe the socio-cultural processes through which a range of interests of stakeholders are mediated, ranging from divergent and convergent conceptualizations of development to heritage and livelihood

security and sustainability assessments. Research into the stakeholders' perceptions on such land projects is all the more pressing within the current context of political instability and fragile living conditions (this year, natural disasters destroyed crops and left the North without electricity for several weeks, with huge consequences for the economy in the region). In this research, I apply the analytical model of 'zones of intermediality' designed to research the mediation of diverse ideologies, discourses and practices of land use and valuation, significant between and within stakeholder group interactions (Evers 2012a & b).

### **Merging Territoriality and Intermediality as analytical framework for the study of large-scale land acquisitions.**

*Davide Cirillo<sup>12</sup> and Sandra Evers<sup>2</sup> (<sup>1</sup>University of Padova, <sup>2</sup>VU University Amsterdam)*

**Abstract:** During the last decade, we have had the benefit of a varied palette of studies in the field of large-scale land acquisitions, or 'land grabs' as most scholars frame this phenomenon. We currently lack a comprehensive analytical tool which could disentangle stakeholder interaction. This paper assesses how Claude Raffestin's 'geographic framework of territory and territoriality' (1980), is integrated with the 'zones of intermediality' model created by Sandra Evers (2012 a & b). The first part presents Raffestin's relational approach to territoriality, considered as a system of relations between actors and the environment, and its relevant contribution to contemporary academic work in land access issues. The second part focuses on Evers's model of 'zones of intermediality'. This model refers to the analysis of inter- and intra-stakeholders interaction in land projects where diverse ideologies, discourses and practices of land use and valuation are mediated. The third part examines several key concepts central to both analytical tools, i.e. scale, networks, actors, relations. Finally, this paper considers how both models can be integrated for the purpose of analyzing large-scale land acquisitions. We argue that by analyzing power-embedded mediation patterns and discursive practices, the 'zones of intermediality' approach could enhance the capacity of Raffestin's territoriality model in capturing territorial ideas and practices of everyday life. 'Zones of intermediality' adds on a tool to detect potential flare-up points of conflict. Anchored in grounded theories, this integrative interdisciplinary approach might contribute not only to the innovation of the territoriality model but also to a better understanding of the complexity of foreign large-scale land acquisitions and their underlying dynamics.

### **Understanding the role of local elites in the trajectory of large-scale land acquisitions in Senegal: between structure and agency**

*Marie Gagné (University of Toronto)*

**Abstract:** In this presentation, I will argue that, while Senegalese elites are pressured by powerful actors with competing interests to accept or reject land deals, they retain a room for manoeuvre to exert their agency. This statement contrasts with current explanations, which tend to assume that local authorities are almost systematically corrupted and accept land deals without discernment. In function of their primary motivations and their normative position, Senegalese elites have a different behavior toward LSLAs financed by foreign interests. By "elites", I refer to customary authorities, elected officials and public servants involved in the management of land. Depending on whether or not they consider that LSLAs represent a development opportunity for their community,

a means to obtain personal financial rewards or a chance to improve their political capital, these actors will actively promote LSLAs, welcome these projects with reticence, or oppose them outright. In this presentation, I will discuss a typology that captures the variegated elites' attitudes towards this kind of projects. Their behaviour largely explains the trajectory and final outcomes of large-scale land deals in Senegal.

The theoretical framework of anthropologists Thomas Bierschenk and Jean-Pierre Olivier de Sardan (1997) informs my interpretation of elite behavior. In their view, elites are embedded in a social structure and political environment that constrains their options and shape their worldviews. Elites however remain able to express political preferences and adopt idiosyncratic attitudes that are not totally pre-determined. As such, the rural world is conceived as an arena of conflict where strategic groups compete over common issues.

This paper is based on an analysis of secondary data, qualitative interviews, and participant observation carried out in Senegal in 2013-2014 over 12 months of fieldwork.

### **Session: Regulating land acquisition – what is the role of local governance?**

Two sessions:

Thursday 9 July, 16.00 – 17.30

Chairs: *Gemma van der Haar*<sup>1</sup> and *Gerard Baltissen*<sup>2</sup> (<sup>1</sup>Wageningen University, <sup>2</sup>Royal Tropical Institute)

Friday 10 July, 10.30 – 12.00

Chairs: *Gemma van der Haar*<sup>1</sup> and *Gerard Baltissen*<sup>2</sup> (<sup>1</sup>Wageningen University, <sup>2</sup>Royal Tropical Institute)

### **Between customary and statutory tenure: Understanding large-scale land acquisitions in Zambia**

*Margherita Baldarelli* (University of Trento)

**Abstract:** The last decade has witnessed an increasing interest by foreign investors in the acquisition of agricultural land in the developing world. This phenomenon has soon come to be defined as land grabbing, due to the controversial nature of the land deals and to their impact on the livelihood of rural populations. According to recent estimates, more than the 60 per cent of these land acquisitions have taken place in sub-Saharan Africa, a region characterized by inherently pluralistic legal systems.

In line with the regional trends, Zambia has been targeted by foreign investors interested in acquiring large tracks of land for agricultural purposes. The land tenure system of this country is the complex outcome of hybrid legal orders that stratified over the centuries. In particular, the role of traditional authorities—i.e., chiefs—in land management is prominent, as the 94 per cent of land is officially classified as “customary.” Together with chiefs, a key role in the decision-making process over land is played by district authorities, which are in charge of fostering development at the local level.

This paper looks at the interplay between state and customary authority at the local level and it critically discusses the mechanism through which land is allocated to foreign investors. In doing so, it combines the analysis of the norms that regulate land acquisitions with empirical evidence from fieldwork conducted in Zambia. As the paper discusses, when investments are

negotiated conflicting interests and agendas are at play and the potential for rents appropriation is high.

By providing an analysis of land acquisition mechanisms in Zambia, this paper can fruitfully contribute to the literature on land grabbing. Moreover, by critically assessing the investment mechanisms and its weaknesses, it can provide insights to policy makers.

### **Legal pluralism and land administration in West Sumatra: The implementation of local and Nagari governments' regulations on communal land tenure**

*Hilaire Tegnan (Andalas University, Padang)*

**Abstract:** Land administration has always been a delicate issue in the history of nations, and Indonesia, a country where a significant number of the population lives a pastoral life is not exempt from this reality. This paper discusses land tenure issues in West Sumatra, an Indonesian province which is home to the Minangkabau people with their long existing village management system known as nagari, established to settle disputes based on adat (custom) principles as well as to protect the rights of the community members. These rights include communal land (referred to as tanahulayat hereafter). Long before the Dutch occupation of Indonesian archipelago, the nagari government was vested with powers to regulate communal land in West Sumatra. However, this authority was constantly overlooked by the then Dutch colonial administration as well as the post independence governments (both central and regional). To reinforce the nagari government as the guardian of the customary law (hukumadat) and to specify its jurisdiction, the Regional Government of West Sumatra enacted two laws between 2000 and 2008: Law No. 9/2000 repealed by Law No. 2/2007 and Law No. 6/2008 on communal land tenure. Although these two laws provide legal grounds to address land issues across the region, land conflicts still prevail among West Sumatran populations due to unsynchronized and contradictory regulations. The protests against the army (Korem) in NagariKapaloHilalang, against the oil palm company in NagariKinali, and against a cement factory in NagariLubukKilangan are cited in this paper as case references.

### **Localizing land governance, strengthening the State - Decentralization and land tenure security in Uganda**

*Mathijs van Leeuwen (ASC, Leiden University / CICAM, Radboud University Nijmegen)*

**Abstract:** Decentralization of land governance is expected to significantly improve land tenure security of small-scale farmers in Africa, through ensuring better protection of their assets and reducing land-related conflicts. This paper, however, warns for too high expectations of transferring responsibilities for land administration and dispute resolution to local government bodies. Field-research in Mbarara District in South-western Uganda brings out how decentralization has limited impacts in terms of localising land services provision. Nonetheless, local land governance has transformed in important ways, as decentralization adds on to institutional multiplicity, and fuels competition among state and non-state authorities, and about the rules they apply. Rather than strengthening local mechanisms for securing tenure, the reforms introduce new forms of tenure insecurity, fail to transform local conventions of dealing with land disputes, and delegitimize local mechanisms for securing tenure. In practice, decentralization has limited effects in securing tenure for the rural poor, yet reinforces the presence of the state at the local level in diverse ways.

### **Community factors, negotiation processes and land acquisition in Cameroon**

*Juliana Nnoko-Mewanu<sup>1</sup>, Robert E. Mazur<sup>1</sup> and Carmen Bain<sup>1</sup> (<sup>1</sup>Iowa State University – Department of Sociology)*

**Abstract:** Land deals can involve multiple and nested claims by communal groups, traditional authorities, households and individuals. These contested claims are often related to the social and ecological opportunities and risks that land investments and land transfers pose for local communities. Occurrence of contestation and resistance might also depend on the terms under which local communities are engaged in the acquisition process, the terms of the contract and resulting compensation schemes. Inclusive decision-making regarding natural resource management and large-scale land transactions can enhance positive and sustainable community outcomes. This research focuses on village level factors that influence land deal negotiation processes and shape various types of responses within and among communities.

Our study draws on group and individual interviews conducted in 2014 with members of four rural communities in Cameroon. We examine the information and institutional capabilities that communities can access to accept or reject land transactions and effectively negotiate terms. Data analysis was based on a capitals and capabilities framework (Bebbington 1999) integrated with theory of access (Ribot and Peluso 2003). We analyze community factors that shape local negotiation processes such as village democracy and inclusiveness, access to information, nature and extent of village networks and access to resources such as markets, electricity, healthcare and educational facilities.

Our analysis indicates that land investors and hosts governments sometimes follow the procedures and guidelines for community consultation and negotiations. Nonetheless, in a context of uncertainty regarding decision-making authority over transfer of land, local communities' informed and voluntary consent in the transfer of rights is questionable and meaningful compensation can be problematic. We conclude that particular distinctions and variations in resource access within local communities shape the inclusiveness and quality of village participation. These place-based variations are crucial in understanding the negotiation processes over the transfer of land.

### **Exit, voice and transparency: New responses to informal construction in post-war Pristina, Kosovo**

*Sean Parramore (Queen Mary University of London)*

**Abstract:** This paper investigates the role of external reformers, the European Union (EU) in particular, in improving local land administrations' capacity to regulate illegal land exchange and development in Kosovo. Studies have suggested that the legacies of war, socialism and pro-market reforms deprived local authorities of the tools to regulate exchanges and development of land in early post-war Kosovo. Informal squatter settlements and illegal construction, particularly in the capital of Pristina, appear to have expanded unrestrained since. Yet recent efforts by Pristina's mayor suggest a local political will to combat this problem, even if the EU appears disengaged and preoccupied with rule of law enhancement. The research uses data collected during May and June 2015 drawn from interviews with local and international stakeholders and spatial information databases in Pristina to test three hypotheses:

- 1) The illegal exchange and development of land continues.

- 2) Successful efforts to regulate illegal land development are more likely to emerge locally and to cause positive spill over effects for the rule of law.
- 3) Despite local recognition, illegal land development in Kosovo is overlooked by the EU, if not by other external actors (measured by financial and political capital invested).

The first hypothesis' confirmation would indicate the continued inefficacy and potential corruption of local authorities, and the fruitlessness of EU efforts to enhance the rule of law in land governance. Confirmation of the second would evince that imperfect land tools (an incomplete regulatory framework, insufficient funding etc.) may still strengthen land governance. Verification of the third hypothesis suggests that the lack of outside involvement may have unintended positive effects in case of the second outcome, and negative ones in case of the first. This case study may therefore hold lessons for international and EU policy makers (in)directly involved in improving local land governance locally and elsewhere.

### **Institutional synergies and the governance in customary land markets – selected case studies of large-scale land acquisitions in Ghana**

*Elias Dany Kuusaana<sup>12</sup> and Nicolas Gerbera<sup>2</sup> (<sup>1</sup>Centre for Development Research (ZEF), <sup>2</sup>University for Development Studies, Ghana)*

**Abstract:** Institutions and institutional changes impact on land markets and in guaranteeing agro-based employment, capital injection, local economic development and infrastructural improvement. Increasingly, these institutions have come under pressure and there are concerns about their functional capacities and on land markets. This paper studies institutional synergies and impacts on customary land markets. We identified that the government of Ghana has maintained non-interfering in land markets so as to protect the sanctity and independence of customary land institutions. Land transactions are characterized by lack of - transparency, information sharing, participation and accountability. For an efficient and effective management of LSLA in Ghana, there is the need for a functioning institutional collaboration and one-stop-shopping to streamline the apparent complex processes of acquiring agricultural land. The roles of customary custodians should be reviewed toward more accountability and transparency, while regulating their enormous powers in land administration.

### **The politics of large-scale land acquisitions in Ethiopia: State and corporate elites and subaltern villagers**

*Tsegaye Moreda<sup>1</sup> and Max Spoor<sup>1</sup> (<sup>1</sup>International Institute of Social Studies, ISS, Erasmus University)*

**Abstract:** This paper explores the relationship between federal and regional state elites land authority, how they interact with corporate elites, and how the former and the latter intersect with the politics of subaltern villagers – in the context of ongoing land acquisitions. The paper argues that in the Ethiopian region of Benishangul-Gumuz on the borderlands, the central state has a key concern associated with control of territory and people and cannot effectively devolve authority to the regional state government in practice. The result is competing power over the control of land resources. It is thus much of an intra-elite dynamics. The complexities that occur, fuelled by the politics of decentralization, are played out in terms of contradictions in the land deal making, but also

are reflected in the land disputes and loss to local livelihoods that emerge, as different sites of authority over land and resources are contested.

### **Common pool resources management in large-scale irrigation schemes in northern Ghana**

*Bizoola Z. Gandaa (Wageningen University)*

**Abstract:** After the independence in 1957 and before the 1992 amended constitution of Ghana, lands in Northern Ghana were appropriated by the Government from the traditional custodians (chiefs, fetish priests, clan or family heads) of the Common Pool Resources (CPR) for various development projects to 'benefit the people'. Such lands were therefore collected from custodians for irrigation development without compensations.

Traditionally, CPRs were used by multiple groups and individuals in the community across sub-Saharan Africa to generate finite quantities of resource units where one person's use subtracts from the quantity of resource units available to others. Thus, a sustained agrarian livelihood was achieved in communities by the use of customary laws and traditional social structures.

The amended constitution stipulated the return of lands belonging communities to their custodians. In Ghana, irrigation schemes that were facing managerial challenges resulting in poor performance, conflicts with communities and custodians of the lands thus returned lands back to the communities. This study seeks to establish the current role of informal institutions in communities within irrigation schemes in resource management in Northern Ghana. The challenges faced by public irrigation scheme authorities have reduced and communities' leaders in irrigated schemes are actively involved in the management of CPRs.

The study was carried out at Tono and Bontanga irrigation schemes in Northern Ghana. The communities in each scheme were ranked according to the size land area under the customary tenureship and three communities were selected at each scheme for analysis using participatory impact assessment (PIA).

### **Role of local governments (district & communes) in facilitating land governance at local level: incentive structure analysis from case studies in Vietnam**

*Dung Tri Ngo<sup>1</sup> and Thang Nam Tran<sup>2</sup> ('Consultative and Research Center on Natural Resources Management, <sup>2</sup>Hue University of Agriculture and Forestry)*

**Abstract:** Decentralization from state forestry to social forestry was initiated in Vietnam during 1990s after forest cover dropped to 27% from 43% in 1943. Followed this tendency was the involvement of local communities in forest governance which was remarked by forest land allocation policies. The process of providing land to local communities can only be feasible if land stocks are available through land acquisition from state-forest enterprises (SFEs). The allocation requires various stakeholders and thus depends on each actor's perception on cost and benefit they bear during the process. This paper aims at analyzing current situation of local forest governance through forest allocation and forest contract in 3 districts in Vietnam. Using analytical framework Institutional Analysis and Development (IAD by Ostrom et al. 1994), this research explored what were the incentives of decision making on land acquisition and land allocation at local district and commune levels, and how these decisions affected the outcomes of land allocation policies. Findings include (i) various stakeholders perceived incentives differently and thus responded to land allocation policies

in various ways; (ii) Local land governance was only good in context of motivating local participation, transparency, and consistent support from local authorities (in cases of Lac Duong & Nam Dong districts); (iii) Lack of information on land resources, low capacity of local staff, and procedure bureaucracy led to stagnancy in land allocation process and even created perverse incentives for land uses at local context (Huong Tra district).

### **Regulating land acquisition in Burkina Faso: what is the role of local governance?**

*Bala Wenceslas Sanou<sup>1</sup>, François Louré<sup>2</sup> and Zizien Abdoulaye<sup>1</sup>* ('advisor in local land governance,  
<sup>2</sup>Ministry of Agriculture)

**Abstract:** Burkina Faso voted a rural land law in 2009, aiming at "*assuring to all rural actors equitable access to land, securing investments and efficient management of land conflicts, in order to contribute to poverty reduction, consolidation of social peace and achievement of sustainable development*". This law addresses vital concern around domestic land acquisitions in the country which exacerbated land conflicts within local communities between 'migrants' and 'autochthonous'. Indeed, competition for rural land intensified since 2000 when agricultural policies were oriented towards promoting private investments leading to an emergence of some called 'new actors' in agricultural production. These 'new actors' are from the public sector (politicians, (ex-) ministers, senior officials, and alike); others are from the private sector (entrepreneurs, traders, bankers...). They acquire important arable land from 20 to 100 ha, even 300 ha; in extreme cases it reaches 800 ha in Saabam in Sapouy commune. The size of these land acquisitions is important if compared with family farms (of 6 to 10 members) that range from 3 to 10 ha; only large farm families have farm sizes of more than 50 ha.

The 2009 land law gives responsibility to local governments in land governance, through local land structures such as communal land services (*SFR in French*), village land committees (*CFV*) and village land conciliation committees (*CCFV*). A research<sup>1</sup> has been realized to better understanding the role local governments play in regulating processes of land acquisition. For the moment, these land structures are mainly facilitating the processes of issuing possession certificates to individual or collective (household, lineage) claimants. This is in not yet really curbing uncontrolled land sells; then pressure on land remains important and social conflicts are still threatening. An October 2014 socio-political outbreak offers an appropriate context to innovate local land governance involving stakeholders; this opens a perspective to consolidate the research's results, in order to assure social peace necessary for achieving sustainable development. The upcoming research aims at establishing local relevant criteria to deal with any potential land acquirers.

### **Compulsory land acquisition and resettlement on customary lands in Ghana – A governance perspective**

*Kwabena Asiama, Monica Lengoiboni and Paul van der Molen (ITC, University of Twente)*

**Abstract:** Compulsory land acquisition and resettlement are considered vital tools in the acquisition of land and compensation by many governments. Much literature reflects on the need for good governance in the planning of resettlement projects. However, few studies have been conducted on governance issues emerging out of resettlement from compulsory land acquisition in customary areas. The dynamic nature of customary land administration brings with it a different set of problems

with regards to resettlement from compulsory land acquisition. In Ghana, only three such resettlement projects have taken place.

The paper uses data from the Bui Dam Project's resettlement scheme to discuss an overview of good governance in resettlement from compulsory land acquisition in customary areas. The paper analyses good governance from the standpoints of transparency, public participation, equity, and accountability with respect to the four key actors in the resettlement scheme – the acquiring authority, the traditional authorities, the local people, and the valuation authority. The results show several, though not enough, attempts at improving good governance in the project with respect to the earlier resettlements. These attempts were not successful in improving the livelihoods of the affected persons partly due to the customary arrangements in the area which stifled transparency and public participation, and provided little accountability, monetary wise. The results also show that the acquiring authority's lack of understanding of the status of the various communities also contributed to inequity. The paper concludes that there should be a closer examination of the customary arrangements of the affected area to better ascertain how the traditional authorities can enhance rather than obstruct good governance.

### **Indigenous movements, legacies of state formation and local land governance in Argentina** Matthias vom Hau (Institut Barcelona d'Estudis Internacionals, IBEI)

**Abstract:** Recent decades have witnessed a striking transformation in Latin America. Indigenous people became a formidable political force in their own right, something unthinkable even a generation ago. What are the implications of indigenous mobilization for development and human welfare? In response this paper pursues a subnational comparative analysis of three provinces in Argentina to explore how and when indigenous movements make a difference with respect to their core demands, the implementation of constitutionally guaranteed land rights and the improvement of water infrastructure in indigenous communities. The three neighboring provinces in Northwestern Argentina. Tucumán, Salta, and Catamarca are surprisingly similar in their geography, political economy, and their relative levels of human development. Yet, these three provincial states vary dramatically in the implementation of a new national law, which requires all Argentine provinces to survey and document indigenous land claims, a crucial first step in establishing communal land rights. As of October 2014, the land survey is almost complete in Tucumán; in Salta, the survey is far from completed; and in Catamarca, the survey has not even started. The provincial state of Tucumán also exhibits greater competence in managing local projects to improve access to potable water.

Based on this comparison the paper develops an innovative theoretical framework that calls attention to the specific mechanisms by which indigenous movements might influence the institutional competence of states to manage land conflicts and water provision, most prominently naming and shaming, shifts in state-society linkages, and changes in the perceptions of state officials. It also suggests, by drawing on yet also moving beyond the existing political mediation model in social movement studies, that indigenous movements are more likely to affect state capacity if they have the *organizational infrastructure* to sustain collective action, and operate in *apolitical space* free of major veto players.

## **Session: Community voices and land governance**

Friday 10 July, 13.00 – 14.30

Chairs: *Kei Otsuki<sup>1</sup>, Danny Wijnhoud<sup>2</sup> and Arelys de Yanez<sup>2</sup>* (<sup>1</sup>Utrecht University – International Development Studies, <sup>2</sup>ActionAid)

### **Cries for land governance: The experience of the Brazilian Amazon**

*Elyson Souza, Gisele Souza, Edjane de Batista, Marcelo Messias, Elly Souza* (State University of Campinas)

**Abstract:** Development policies used in the Brazilian Amazon after 1970 led the state of Acre to undergo considerable changes in its agrarian framework, which created serious environmental impacts, land speculation for livestock, beyond the violent expulsion of traditional forest peoples of places we lived for decades, intensifying throughout the Acre a number of social conflicts. The objective of this study is to describe how the communities in the Amazon forest have organized to ensure its territory, avoiding deforestation and promote the first steps for the promotion of land governance in the state of Acre, Brazil. The methodology used was through literature review and use of secondary data contained in academic papers and government organizations of Brazil.

### **The role of communities in large-scale land acquisitions in South Sudan**

*Francesca Marzatico* (independent researcher)

**Abstract:** The Republic of South Sudan became an independent country on 9 July 2011. It extends in an area of approximately 640,000 km<sup>2</sup> with a population estimated of about 8.3 million people in 2008. According to the World Bank, in 2012 its population was approximately of 10.84 million.

The crisis, which affected the country in December 2013, caused further displacement, poverty and death. It is estimated that 1,4 million people are displaced inside South Sudan and another 243,000 have fled to nearby countries as consequence of the December events and of the persistent fighting in the country.

In 2009, during the interim period, three important laws were enacted in order to ensure sustainable investments in South Sudan and regulate the role of communities, traditional and local authorities in large-scale land acquisitions in South Sudan: the Land Act 2009, the Local Government Act 2009, and the Investment and Promotion Act 2009.

This paper discusses the current legal framework on communities involvement in large scale land acquisitions in South Sudan, analysing relevant provisions of the aforementioned legislation and highlighting the role of local government in such dealt. It also evaluates the effectiveness of such framework in the light of existing large-scale land investments and related involvement of communities in such deals. It aims at highlighting shortfall of the legal framework and of its implementation and at providing recommendations for improvement. The Republic of South Sudan became an independent country on 9 July 2011. It extends in an area of approximately 640,000 km<sup>2</sup> with a population estimated of about 8.3 million people in 2008. According to the World Bank, in 2012 its population was approximately of 10.84 million.

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### **Enhancing the space for stakeholder participation in community development: lessons from a community theatre approach in Ghana**

*Godfred Seidu Jasaw<sup>1</sup>, Baslyd Begerr Nara<sup>2</sup>, and Ernest Bagson<sup>2</sup>* (<sup>1</sup>UNU-IAS, <sup>2</sup>University for Development Studies, Ghana)

**Abstract:** This paper presents a case of a methodological innovation in the techniques of getting all stakeholders' voices heard through community drama and theatres. In 2008, Wa campus of the university for development studies (UDS) moved to a new site (3000ha) in Bamahu area, on the outskirts of Wa town in the upper west region of northern Ghana. The said land used to be site for state farms some 30 years ago where surrounding communities directly depended on and cultivated various crops until the State took it back for the establishment of the university campus as an investment in education. In this remote, impoverished area came about 10,000 students plus staff and administrators, and pressure on the land and resources of the surrounding rural communities from real estate developers and other businesses to provide services for the increasing population. The introduction of a university campus into a remote, rural setting can be considered, in a sense, "an invasion" with attendant consequences albeit one intended to help communities as an investment. Using story telling, drama and plays enacted by women, young men and elders as well as university students living in the Bamahu community, we examined the ways in which this new campus has impacted development for the 3 generation categories. This approach enabled otherwise aggrieved casts to assume roles that illustrated the issues, deepened dialogue and reached consensus in the form of plays and theatre. The findings show that, the university's presence had different impacts across the three generations. Women and the young men saw the university's presence as an opportunity to trade various goods and services and to learn new skills in artisanship and develop small businesses respectively. The elders on the other hand thought their lands for farming had been taken over as well as affecting community power relations. By videotaping and showing the theatres over and over to community members, it has proven to be a useful tool in efforts at enhancing the relation among stakeholders in the area.

## **"They have abandoned us": Broken promises of inclusive land governance and development in Massingir district, Mozambique**

*Kei Otsuki<sup>1</sup>, Dakcha Achá<sup>2</sup> and Danny Wijnhoud<sup>2</sup>* (<sup>1</sup>Utrecht University – International Development Studies, <sup>2</sup>ActionAid)

**Abstract:** Since the 2000s, the district of Massingir in the southeast of Mozambique has been experiencing a number of public and private investments, which affected land governance and local development in various ways. Land pressure continually increases due to the encounters, in a relative small areas, between: i) communities having resettled from the Limpopo National Park (LNP) and ii) local communities dealing with an emerging sugarcane estate of the Massingir Agro Industrial (MAI). A number of studies reveal that "land grabs" have caused the land pressure. The policy and legal framework in theory appears to be strong in guaranteeing community rights, but in practice they fail to provide sufficient protection. In particular, little has been revealed about how the affected communities actually express their concerns and hopes, and how their voices could be taken into account as to address possible policy and legal evasions by ongoing investments.

This paper focuses on two cases of investments and how they interfere with emphasis on community impacts. Community members, both those who have already resettled and those who resist the resettlement, express how they have experienced the resettlement process from LNP; and how they need to negotiate with MAI to get their promises of Corporate Social Responsibility to be completed. Drawing on focus group discussions and household surveys, this paper shows that the scope and nature of change that the communities experience vary. However, there is a large gap between how the investors make their promises of development and actual commitments that the communities expect. Communities, both women and men, young and old, are determined to claim what has been promised and remain hopeful for improving their life conditions. The paper intends to illuminate their voices as they provide insights into more pragmatic frameworks and practices of inclusive governance and business development.

## **Community voices on land governance and water management among rice farming in Maganja da Costa, Mozambique**

*Thirza Mandos<sup>1</sup>, Kei Otsuki<sup>1</sup>, Dakcha Achá<sup>2</sup> and Danny Wijnhoud<sup>2</sup>* (<sup>1</sup>Utrecht University – International Development Studies, <sup>2</sup>ActionAid)

**Abstract:** Maganja da Costa is a district located along the coast in the east of the Zambezia Province, in which agriculture is the main way of living. The region is subject to natural disasters, regularly recurring floods as well as periods of droughts, making the weather circumstances a strong influence on the success or failure of the harvest of farmer families living in the area. The large majority of the farmers rely on subsistence smallholder farming and have little other means of income. This means access to land and water are critical for their food security and livelihoods.

Opportunities for development are considered directly related to land governance and water management. The Government of Mozambique started with support of the Dutch Government a large irrigation and flood control project involving 5000 smallholder rice-farmers, half of the population in the district. A second intervention which may bring economic development are large-scale agricultural business investments. However, land and water sources are scarce and households in the area have been under pressure to guarantee their continued access to land and water due to

undocumented rights.

In this paper, I show some preliminary results from my thesis research, drawing on interviews, a questionnaire and focus-group discussions performed during a three month stay in the region. It will focus on the relation between community development and public and private large financial investments. A key focus is on the gender and land rights dimensions of the interventions. The results are written from the perspective of the local population in the region, with a focus on smallholder rice-farmers. Topics discussed are development dynamics relevant to land governance and water management in the region, influences current floods have, struggles with large-scale land investors and the expected influence of the irrigation and flood control on livelihoods of smallholder rice-farmers and communities in the region. The discussion aims to identify main conditions for successful development impact of large interventions on livelihoods and communities.

### **What will the future bring? Community voices on rice farming and other livelihood opportunities in the face of flood risks in Maganja da Costa district, Mozambique**

*Dakcha Achá<sup>1</sup>, Danny Wijnhoud<sup>1</sup> and Kei Otsuki<sup>2</sup> (<sup>1</sup>ActionAid, <sup>2</sup>Utrecht University – International Development Studies)*

**Abstract:** Maganja da Costa District is located along the coast in the east of Zambezia Province. Due to its location in a lowland river delta, the district is prone to recurrent disasters, in particular floods but sometimes droughts causing persistent hardships and poverty. The local population largely relies on subsistence smallholder farming for their food and nutrition security and livelihoods. Therefore, their access to, and inclusive governance of land and water are critical for their survival and well-being.

In this context, the Government of Mozambique received investment support from the Government of the Netherlands in order to establish a large-scale flood control and irrigation system that would benefit 5000 smallholder rice-farmers, half of whom are in the district's Munda-Munda area. These farmers are under continuous pressure to guarantee their continued access to land and water on the basis of the productive use of these resources, and the flood control and irrigation system are expected to ease this pressure. However, there have been delays and set-backs in both the construction and use of the system as well as the establishment of 2-tier rice cooperatives at respectively production and bulking and processing levels.

Drawing on focus group discussions and household surveys with households inside and outside the Munda-Munda area, this paper discusses how the farmers express and cope with uncertainties that remain about the benefits and challenges of the flood control and irrigation scheme. A key focus is on the gender and land and water rights dimensions of such large-scale infrastructural interventions. It also addresses the importance of risk assessment for new infrastructures as they may get damaged by future floods. Communities are questioning what the future will be bringing, at the same time determined to claim their rights and stay hopeful for a better future.

### **Discussion session: Local governance, stakeholder participation & community voices**

Friday 10 July, 15.00-16.00

## **Theme: Urban issues**

### **Session: Peri-urban land commodification and commercialization, livelihoods, dispossession / resettlement**

Wednesday 8 July, 16.30 – 18.00

Chair: *Femke van Noorloos* (Utrecht University – International Development Studies)

#### **Land loss for urban expansion and livelihood reconstruction in Central Vietnam: Who reconstructs livelihoods and how?**

*Nguyen Quang Phuc<sup>1,2</sup>, Annelies Zoomers<sup>2</sup> and Guus van Westen<sup>2</sup>* (<sup>1</sup>College of Economics, Hue University, Vietnam, <sup>2</sup>Utrecht University – International Development Studies)

**Abstract:** In Vietnam, compulsory land acquisition for urban expansion has appeared as a contentious issue among journalists, civil society organizations, academics, and NGOs. Along with rapid urbanization, farmers in peri-urban areas are increasingly confronted with a loss of land as a consequence of government policies. The question raised here is concerning how those who are forced to become part of a city adapt to land loss and urban growth. This paper draws on the case of Hue, a rapidly expanding city in Central Vietnam, where thousands of farmers are forced into new patterns of livelihood. Provided is a bottom up analysis of land loss and land loss compensation, what livelihood change has taken place, and of the success of livelihood reconstruction in terms of income level and food security. The results indicate that many years after land loss the majority of people are able to reconstruct their livelihoods with better living conditions. Nonetheless, land loss has threatened household food security. Farmers affected by land loss usually receive financial compensation, but the direct impact of compensation paid for livelihood reconstruction may not be overestimated. Instead of calculating compensation on the basis of the loss of land (total hectares), more attention should be given to the capacity of households (availability of resources, education levels, social networks) to adapt to new situations. Compensation and support for those who do not have real alternatives (the elderly, widowed, and infirmed) should be continued over longer periods.

#### **Urbanizing the countryside? Rwanda's emerging rural service centres and small towns**

*Ine Cottyn* (Utrecht University – International Development Studies)

**Abstract:** The dynamics of land transformation, commercialization and grabbing in Rwanda's countryside have been a focus of several researchers in relation to the modernisation of the country's agricultural sector. However, the dynamics at play in small towns and urbanizing (rural) centres have been less in the picture. In managing and shaping its urban trajectory, the Rwandan government is promoting the growth of secondary cities and selected rural service centres to become active development nodes or hubs. In this paper two case studies of growing (rural) towns in Rwanda will be presented, analysing the transformation and commercialization of land sparked by planned urbanization, gentrification, and mobility. In a process driven by a strong developmental and liberalizing state, urbanization goes hand in hand with a process of gentrification as both commercial as settlement housing standards are being upgraded by local authorities. This process is also enforced by capital rich households and investors moving into these growing towns. Agricultural land is converted into settlement land at a fast rate as these towns' (perceived) opportunities attract a

wide range of people from larger cities as well as surrounding villages and create new flows of mobility and migration. This results in the commodification of land with the growth of a real estate market by private investments in housing. The paper will highlight the differential consequences of these dynamics of change for peoples' lives and livelihoods as next to the immigration of people these same processes also lead to an outflow of those who can no longer afford the rising costs.

### **The changing landscape in Belo Horizonte, Mozambique: (Un)planned urbanization, informal land markets and the future of peasant farmers**

*Eléusio Filipe<sup>1</sup> and Simon Norfolk<sup>1</sup> (<sup>1</sup>Terra Firma Lda, Mozambique)*

**Abstract:** Mozambique is undergoing profound social and economic transformations since the mid-1990s, following the Rome Peace Agreement in 1992 that ended a 16 years protracted war between Frelimo government and the rebel movement Renamo. The subsequent social and economic recovery of the country has led to the transformation of land into one of the most sought-after resources for investment in agriculture, tourism, mining and real estate. Whilst the government has taken some regulatory steps towards safeguarding existing land occupants, rapid rates of urbanization and industrial growth is leading to the dispossession of many peri-urban communities. This paper, based on extensive field research from 2014, examines the social and economic transformations taking place in Belo Horizonte, Boane district, where land use over the last 10 years has been transformed from subsistence agriculture to high value residential plots. The process has seen the effective transfer of land access rights from a peri-urban peasantry to the urban elites of Maputo. The research focuses on the multiple drivers of change that are transforming the peri-urban landscape in Belo Horizonte; population growth and urbanization, local government policies towards peri-urban communities, land conflicts between peasant farmers and private businesses (e.g. Vetagro). We will argue that informal land markets and the process of urbanization driven by local governments (the district administration and the Municipality of Boane), which is poorly understood by local peasant farmers, is driving out many small scale farmers from their land. The paper will also illustrate how land dispossession has compelled many peasant farmers to seek new survival strategies in other areas of the economy, while others have resumed their agricultural production in more distant land plots. The paper also argues that the structural shift from agricultural to real estate development areas, characterized by the allocation of large plots designed for luxury homes and condominiums, is unsustainable in the long-term since it will drastically reduce access to fertile arable lands in the area.

## **Session: Land conversion and peri-urban sprawl, land tenure, local governance**

Thursday 9 July, 10.30 – 12.00

Chair: *Femke van Noorloos* (Utrecht University – International Development Studies)

### **Security of tenure: the plight of peri-urban communities surrounding Bulawayo city in Zimbabwe**

*Linda Magwaro-Ndiweni<sup>1</sup> and Virginia Madiro<sup>1</sup>* (<sup>1</sup>National university of science and technology, Zimbabwe)

**Abstract:** This paper discusses issues of security of tenure, housing and land management of peri-urban settlements of Bulawayo. Bulawayo City is growing and engulfing neighbouring farming and rural settlements, making farming and rural lands part of the urban space, and also making rural communities to live in an urban setting. To understand the plight of urbanites a study was done analysing 6 peri-urban areas situated within a 40km radius from Bulawayo City in Zimbabwe.

The study analysed tenure systems, urban development and planning laws of Zimbabwe. It was discovered that the tenure systems and laws have an impact on development of peri urban communities. To-date peri-urban communities are characterised by lacking in adequate housing as compared to their urban counterparts, unsustainable employment and income-generating activities; limited access to services, very importantly insecurity of tenure. Further, the study discovered that peri-urban women are more disadvantaged, they experience insecure tenure and eviction upon marriage dissolution or the death of their husband. The underlying cause for insecurity of tenure among peri-urban communities according to this study is rooted in unplanned settlement development and also contributory issues of urban management.

This paper concluded by saying if a household does not hold tenure of the land they have, it simultaneously affects security of tenure for their dwelling. The paper recommends that there be specific enabling legislation to be formulated for peri- urban development.

### **Suburbanisation in Sub-Saharan Africa as a social process – the relationship between private and public stakeholders with their formal and informal instruments in Abomey-Calavi, Benin**

*Fabrice Banon* (Karlsruher Institut für Technologie)

**Abstract:** The particular context of the suburbanisation in West Africa raises the question of the steering of the urban development. The latter is not getting any better despite the introduction of new instruments in the planning process such as the local governance. Using Abomey-Calavi, fastest growing city in Benin, as investigation area, the study particularly focused on the suburbanism (the socio-political meaning of this expansion and the ways of life within suburbs) (Buire 2014:241) and adopts the postcolonial urban studies approach. Thus the research dealt with the rationales and strategies of the stakeholders in the framework of a land subdivision process and of the urban expansion in a specific district of the city using qualitative methods. The materials gained from the field research have been processed with the grounded theory (Glaser & Strauss 1967) and an actor oriented analysis.

The (municipal and central) public administration, private planning offices, property owners and subdivision committees<sup>1</sup> were part of the analysis. It turns out that claiming local governance is

not enough, since the misuse of social participation in Abomey-Calavi led to the steering of urban development by private interests. Diverse informal instruments - encountering the public planning - are used for purposes of familial subsistence and social recognition: acquisition and subdivision of cheap land outside the settled areas, housing self-promotion without building permit, land hoarding and speculation. Meanwhile the formal instruments of the public administration are first incoherent with each other and secondly not adapted to the local situation.

These interactions lead to a constantly outwards expanding city, characterized by an unequal distribution of density and the emergence of brownfields. Since stakeholders adapt to the system, the power structure is not put into question.

### **Autochthony in peri-urban Bukavu**

*Fons van Overbeek (Wageningen University)*

**Abstract:** The lives of those who find their homes in and around Bukavu in the east of the Democratic Republic of Congo are fraught with grievances that are framed in terms of ethnicity and belonging. For over a century migrants from Rwanda have been moving to the Kivu provinces. Presently, insecurity in the rural areas surrounding Bukavu has triggered an endless flood of Congolese migrants. The pressure created by the kaleidoscope of ethnicities streaming into the city is most explosive in its periphery. Contrary to received wisdom, the Rwandan legacy may not be the factor most likely to precipitate new cycles of violence within the city borders. In peri-urban Bukavu tensions between Congolese clans and sub-clans, people who are all recognized by outsiders and by themselves as autochthonous, are increasingly invoking their autochthony in turning to violence and social and economic exclusion. Newcomers are being kicked from their new urban land and early settlers do not seem to be welcome in the emerging peri-urban clusters of migrants.

In this paper I look at the rhetorical strategies that migrants and early settlers use in competing for access to and control over land. Much of their debate is framed within a discourse of autochthony. This discourse had been made legitimate through invocation of the Nilotic Myth of Tutsi hegemony in the Kivu region. However, I will not limit my analysis to the idiom used. Contrary to a growing literature that reifies autochthony, I will look for another layer. I will examine the specific practices of urban land governance with their continually improvised institutions. I ask how these governance arrangements interact with the discourse of autochthony in shaping processes of inclusion and exclusion.

### **Enhancing good land governance for sustainable urbanization in South Sudan**

*Francesca Marzatico (independent researcher)*

With contributions by:

- *Emiel Wegelin, Director of UrbAct - International Advisory Services for Urban Action*

## **Theme: Food security**

### **Session: Land governance and food security**

Two sessions:

Thursday 9 July, 14.00 – 15.30

Chairs: *Gemma Betsema* (LANDac Coordinator based at Utrecht University International Development Studies) and *Frits van der Wal* (Focal point land governance, Netherlands Ministry of Foreign Affairs)

Thursday 9 July, 16.00 – 17.30

Chairs: *Gemma Betsema* (LANDac Coordinator based at Utrecht University International Development Studies) and *Frits van der Wal* (Focal point land governance, Netherlands Ministry of Foreign Affairs)

### **Land use and food security in coastal Bangladesh**

*Amelie Bernzen* (University of Cologne)

**Abstract:** The problem of understanding and explaining the livelihood-nutrition disconnect is at the front line of the global food and nutrition agenda within the post-2015 Millennium Development Goals framework. As small scale farming households have become increasingly reliant on non-agricultural forms of livelihood, often involving temporary or circular migration, ruptures have emerged in their abilities to sustain adequate, diverse and nutritious diets. These problems of food insecurity have been ongoing in Bangladesh. While the country has made substantial economic and social improvements over the recent past, the country still struggles to fight undernutrition and surpass the public health critical threshold levels set by the World Health Organization's (WHO). Factors which contribute to these challenges include growing demographic pressure, a high population density, as well as natural hazards such as recurrent flooding, potentially aggravated by sea level rise and more frequent and intensified cyclones. Furthermore, a one-sided focus on economic development has led to a rapid degradation of the natural ecological system and an increase in the vulnerability of the coastal zones. Yet, the severity of undernutrition indicators show differences on a regional scale along the coast, with stunting and underweight rates among children being significantly higher in the eastern districts of the delta.

The aim of this contribution is to examine the structures and interrelations between food intake, sources (food access) and strategies to mitigate food shortages in different coastal areas of Bangladesh. A focus will be on the role of land access and land use (change). Which factors contribute most significantly to a diversified diet? How does a household's weekly diet relate to land access and land use change? How do families rate which have more diversified livelihood strategies?

Empirical results are based on a standardized household survey (sample size approx. 1200) conducted in 8 unions along the Bangladesh Delta between October and December 2014. This research is embedded within the larger Belmont Forum-funded BanD-AID research program "Bangladesh Delta: Assessment of the causes of sea level rise hazards and integrated development of predictive modelling towards mitigation and adaptation".

## **Land use and livelihood strategies for women: The case for agroecology**

*Maria Van Der Maaten (Iowa State University)*

**Abstract:** Agroecology is increasingly prominent in mainstream rural development discourse. However, little research has explored the effects of agroecological practices as a livelihood strategy that can alleviate poverty and promote food security. Agroecological practices are methods of farming that apply ecological concepts and principles to the design and management of the sustainable agricultural ecosystem. Agroecology has been shown to use fewer external inputs, require less energy, and produce more food output per hectare than a monoculture production, which has led to the assumption that reduced poverty and increased food security would also result from the use of agroecological practices. However, this assumption ignores the diversity of campesino households, failing to account for socioeconomic factors such as gender, age, class, ethnicity, household membership, and differential access to resources such as land, financial services, and technical support. In Guatemala, specifically, there are several development initiatives that promote agroecological practices to focus on empowering smallholder female farmers and address gender-based inequalities, however, the implications of these initiatives is unknown. This research explores the extent to which gender mainstreaming in agroecology and agroecological practices promote women's participation and empowerment in agriculture as well as gender equity within households and communities. I analyze the success of development initiatives in rural Guatemala to empower females and address gender-based inequalities as organizations advocate for a national rural development law. Agroecology has the ability, as described by its reduced use of external inputs and energy and increased production, to reduce poverty and increase food security. However, limited access to land and resources, even for women participating in these development initiatives, decreases the likelihood of success in terms of women's empowerment and gender equity and will ultimately decrease the positive impacts of a national rural development law, should it be implemented.

## **Consolidating land for food security: Antidote or anachronistic?**

*Rohan Bennett (ITC, University of Twente)*

**Abstract:** In numerous sub-Saharan countries, fertilizer programs, crop-yield programs, and large-scale foreign investments have failed to improve production levels for smallholder farmers. Meanwhile, technological investment is also encouraged; however, this is often impeded as land tenure security is not perceived by farmers: why invest? We argue that a key concern not addressed in the above interventions is land fragmentation. In the region, land fragmentation is caused by population growth and land allocation methods. The process of land consolidation attempts to combat land fragmentation by reorganizing land tenure rights and uses in rural areas. In some sub-Saharan countries, the approach is already recognized as a future necessity, however, land consolidation developed in Europe and its applicability in sub-Saharan Africa is unclear. Using new empirical data, this paper seeks to examine whether land consolidation has a role in delivering food security in sub-Saharan Africa. Specifically it considers: 1) whether conditions can ever be appropriate for land consolidation activities; 2) whether a participatory and inclusive form of land consolidation could be developed for the region; and 3) what the potential impacts might be. The

aim is to explore an alternative land management approach for delivering food security, but, also recognize the potential negative outcomes associated with the approach.

## Towards an analytical framework for the land-food security nexus

*Joe Nasr and James Kuhns (Ryerson University Toronto)*

**Abstract:** This presentation will share an analytical framework exploring the nexus between land and food security. Addressing food security challenges requires an understanding of the entire food system from inputs to waste, while bearing in mind the need for secure tenure. It is important to dissect food security into its different components, and it needs to be viewed at different scales (from individual to global food security). Several entry points or pathways for constructing the framework will be highlighted. These different dimensions of the puzzle offer multiple lenses for examining the relationship between land and food.

The implications of the food cycle, from the farm to fork and back to the farm, need to be taken into account in the development of tools that focus on land governance. It is also important to factor in consideration of the value chain when creating a framework explaining the land-food security relationship. At each stage of the food chain, specific land tools related to each component of the food cycle have to be identified, and the ways in which each of these tools can address food security has to be clarified. For instance, participatory mapping of food processing can bring greater recognition of its role within peri-urban households; and planning for neighbourhood markets in zoning by-laws can expand food options in poorer urban quarters. There are thus land issues related to each component of the food cycle and value chain.

## Land rights and integrated soil fertility management in Uganda and Mozambique

*Robert Mazur<sup>1</sup>, Naboth Bwambale<sup>1</sup> and Venâncio Salequa<sup>2</sup> (<sup>1</sup>Iowa State University, <sup>2</sup>Instituto de Investigação Agrária de Moçambique, IIAM)*

**Abstract:** We examine the implications of different land access and ownership rights for farmer decision-making regarding investments (labor, materials and finance) to sustainably increase agricultural productivity and improve food security in sub-Saharan Africa. Management practices and technologies that contribute to maintaining and improving soil fertility are a critical subset of sustainable agriculture practices and livelihoods. We examine these issues in the context of maize-bean production systems in two districts in southwest Uganda and one district in northern Mozambique. Analysis focuses on farmer-level aspects - farming activities, socioeconomic status, desires, constraints, and markets for inputs and sales. Drawing on data from smallholder household baseline surveys conducted in mid-2014 in Masaka and Rakai districts in Uganda (n=302) and Gurue district in Mozambique (n=305), we examine key interrelations among land tenure (customary and freehold), land hiring practices, management practices (rotation, fallow, experimentation, etc.), cropping patterns, and use of organic and inorganic inputs.

Social, demographic and economic factors differentially impact opportunities and incentives for such investments. More broadly, social, economic and political forces and actions are changing land access and ownership patterns, with significant implications for maintaining and improving soil fertility. In this context, issues of governance, ranging from informal norms and sanctions, local bylaws, to national level policies and programs, are of particular salience. We discuss the structure

and operation of local and district Land Boards, land conflicts and dispute resolution institutions (customary law/courts vs. statutory law) and processes of governance. In particular, we consider these in relation to inclusive, participatory formulation and implementation of laws and policies to protect and promote the interests of smallholder farm households to sustainably increase agricultural productivity and improve food security.

### **Food security and income inequality: a study from the sustainable development applied to the Acre / Brazil**

*Tiago Loiola<sup>1</sup>, Elyson Souza<sup>2</sup>, Gisele Souza<sup>2</sup>, Marcelo Messias<sup>2</sup> and Francisco Bezerra<sup>1</sup>* (<sup>1</sup>Federal University of Acre, <sup>2</sup>State University of Campinas)

**Abstract:** In the early twenty-first century, there was a significant reduction in poverty and inequality in Brazil, especially in rural areas. Still, Brazil is seen as one of the most unequal and poor nations of the world. This work aims to analyze the relationship between poverty, food security and self-consumption of families settled in the Sustainable Development Project (PDS) Bonal, located in the state of Acre, in the Brazilian Amazon. Was used as a hypothesis the idea that income inequality and low production can increase food insecurity among rural households and, consequently, increased poverty and misery. The methodology used was through literature review and field research, and use of secondary data contained in academic papers and government organizations of Acre, Brazil. This work will consist of three parts. At first, the brief review of income inequality, rural poverty and family agriculture focusing on personal consumption, and food security. And at second, date and results about life's quality, self-consumption, household gross margin, value of goods Purchased on the market, income transfer and wage. And at the end, policy Proposals for the development and consolidation of family farming are Presented in areas of rural settlement.

### **Scoping study on the impacts of Dutch floriculture investments on food security and sustainable development in Eastern Africa**

*Evans K. Kirigia<sup>1</sup>, Gemma Betsema<sup>1</sup>* (<sup>1</sup>Utrecht University – International Development Studies/LANDac)

**Abstract:** Foreign agricultural investments have been on the rise in sub-Saharan Africa, especially following the global financial crisis in 2008-9. As a consequence of the crisis, global food security has emerged as a vital subject, and more so following the declaration by FAO that by 2050 the world will be faced with the challenge of feeding around 9 billion people. In a region where food insecurity is rife, foreign agricultural investments that compete for arable land and water present a critical scenario with potential far-reaching ramifications for SSA's future food security. It is in this line that a scoping study is being conducted to look into the established and flourishing floriculture industry in Eastern Africa covering Kenya, Tanzania, Uganda and Ethiopia. That flowers constitute an inedible luxury good, the study aims to find out the impacts of Dutch floriculture investments on local food security and sustainable development in the host countries. A departure point for the study is that on one hand, floriculture competes for scarce land and water resources in food-insecure countries. On the other hand, employment creation is realized that potentially enhances food access among employee households. As such, the study confronts land and water governance arrangements, and evaluates the quality of employment through structured and semi-structured interviews with flower

companies, employees and key informants. Given the dearth of systematic evidence on the impacts of foreign agricultural investments in the global south, this study aims to close this knowledge gap based on findings from Eastern Africa

### **Shifting land, shifting tenure: Understanding the effects of voluntary resettlement on land governance in southern Malawi**

*Kelly Sharp<sup>1</sup>, Philippe Le Billon<sup>1</sup> and Hisham Zerriffi<sup>1</sup> (<sup>1</sup>The University of British Columbia)*

**Abstract:** Land scarcity and food insecurity are a constant struggle for billions of individuals worldwide, with large-scale population resettlement offering a controversial option for governments and aid agencies. This paper examines the case of a World Bank-funded voluntary resettlement scheme in southern Malawi, through which 15,000 low-income farming households moved from densely populated areas to underutilized tobacco plantations between 2004 and 2011. Based on three months of fieldwork, including a survey of 203 households, 5 focus group discussions and 20 expert interviews, we assess how voluntary resettlement (internal ‘rural to rural’ migration) affects: land governance and rights, perceptions of access and wellbeing, and experiences of food (in)security. By eliciting and analyzing the perspectives of participants, former participants, those who refused to resettle, and local experts, we investigate the shift from customary land ownership to more formalized but arguably still insecure forms of land title in rural Africa today. Though most respondents asserted to be better off after moving than in their village of origin, we seek to explain, through a sustainable livelihoods framework, a number of other land ownership issues that were observed. These include: high attrition rates in some resettlement areas, seeming contradictions between perceived and formal tenure status, the effects on food security including market access, as well the role of migrant labour after resettlement. These trends are examined in light of contrasting theories of land tenure, including de Soto’s theory of individual rights versus those rooted in social capital. This study provides a broader understanding of the implications of voluntary resettlement on land and food security and concludes with an assessment of its role as a policy tool.

### **Food security and land governance in central Asia**

*Kanysh Nurymgereyev<sup>1</sup> and Jamal Annagylyjova (<sup>1</sup>independent consultant, <sup>2</sup>UNCCD)*

**Abstract:** Food security is one of the acutest issues Central Asian countries are facing today, whose population is impacted by water problems and land degradation. Food production in most countries cannot fully satisfy the national demands. Another concern related to food security in this region is a lack of consensus between governments in regards to access to water sources. In the case with Central Asia, the water issue is not related to quantity but mostly to a distribution of it. As a consequence of these problems, all five countries of the region are vulnerable to drought, land degradation and shortage of irrigation water. Above mentioned threats combined with a lack of adequate land management strategy increase poverty and vulnerability of the rural population.

In all countries of the region except Kyrgyzstan, land use is still marked by centralized land governance that increases the fragility of local economies. At the same time, good land governance is a critical issue for sustainable development and poverty reduction.

Over the last 10-15 years, various bilateral and multilateral agencies have been supporting projects and programmes with emphasis on improving land and water governance in countries of

Central Asia. With this support, new approaches, technologies and best practices that could provide food security were promoted and adopted on the national and regional levels.

Taking into account the critical importance of the water problems with regard to agriculture of Central Asia, in particular and economics, in general, the authors decided to describe and assess the role of land governance in distribution of irrigated water between different users. The methodology of the study is based on the results of the implemented in countries programmes and projects. The paper concludes with an assessment of success and efficiency of approaches promoted to improve the system of food security in Central Asia.

## **Theme: Public land policies**

### **Session: Comparison of public land policies and instruments - Instrument-oriented**

Friday 10 July, 10.30 – 12.00

Chairs: *Tejo Spit and Thomas Hartmann* (Utrecht University - Faculty of Geosciences)

#### **Land policies for public value capture across Europe**

*Demetrio Muñoz Gielen<sup>1</sup> and Javier Burón Cuadrado<sup>2,3</sup> (<sup>1</sup>Radboud University Nijmegen, <sup>2</sup>Urbania ZH Gestión, <sup>3</sup>Ekiten Thinking University Bask Country, Spain)*

**Abstract:** An important goal of public land policies in Europe and outside it is to pursue the capturing of at least part of the economic value increase that accrues from urban development. When trying to capture this value increase, public bodies use value capture instruments that mainly support on two motivating rationales. First a direct one: the economic value increase belongs to the community and not to the landowner so it should revert to the community. And second an indirect rationale: landowners and property developers should internalize the costs of public infrastructure that is needed for their building plans. Value capture instruments that support on direct rationales are considered wealth redistribution instruments and are often considered as a tax. Instruments supporting in indirect rationales are growing in popularity and often consist on more or less negotiated contributions of property developers. The effectiveness of value capture instruments depends partly on the broader land policy regimes in which they are embedded. For example more or less negotiated developer contributions are central in the two main land readjustment regulations in Europe (the German ‘Umlegung’ and the Spanish ‘Reparcelación’). This paper first categorizes value capture tools and the rationales after them using different examples across Europe. Then, this paper illustrates three relevant value capture tools ordering them following an incremental degree of intromission into land property rights. First relatively light regulations that condition changes in land-use regulations to contributions for public infrastructure. Second land readjustment regulations that can force landowners not only to pay contributions but also to allow development of their land. And third the more heavy tradition of active public land use policies.

#### **Public land development strategies in times of economic downturn**

*Alexander Woestenburg* (Radboud University Nijmegen)

**Abstract:** Tension between local autonomy and central policy intervention is at the heart of every governance system (Pratchett, 2004). The outcome of this struggle, in terms of a certain degree of

central control over particular policy issues, differs for each country and even for each particular field of study (*ibid.*, p. 362). This paper argues that the concept of local autonomy is of great significance to planning scholarship. It takes the case of Dutch public land development strategies to illustrate why. Dutch municipalities experience a great deal of liberty ('power to initiate' (Clark, 1984)) in designing their own public land development strategy. Although their legal freedom is carefully demarcated in national legislation such as the Spatial Planning Act, the Expropriation Law and the General Administrative Law Act, there is surprisingly little insight in how municipalities actually deal with this 'freedom to act' to 'determine their own identity' (Pratchett, 2004, p. 358).

This paper presents the results of a comprehensive analysis of fifty municipal memoranda on land development strategies (*Nota's Grondbeleid*). These formal policy documents include rules imposed by the municipal council on the execution of land management strategies by Mayor and Aldermen. Therefore, these documents contain information on the particular aspects for which count that local governments themselves feel that there is a need to (re)formulate their own 'rules of the game' in order to create a directing framework. The analysis is particularly directed to the question as to what extent municipalities have formally changed their 'rules of the game' of the land market as a result of the recent economic downturn and their intentions to withdraw from the land market.

### **The land value tax in Estonia: Sustainable land policy through taxation?**

*Fabian Wenner (Munich University of Technology)*

**Abstract:** Though not immediately influencing the allocation or distribution of property rights in land, taxation constitutes an important element of land policy. In most legislations, property taxes are calculated based on the value or size of buildings rather than only on the value of the land a building stands on. The latter, however, can have several social, economic and ecological advantages: Theoretically, it should encourage landowners to maximise the use of their land within the scope of existing land use regulations, discourage land speculation, reduce the amount of brownfields and in the long run contain urban sprawl. Another oft-mentioned advantage of such a Land Value Tax (LVT) is however that increases in land value induced by a communal investment, e.g. a new road, train station, etc. do not come as windfall profits to the landowner but instead are regained for the community through automatically higher taxes – a strong form of social liability for private property. Though LVT has been proposed at various times in different countries during the last decades it was only introduced in few countries, among them Estonia as the only EU member. There, its early introduction during post-socialist emergence in 1993 and (initially) rigorous implementation render it into a good case study to investigate its effects on equitable and sustainable urban development. In my presentation, I want to share the results of my Masters' dissertation research on the case of LVT in Estonia, connected with a general introduction in the theory of the LVT as well as the triggers and dynamics of its introduction and partial rollback during the last 25 years. It invites to see LVT as a way to link market mechanisms and social liability, and in the case of the Estonian capital Tallinn, as a land policy tool to increase urban density.

## **Economic impacts of government interventions in tax foreclosed property disposal**

*Mary Beth Graebert (Michigan State University)*

**Abstract:** Foreclosure due to property tax delinquency is a persistent problem for depressed neighborhoods throughout the United States. Unlike mortgage foreclosure, in which banks repossess delinquent property, foreclosure due to tax delinquency results in ownership of the property defaulting to the local government. In the state of Michigan, communities have a set of tools at their disposal for addressing the challenges of tax foreclosure properties and the vacancy and blight associated with them. Michigan law states that if real property taxes are unpaid as of March 31st in the third year of delinquency, a Foreclosing Governmental Unit (FGU), such as the county treasurer, forecloses the property and is responsible for disposing of it. This disposal often consists of an auction sale, where the highest bidder (above a reservation price) acquires the property. If the property fails to sell at auction, it is held by the city or transferred to a land bank, which maintains or alters the property with the aim to increase its value for the community. Land banks may demolish, renovate, sell and/or maintain a property until it can be occupied once again, thus combatting the impacts of blight.

While these two tools, auction and land bank, have different conditions and processes, one shared goal is to improve the surrounding community through either a solid tax base for public services and/or a higher quality of life in residential neighborhoods. There is a need to comparatively quantify the effects of tax auction sales in order to inform policy recommendations for reclaiming vacant property. One such effort to quantify the economic impacts of land bank activities was conducted by the Michigan State University (MSU) Land Policy Institute (LPI) in partnership with the Ingham County Land Bank in 2012. This study discovered that there was a positive relationship between land bank renovations and properties prices in Lansing neighborhoods between 2006 and 2012. In addition, the investments made by the Ingham County Land Bank and its partners leveraged \$1.80 in the regional economy for every dollar spent and created 426 direct and indirect jobs associated with their activities.

The MSU Land Policy Institute is currently engaged in a second study to assess the economic impact of tax auction sales in Ingham County, Michigan, from 2006 through 2013, using similar methods to the 2012 land bank study. This study uses several quantitative methods to investigate the economic impacts of tax auction activity in this area. These methods include property price analysis, neighborhood comparison, and regional input-output modeling to determine the economic impact of tax auction sales, particularly when compared to activities such as land banking. The goal of this study is to provide information useful to the Ingham County Treasurer's Office in the appropriate treatment of tax foreclosed properties to optimize public benefits and minimize any negative unintended consequences.

## **Legal approaches to ensure sustainable settlement development: Selected results from a comparative law analysis on instruments for sustainable land management**

*Jana Bovet (Helmholtz Centre for Environmental Research Leipzig, Germany)*

**Abstract:** In a recently completed (2014) comparative law study we analyze how key requirements of sustainable land use governance are accounted for in environmental and planning law regimes in six countries (Germany, The Netherlands, Poland, Switzerland, Spain, USA). We limit our analysis to

selected cross-sectoral regulatory approaches and to specific key requirements focusing on the following sectors of land use: agriculture, water resource management, settlement development and supply of renewable energy. The study uses a comparative approach in which both a qualitative survey and qualitative interviews are used.

In my presentation I will briefly explain the research approach and present some selected results with regard to the sector "settlement development". Special attention will be paid to the implementation of legally binding sustainability objectives, which are supposed to address environmental problems. One insight of the study is that there is no country with a binding target to reduce the daily land use; only Germany and Switzerland have non-binding parameters as political targets. This is a disappointing conclusion because established environmental quality objectives are an indispensable tool for indicating to decision makers how they have to align their actions in order to plan for future land use.

On the other hand the study shows that in all countries monitoring systems are implemented and in European countries a Strategic Environmental Assessment (SEA) (in accordance with EU SEA Directive 2001/42/EC) is provided for plans. But the transposition of a SEA into national law differs between countries and implementation is sometime ineffective. For example in Poland, the implementation of these rules is difficult because there are no established institutions to supervise the monitoring system. Another insight is that there is no country considering costs resulting from urban settlement development in the planning process - not even in Switzerland, which has a very wide range of monitoring instruments.

### **Climate change adaptation in land policy using property rights: An Australian perspective**

*John Sheehan (University of Technology, Sydney, UTS/ Chair Government Liaison, NSW Division, Australian Property Institute, API)*

**Abstract:** Inland riverine areas of Australia are particularly vulnerable to increasingly frequent violent storm events distant from the coastline, and such phenomena are also evident along the coast coupled with predicted rises in sea levels. Such risks have starkly revealed how crucial inundation risk land policies have become. However, throughout 2010/11 sustained questioning in Australia of such policies has uncovered a critical link between flood risk mapping, property values, risk insurance and inundation propensity in particular. A range of coastal and inland properties will no longer be capable of gaining insurance, with profound implications for debt and equity finance, coalescing in an impending collision with settled Australian property law and property rights.

The combined use of inverse leaseholds (ILs) in hinterland catchments to retain increased storm event downpours of water with transferable development rights (TDRs) for frequently inundated downstream lands will be discussed as one such tool set to achieve climate change adaptation and risk amelioration. This antipodean property rights perspective on land policy provides a valuable although sobering cautionary precept for Europe, notably Directive 2007/60/EC to prepare Flood Hazard Maps and Flood Risk Maps.

## **Session: Comparison of public land policies and instruments - System-oriented**

Friday 10 July, 13.00 – 14.30

Chairs: *Tejo Spit* and *Thomas Hartmann* (Utrecht University - Faculty of Geosciences)

### **The development of Dutch land policy from an active to a passive approach**

*Sanne Holtstag-Broekhof* (Wageningen University/ Kadaster)

**Abstract:** Dutch municipalities have five instruments to actively conduct land policy: voluntary land purchase, expropriation, pre-emption rights, land servicing and rural land re-adjustment. Using these instruments, municipalities have been capable to steer land use developments in both rural and urban areas into the desired directions in the past century.

Despite the available land policy instruments, the necessity for a new act that enables urban land re-adjustment has been discussed several times in the past decades, for example during the reconstruction of the Second World War and in the 1980's. Since the economic crisis of 2008, the debate on an urban land re-adjustment act has again been put into new life. The debate has never been this high on the Dutch political agenda with the recent decision by the minister to implement a new act for urban land re-adjustment in 2018.

Given the situation that urban land re-adjustment will be added to the Dutch land policy instruments, this study explores the main conditions and features that this new law will need, to concede to the problems in urban areas in which the use of urban land re-adjustment as an instrument is currently considered. To do this, twenty different cases in which urban land re-adjustment is considered as alternative strategy to existing land policy instruments are analysed. For each case, the following four questions were answered: What is the central planning task? Why do the involved parties consider urban land re-adjustment as an alternative for traditional land policy instruments? How could the task be solved with the existing land policy instruments? What is the main added value of urban land re-adjustment compared to the existing land policy instruments? We conclude that compulsory land re-adjustment will be an essential element of the act to make it effective in the studied urban areas.

### **The role of Alpine growth coalitions in the development of secondary houses – Lessons from Switzerland**

*Jean-David Gerber<sup>1</sup>, Monika Bandi<sup>1</sup>, Andreas Hengsterman<sup>1</sup> and Simone Lussi<sup>1</sup>* (<sup>1</sup>University of Bern)

**Abstract:** Many Alpine municipalities have undergone a strong development of their tourist sector in the last decades. A corresponding brisk building activity also concerns the expansion of secondary homes in the Swiss Alps. Between the 1970s and 2000s their amount has tripled. Today many tourist municipalities reach a proportion of secondary homes of more than 50 per cent, which has considerable impact on sprawl and sceneries.

To everybody's surprise, an initiative aiming to limit the proportion of secondary houses to 20 per cent has been accepted by the Swiss population in 2012. This article aims to appraise the impacts of the new legal requirement on the development model of Alpine tourist destinations. The governance structure of tourist destinations is often characterized by a strong coalition among the main local actors – including local developers, politicians, the hotel and tourist industry, the cable car operators – in favor of a relatively short-term pro-growth strategy. Historically these coalitions have followed a strategy based on the capture of the land rents to support local development and secure

tax revenue for public actors. These characteristics share many similarities with those described in the “growth coalitions” literature. The aim of this article is to analyze to what extent the new law on secondary houses will be able to modify the development strategies of tourist destinations which still heavily tap on land rents to secure their development.

We show that many of the previous measures taken against secondary houses actually did not reach the causes of the problem, i.e. the growth coalitions themselves. The new legislation on secondary houses introduces new intervention mechanisms which directly targets them. However, basing on a mixed-method appraisal of two case studies, we show that growth coalitions will probably continue to flourish, which might undermine the effectiveness of the new regulations to curb secondary houses development.

### **TTIP meets public land policy – on the debate surrounding the realignment of Berlin’s award procedures for public assets**

*Fabian Thiel* (Frankfurt University of Applied Sciences)

**Abstract:** In 2015, TTIP – the Transatlantic Trade and Investment Partnership – will dominate the ongoing controversial debate within its contracting states. The treaty throws its shadows not only on existing trade standards; it could affect social, environmental and building regulations and standards in the involved contracting states. A core element of TTIP is dispute resolution and the protection of property (rights) including those for land and its natural resources. Originally designed as an extraterritorial and extrajudicial instrument to eliminate trade restrictions, TTIP could lead to diversified land policies in the European member states. At the example of Berlin, my paper aims to examine on how TTIP and declarations such as the European Convention on Human Rights already influence the debate surrounding the realignment of Berlin’s award procedures for public land properties. Until 2014, these procedures were set by the public land fund: Land that was not needed to fulfil public tasks was sold to the highest bidder. When the district’s budget came under pressure, there was – and still is – often a wish to sell land assets. In November 2013 several legislative changes regarding the management of public parcels came into effect, aiming at the revision of budgeting based on cost accounting in order to restore political controllability in the districts in the area of urban and real estate development. The objective was to break through the budgetary logic that is resulting in the sale for debt reduction of community properties that could potentially be urgently needed in the near future. Berlin might sell its land portfolio only once. Mainly private developers participate in the value capture and will use TTIP as a vehicle for investment decisions and property protection. Are Berlin’s government, the district’s representatives and spatial planners aware of the conceivable consequences of TTIP for its State Land Management?

### **Assessing land thrift policies within the context of suburbanisation – An approach to enable a regional perspective**

*Mathias Jehling<sup>1</sup> and Robert Hecht<sup>2</sup>* (<sup>1</sup>Karlsruhe Institute of Technology – Institute of Regional Science, <sup>2</sup>Leibnitz – Institute of Ecological Urban and Regional development)

**Abstract:** Regarding suburbanisation, public land policies in Germany experienced profound changes in the last 20 years. While experiencing high growth rates of urban land uses, policies were considered and adapted with the goal of limiting land consumption (so called land thrift policies),

aiming at a higher effectiveness in steering urbanisation processes and, hence, more fairness in distributing infrastructure costs. The adaptions address public urban planning as well as private property acquisition. To be able to measure the effects of the changes, monitoring systems on land consumption are required.

Looking at the spatial implication of these changes towards land thrift, we get aware that those vary highly between different spatial contexts. Subsequently, as we look at functional interlinked city regions where suburbanisation happens, we ask further, if effectiveness and fairness should be discussed on a spatially explicit level: Where are the effects? Who gains and who loses? To describe policies in such a way, we take an inverse perspective, starting from the changes in building stocks, accessibility and residential population over the last 20 years. To achieve this, we deploy a method that combines the automatic identification of building types from topographic data and topographic maps, a multi-modal accessibility analysis and micro-spatial analyses of the socio-economic and demographic environment.

Based on the analysis, we discuss the consequences of changes in national policies, but also see the translation of them into local planning instruments. Hence, we are able to discuss effectiveness but also fairness of public land policies and instruments on basis of a “neutral” spatial setting.

The approach is applied to the city-region of Karlsruhe – a functional region with splintered planning institutions. Being situated at the French-German border, it also encourages starting the discussion about the transferability of the approach towards other national contexts.

### **Radically changing the South African land-ownership and land-use regime: Recent legal and policy changes and proposals**

*Mark Oranje<sup>1</sup> and Jeannie van Wyk<sup>2</sup> (<sup>1</sup>University of Pretoria, <sup>2</sup>University of South Africa)*

**Abstract:** Despite strong calls for action, and political manifestos suggesting as much, the first twenty years of democracy saw the South African government only tentatively engaging the hugely skewed land-ownership profile and inherited land-use planning and regulatory legal and policy framework. This has now begun to change: Midway through 2013, President Jacob Zuma signed into law the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) (SPLUMA) that seeks to put in place a new legal framework that empowers municipalities to (1) prepare long-term Spatial Development Frameworks, and (2) introduce land-use management systems that have the pursuit of redress, inclusion, justice, efficiency and resilience in mind. This promising law is currently awaiting the passing of Regulations to enable its implementation.

At the same time, government has introduced a number of policy documents and Bills aimed at enabling the correction of the highly skewed land ownership profile of the country, with a small segment of the white minority still owning more than half of the country’s land, notably so, the bulk of its high-value agricultural land. Key components of these proposals include (1) placing limitations (‘ceilings’) on the maximum area of land that a person may own, (2) limiting the number of farms that a person may own, (3) providing farm workers with more than ten years’ of uninterrupted service with a right to a percentage of the farm on which they have been working, and (4) preventing foreigners from owning land, and limiting them to leasehold only.

In this paper, the two authors, who have been closely involved with both the above sets of processes as consultants to the State in the form of (1) assisting with the drafting of draft Regulations

for SPLUMA, and (2) conducting Regulatory Impact Analyses (RIAs) on a number of the new policies and Bills aimed at correcting the skewed land use profile, present and critically analyse the recent land use policy developments in the country. In this process, the perspectives of key stakeholders, challenges in the implementation of the new legislation and policies, the ‘requirements for success’, and the wide-ranging implications of the new instruments, are presented and assessed. While far away from Europe, the radical changes in the land ownership and land use domains currently underway and envisaged in South Africa, together with the first-hand reflections on these changes by the two authors – one a professor in planning law and the other a professor in urban and regional planning – are sure to provide an interesting tapestry for engagement and reflection on land use policies in a range of other settings by others.

### **Discussion session: Public land policies in Europe and its links to other contexts**

Friday 10 July, 15.00-16.00

#### **Theme: Private sector**

##### **Session: Beyond plantations - Exploring the viability of alternative agriculture business models**

Two sessions:

Wednesday 8 July, 16.30 – 18.00

Chair: *George Schoneveld* (CIFOR)

Thursday 9 July, 10.30 – 12.00

Chair: *George Schoneveld* (CIFOR)

#### **Making land and agricultural investments work for equitable and sustainable development – An assessment of Inclusive Business Models**

*Wytske Chamberlain<sup>1</sup> and Ward Anseeuw<sup>12</sup> (<sup>1</sup>University of Pretoria, <sup>2</sup>CIRAD UMR ART-Dev)*

**Abstract:** The global large-scale land acquisition phenomenon has attracted significant media and academic attention over the past years. Although positive impacts of such investments are acknowledged, it becomes clear that they can imply negative implications such as smallholder marginalisation, displacement, etc. Aiming to overcome these negative implications, several innovative “Inclusive Business Models (IBM)” are being developed. These models are promoted as “win-win” solutions for revitalising stagnating agricultural development and to integrate smallholder farmers into commercial value-chains. The IBMs approach is now recognized as a policy and planning priority by several governments and international development agencies. Nevertheless, little information is available regarding these models and their impact.

This paper looks into different models implemented in South African agriculture. Although previously well-described contractual and partnership instruments have been assessed (joint ventures, leases, contract farming, etc.), the identified IBM cases are increasingly complex, combining numerous levels of organisation and different contractual arrangements. Therefore, rather than a rigid typology, the IBM cases are described as hybrid entities combining and adapting a number of inclusive instruments.

The models are analysed based on their institutional set-up, detailing the stakeholders, their drivers and their financial support structure. A transversal analysis assesses their inclusivity and their impact on the beneficiaries' livelihoods. In addition, issues and critical success factors are highlighted. The results will support a broad panel of stakeholders in making informed decisions regarding IBM projects and provide insights to policy makers regarding more inclusive development.

Although this paper focuses on South Africa, lessons can be extrapolated to low and middle-income countries in the framework of the global large-scale land acquisition and agricultural investment phenomenon. Cases include a wide range of land ownership forms (from customary land, small plots under a Permission-to-Occupy to large farms with private land title) as well as commercial and staple crops.

### **Large-scale plantation and contract farming effects: Qualitative and quantitative assessment in Madagascar**

*Perrine Burnod<sup>1,2</sup>, Heriniaina Rakotomalala<sup>2</sup>, Patrick Rasolofo<sup>2</sup> and Aurélie Brès<sup>3</sup> (<sup>1</sup>CIRAD-UMR Tetis, <sup>2</sup>Land Observatory and <sup>3</sup>FAO)*

**Abstract:** In Madagascar, despite the failure of Daewoo's land lease contract and the 2009 coup, large-scale land appropriations continue and the promotion of large-scale agricultural investments is still high on the political agenda. Hence, at the country level, public debates on business models and inclusiveness remain scarce. Impacts and lessons learnt from the two most common business models in Madagascar, large-scale plantation and contract farming, need to be analyzed and compared to deepen the policy dialogue and agricultural policy design process.

In this context, what are the respective socio-economic and organizational impacts of large-scale farms and contract farming schemes?

Based on qualitative and quantitative assessment, the communication rigorously analyses and quantifies changes at household and community levels regarding land, labor, capital, technical practices, local markets and governance. It focuses on one company producing the same crop through large plantation (on a 650 ha domain) and contractual scheme (7 000 farmers). In order to refine possible policy answers, the communication goes beyond a caricatured analysis of agribusiness impacts and beyond a homogeneous view of local communities by identifying the interest groups, the gains and losses for each, and the processes underlying these changes.

Data have been generated, in a first part, through a field work of 30 days (August 2013) by a team of 7 persons (junior and senior experts and researcher) which were able to complete 100 interviews. Building on the results and being fully correlated to this first part, a second phase is based on a quantitative survey on two regions with similar characteristics (280 households) (December 2014).

After a literature review, the communication will specify the questions and hypothesis. In a second part, it will expose the main changes triggered by the agribusiness at local level and the households' strategies including all their activities (off and on farm activities, non agricultural activities, etc). In a third part, it will focus and compare impacts at the households level (asset management, incomes, food security, etc) and local level (land and labor markets, job or net value created per hectare, local governance, etc). At last, the conclusion draws on the ways within each business model can contribute to local development regarding the needs of the local territory.

## **Business models present in the recent sugarcane expansion in Brazil**

*Andreia Marques Postal<sup>1</sup> and Bastiaan Philip Reydon<sup>1</sup> (<sup>1</sup>University of Campinas)*

**Abstract:** The sugarcane expansion from 2000 in Brazil caused several structural changes in the industry. The expansion of Central West “new frontiers for sugarcane” experimented obstacles to adopt the usual expansion model based on buying up land and the vertical integration of production. Many companies expanding in Goiás state adopted preferentially business models based on purchasing sugarcane through more flexible and horizontal mechanisms, such as independent supply and contracts with farmers for leases and partnerships. This article analyses the different business models at the recent expansion process in Goiás state. It highlights the inherent aspects of each business model, the motivations of the entrepreneur and pointing the impact of such models in the local community. The methodology used for the research was based on the literature review on the sector’s movement expansion, secondary data research and interviews with the agribusiness sector organizations. In order to build two illustrative case studies, primary data was collected with the communities through semi-structured interviews and also with some of those companies’ employees. The results indicate a relationship between the adoption of the land acquisition model and the company governance type. Larger groups or foreign companies tend not to opt for land acquisition, either because of legal impediments, or due to a preference for no immobilization of capital in real estate assets. Thus, partnership contracts and leases have been the keynote of expansion of these large groups, here called New Entrants. The analysis of the municipalities’ economic and social conditions shows a low relationship between the adopted enterprises’ business model and the local development. This development can be greatly influenced by other factors more related to the operational side of the business such as the adoption of mechanized harvesting, the high degree of outsourcing services from local providers and the level of tax evasion, among others.

## **Dynamics of winners and losers in large-scale land transactions in Ghana – Opportunities for win-win outcomes**

*Elias Danyi Kuusaana (Centre for Development Research, ZEF/ University for Development Studies, Ghana)*

**Abstract:** Large land acquisition for agro-investment globally is stirring debate about its socio-political, cultural, economic and ecological implications on smallholders and host communities. Though several works are on-going in this area, empirical findings that seek to identify and compare winners and losers of large-scale land transactions in host communities remain limited. A case-based qualitative data and approaches were used to identify and to study the various dynamics of winners and losers in Ghana within its customary tenure regime. The study found inequalities in benefiting from land revenue in Ghana and these were customarily anchored; and existing land and agricultural policies offered limited remedies for vulnerable groups. Unequal power relations between land custodians and land users dictate who benefits more from land transactions. Chiefs and family heads entrusted with allodial titles were perceived to be gaining the most from land transactions, while farmers who cultivated land under insufficiently secure conditions - sharecroppers, women and poor community commoners were the most adversely affected. Policy direction should target spreading land alienation proceeds to the entire community through social infrastructure and services. Under the current tenure regime, land custodians are not obliged to earmark land revenue for community

development or compensate expropriated households except to allocate to them alternative farmland. From the two case studies, business models that integrated smallholders in their production and market chains offered more social development interventions, employment and income for households than those operating large nucleus farms.

### **Large-scale agricultural investments in Tanzania: A descriptive analysis**

*Eileen Dyer (Utrecht University – International Development Studies/ Roskilde University/ CIFOR)*

**Abstract:** Tanzania's agricultural policies have been marked by change and adjustment since the country's independence. Now, there has been a return to promotion and interest in large-scale agricultural investments as a way to increase sustainable development and lessen food security issues, among other objectives. This paper will describe the current trends in agricultural policy in Tanzania, focusing specifically on the efforts to promote large-scale agricultural investments and the relevant investments on the ground. Stakeholder relationships will also be described in order to understand how they are affecting the above challenges. Data covering a range of different investments will be presented, as well as interviews with key stakeholders in agriculture in Tanzania, collected through fieldwork in 2014 and 2015. From the data, a discussion of the main challenges in large-scale agriculture investments, including land rights, service provision, and infrastructure will be presented. These challenges highlight the obstacles facing the continued promotion of large-scale agricultural investments and subsequent policies.

### **Mixed success in leveraging private sector investment for inclusive development: An exploration of alternative business models in Mozambique and Zambia**

*Laura German<sup>1</sup>, Eunice Cavane<sup>2</sup>, Almeida Sitoë<sup>2</sup>, Carla Braga<sup>2</sup> and Lowery Parker<sup>1</sup> (<sup>1</sup>University of Georgia, <sup>2</sup>Universidade Eduardo Mondlane, Maputo, Mozambique)*

**Abstract:** Governments and non-governmental organizations in developing countries have long struggled to identify effective strategies for supporting rural economic development. In the context of neoliberal reforms which have downsized the size of the state, governments have increasingly turned to private investment as a means of stimulating rural development. Inclusive forms of development are envisioned to occur through several different pathways, including employment creation, corporate social responsibility practices (e.g. contributions to social services and infrastructure) and through business models that generate value for local communities. Yet to date, there is very little research exploring the mechanisms through which such benefits are leveraged in practice. This paper explores the mechanisms in place for leveraging community-level benefits, and related outcomes, in Mozambique and Zambia. Research in Mozambique, led by Eduardo Mondlane University and employing a standard case study methodology, distils lessons from 12 emergent partnerships in communities supported by the Community Lands Initiative across 4 provinces. Research in Zambia, conducted by the University of Georgia, draws on a single historic case study viewed as a model for government ambitions to promote inclusive business models: the nucleus estate-outgrower model of Zambia Sugar's Nakambala Estate. Presenting data on the mechanisms employed to enhance smallholder integration and the outcomes achieved, the paper distils a host of challenges associated with efforts to harness private investment for more inclusive forms of agricultural development. Findings are used to reflect on the global debate over how to address the

disappointing community-level outcomes from the recent land rush, whether improved governance of land and investment or alternative forms of rural development more empowering of the poor (Borras et al. 2011; Deininger 2011; de Schutter 2011).

### **How small are oil palm smallholders? Characterizing different types of smallholder oil palm farmers in Riau, Indonesia**

*Idsert Jelsma\_*(Utrecht University - International Development Studies/ CIFOR)

**Abstract:** According to the Directorate for Estate Crops there are three types of oil palm growers in Indonesia: state owned companies, private sector companies and smallholders. In Riau, smallholders comprise about 55% of the 2.3 million hectare of oil palm. This group, however, is highly heterogeneous, with some smallholders owning less than 0.5 hectares and others hundreds of hectares. Practices, impacts, and challenges are thus extremely diverse. This presentation aims to characterize the different types of oil palm smallholders in a frontier area in Riau, which has been deforested less than 20 years ago, and an established oil palm area in Riau, where deforestation took place more than 20 years ago and oil palm has been cultivated for decades. It aims to develop smallholder typologies, analyze differences in practices and challenges, and unpack how the different smallholders are articulated to markets. Such insights will inform initiatives to increase smallholder yields in order to increase incomes and reduce land demand, and enable the government to implement measures to reduce deforestation or encroachment on peat lands by oil palm smallholders.

### **A micro-level assessment of the socio-economic impacts of oil palm outgrower schemes in the state of Pará, Brazil**

*Frederico Brandão* (Utrecht University - International Development Studies/ CIFOR)

**Abstract:** Since 2010 Sustainable Oil Palm Production Program, Brazil has become a major player in the oil palm sector. The sensitiveness of the Amazon region, where expansion has been prioritized by state, together with far-reaching negative social and environmental observed in Indonesia and Malaysia, have caught the attention of researchers and international organizations worldwide. In recognition of these risks, the program has put a strong emphasis on smallholder inclusion through outgrower schemes and recovery of degraded areas. Based on data collected from several stakeholder groups such as communities, outgrowers, and employees in the municipalities of Moju, Tailândia and Tomé Açu in Pará (Northern Brazil), this presentation highlights the main impacts at a micro-level of oil palm expansion in the Amazon. Its primary objective is to identify the corporate practices and business models that best contribute to inclusive green growth objectives in Brazil. This knowledge will enable policy-makers and investors to develop policies to enhance the productive engagement of smallholder in the oil palm supply chain and the contribution of this engagement on local livelihoods and sustainable rural development more generally.

## **How inclusive is inclusive business? Lessons from sugarcane block farming schemes in Maputo province, Mozambique**

*Filipe di Matteo (Utrecht University - International Development Studies/ CIFOR)*

**Abstract:** In Southern Mozambique, two large sugarcane companies are supporting smallholder integration through block farming initiatives linked to producer associations. In light of the recent increase of public concern over 'land grabbing' in Africa, a dearth of empirical material is available about inclusive business in Africa. This presentation is based on field research on processes of inclusion and exclusion, the factors that shape these processes, and the implications of smallholder inclusive investments on local social and economic dynamics and local economic development in the region. In doing so, this presentation generates new insights into the inclusiveness of inclusive business and the mechanisms and safeguards required to ensure benefits are equitably captured within and between different stakeholder groups.

## **Concentration of land, production and prospects of socio-economic development for small farmers in the Amazon / Brazil**

*Gisele Souza<sup>1</sup>, Alexandre Maia<sup>1</sup>, Bastiaan Philip Reydon<sup>1</sup> and Elyson Souza<sup>1</sup> (<sup>1</sup>State University of Campinas)*

**Abstract:** The Brazilian agricultural production has reached a surprising growth. Over the past 40 years, the country has become a major global player. This remarkable growth was not only due to productivity gains, but also due to the abundant, but not unlimited, availability of natural resources. Despite the remarkable agricultural growth, there are significant challenges to be overcome, such as the socio-economic conditions of small and medium farmers. Although many modern technologies are capable of application in all sizes of properties, the economies of scale and cost savings in relation area are well known in the agricultural sector. Overall, the adoption of new technologies tended to disadvantage small farms, especially those who are in less developed regions. Nevertheless, studies suggest that small and medium producers can also be very productive and have their place in the future of agriculture in Brazil.

This article analyzes the current situation and prospects of rural development for small farmers of the northern region. Special attention is given to the differences between small, medium and large properties in relation to the concentration of land, production and socioeconomic conditions. Analyses are based on the literature review and data provided by the 2006 Agricultural Census.

## **Towards sustainable and inclusive business arrangements between smallholder farmers and large-scale investors in agriculture: Lessons learnt from IFAD supported projects and programmes**

*Harold Liversage (IFAD)*

**Abstract:** There has been an increasing concern about the potential risks that the growing demand for agricultural land in the developing world by large-scale investors may have for the livelihoods and land and natural resource rights of rural communities living there. At the same time it is recognized that if done properly, private-sector investment can play a significant role in providing much needed

capital, expertise, technologies and market access for smallholder farmers and rural communities more generally. To realize these benefits and to minimise risks it is important that smallholder farmers and rural communities more generally are centrally involved in decisions regarding the investments being made. One approach to increasing sustainable private-sector investment in agriculture, is to promote mutually beneficial partnerships between smallholder farmers and private-sector investors. Such partnerships can take various forms but they required sustained effort. The speaker will present the lessons learnt from IFAD supported projects and programmes aimed at strengthening mutually beneficial partnerships.

### **Session: Understanding the role of finance in farmland acquisitions**

Thursday 9 July, 14.00 – 15.30

Chair: *Oane Visser* (International Institute for Social Studies, ISS, Erasmus University)

#### **Land rush in the highest gear? Farmland deals and investment strategies in Romania**

*Anna Hajdu* (International Institute for Social Studies, ISS, Erasmus University)

**Abstract:** This paper explores the nature of a land rush within the borders of the EU, through a study of the strategies of investment companies and the financial actors behind them. It does so by investigating the case of Romania, as the EU country with the largest share of farmland owned by foreign investors and the most fleeting rise in farmland prices in the world. In investigating the unfolding of this ‘unknown’ farmland boom (as the land rush debate focuses predominantly on the global south), it analyses why Romania has so rapidly emerged as one of the most attractive countries for farmland investments globally, with a rise in land prices unmatched anywhere in the world.

The paper takes a closer look at the discourses and strategies of the farmland investors, looking at speculation opposed to productive considerations in their operations. We include organizational and property structures (e.g. owner-operator versus ownership-lease out constructions) in the analysis. Subsequently, the paper looks at how the types of farmland corporations, and financial institutions behind them, influence farmland investment strategies. We distinguish between Western farmers-cum-investors, large agro-companies, and farmland investment funds operated by banks and private equity firms.

Romania is an ‘odd’ case in the global land rush, being an emerging economy, and frontier country with considerable areas of abandoned land, as well as an EU country with relatively strong property rights obtaining EU subsidies. As such, this case study questions some common conceptions of the land grab and potentially provides novel insights in farmland investment strategies and the interplay of factors that make a land rush.

#### **Scandinavians on the eastern Steppe: The trials and tribulations of the Western investor-led, listed farming model**

*Brian Kuns<sup>1</sup>, Oane Visser<sup>1</sup> and Anders Wästfelt<sup>1</sup>* (<sup>1</sup>International Institute for Social Studies, ISS, Erasmus University)

**Abstract:** Super large-scale Nordic owned and run farms in Russia and Ukraine began operations in 2006-2007 with much fanfare. Their goal – other than to earn high returns of course – was to “revolutionize agriculture”. The Nordic companies were part of a vanguard of well-financed and

hyped foreign investors in the region, as well as globally as about half of all listed agricultural companies are located in Russia and Ukraine. While these companies brought about a clear modernization of the farms in terms of technology, their results, both in terms of the achievement of consistent and optimal agricultural performance and profitability, continue to disappoint.

The main question to be addressed in this paper is: why have these investments, begun with much optimism, not been successful? We will locate the reasons for this current lack of success in (1) the mixed role that finance has played in the development of these companies, and (2) an initial failure on the part of investors to appreciate the unique climatic and other local challenges presented by agriculture (compared to other economic endeavours). Access to finance is usually seen as one of the primary advantages for large-scale agriculture, but we will detail how the preferences and pressures emanating from investors have resulted in a number of unintended consequences that have had mixed impacts on both corporate and agricultural performance. Finally, we will look at the further prospects for these farm companies, and to what extent the experiences studied give insight in the functioning of investor-led listed farm corporations elsewhere. The paper draws on company documents, stock exchange data and interviews with managers of the companies, as well as the investors in these companies.

### **How pervasive is the global farmland rush? Finance, land values and the instability of farmland investment**

*Oane Visser (International Institute of Social Studies, ISS, Erasmus University)*

**Abstract:** The farmland investment discourse has it that land (and food) is becoming scarce, land prices are bound to rise, and that subsequently acquiring land for either agricultural production and/or speculation is lucrative. This presentation takes a critical look at this common view, also widely reproduced in academics. Based on investor's representations of global land values, and, yet sparse, evidence of on the economic viability and performance large-scale farmland investment projects, it suggests that trend of rising farmland prices is less pervasive and one-directional than generally assumed. Based on literature on commoditisation, resource making and asset making, this presentation explores some of the complexities of making farmland into a financial asset.

### **Driving development? Regulations for EU-based financing of agribusiness in developing countries**

*Ward Warmerdam and Jan Willem van Gelder (ProFund)*

**Abstract:** EU credit (banks) and investment institutions (asset managers, insurance companies, pension funds and private equity funds) finance large-scale agricultural projects outside the European Union. Credit institutions, or banks, do this by providing loans and underwriting bond and share issuances. Investment institutions finance large-scale agricultural projects through equity investments. Without the financial support of these institutions such large-scale projects would never get off the ground.

However, these large-scale agricultural projects can potentially have devastating effects on local communities and the environment. Against this background, this study researched how EU regulations and policies could regulate investment by EU financial institutions and companies in non-EU agribusinesses.

This study looked at the mechanisms by which EU financial institutions and companies invest in non-EU agribusiness. It further analysed financier decision-making processes, and assessed the existing and upcoming EU regulations relevant to this topic.

Current EU regulations regarding the financial sector are geared to maintaining financial and economic stability. They do not take into consideration the environmental, social and governance (ESG) risks that a financial institution is exposed to through the financing it provides. A growing number of financial institutions develop their own policies regarding the ESG risks of their financing out of concern that these risks might impact the profitability of the company, the ability of the company to repay its loans (risk of default), or the reputational risk that the financial institution might suffer as the result of being linked to a particular company. However, these policies are far from perfect and are completely voluntary.

For there to be any meaningful regulation regarding the financing of agribusiness in developing countries by EU-based financial institutions there needs to be fundamental reconceptualization of the role of the financial sector in society, and thus of the role of financial regulatory authorities.

### **Session: Responsible business and land – bridging the gap between corporate investment in land and the protection of local land-related livelihoods**

Thursday 9 July, 16.00 – 17.30

Chair: *Guus van Westen* (Utrecht University – International Development Studies)

#### **Responsible access to land or production for sugar in Brazil**

*Andreia Marques Postal, Bastiaan Philip Reydon and Herta Viegas* (University of Campinas)

**Abstract:** Large-scale land access (acquisitions, renting or others) in developing countries have raised concerns about its potential environmental, social and economical impacts for local people, other investors, governments, and others. The aims for this access are mostly linked to ensure access to food and energy reserves and therefore become strategic decisions not only from the economic but also social and environmental points of view. Although one can identify where such investments have brought harm to local communities, there are also examples of full social development in areas receiving this type of projects.

The objective of this article is the identification and analysis of critical issues that guarantee that agricultural investments are held in a responsible social and environmental way. For this the article presents a case study of the Brazilian sugarcane industry which has received substantial investment over the last decade.

The social and corporate environmental responsibility analysis will use the concepts of Corporate Social Responsibility (CSR) and Corporate Social Value (CSV) to identify between the various forms of access to sugar cane the ones with fewer impacts. There are many different ways to access to sugar cane to process, from the acquisition of land, passing by the land renting, to buying the production from smaller producers and as this is the key of the process.

And as a key process we will analyze which criteria's were used by the major initiatives, certifications and Cotula (2010). Applying those definitions to the case of the Brazilian sugar cane it will be possible to establish clearer methods and criteria's to guarantee sustainable investments in developing countries and draw recommendations for public policies aimed at improving income distribution and inclusiveness in the sector.

## **Governance, land grabbing and Harvard's academic enrichment in Los Esteros del Iberá, Argentina**

Nienke Bussher (University of Groningen)

**Abstract:** The nature reserve Los Esteros del Iberá is located in the north-east of Argentina and forms one of the most unique ecosystems in the world, partly because of the large fresh water reservoirs located in the region. These elements have attracted many private actors with divergent interests to invest in the land. In this paper we will zoom in on the land investment by the management company of Harvard, which, by means of subsidiaries, manages pine and eucalyptus plantations inside and on the fringes of the Iberá reserve. Our research findings are based on qualitative data collection and give insight in the controversial socio-environmental effects of the ongoing extractivism in Argentina induced by the plantations of Harvard. Moreover, this paper will give a better understanding of how the contemporary multi-scalar governance of land grabbing looks like in Iberá and how this involves different initiatives to make these investments more responsible. On the one hand, we scrutinize the certification by the Forest Stewardship Council of these plantations and, on the other hand, we look into the role of the organization Responsible Harvard, set up by Harvard grad students. Both initiatives try to stimulate more responsible and sustainable investments on the social, economic and environmental level, yet with different motives and indistinctive effects. At the time of this research, severe and growing inequalities are witnessed and ongoing claims by local people regarding access to land, damaged roads, health problems and a lack of water were not heard. We will discuss the challenges and opportunities of the governance of this land grab in Argentina and conclude that even though initiatives for more responsible and sustainable investments are present in this area, powerful multi-scalar forces, influenced by the hegemonic neoliberal model, still lead them to being irresponsible.

## **How does the local context shape corporate social responsibility in mining? The case of Vale**

*Marie-Gabrielle Piketty<sup>1</sup>, Marcel Djama<sup>1,2</sup>, Isabel G. Drigo<sup>3</sup>, Mário Paulo Falcão<sup>4</sup> and Jaime Nhamirre<sup>4</sup>*

(<sup>1</sup>Centre de Coopération Internationale en Recherche Agronomique pour le Développement, CIRAD,

<sup>2</sup>University Putra Maya, <sup>3</sup>Nexus Socioambiental LTD. <sup>4</sup>Eduardo Mondlane University)

**Abstract:** As the global mining industry often operates in remote vulnerable locations, needs large land areas and has potential large social and environmental negative impacts, it has soon been challenged by the civil society. The large mining companies have thus rapidly intensified the elaboration of corporate social and environmental responsibility strategies since the late of the 1990s, recognizing their obligation to contribute to the social and environmental sustainability of the countries in which they operate. Some authors evidence that CSR profiles and local impacts depend on the local context where they are investing when others argue that the country of origin of the company matters. Most conclude that more research is needed on the links between corporate governance, CSR profiles and the policy and social settings in host countries. In this contribution, we aim to analyze how the local social and institutional context shape the CSR policies and impacts of a mining company. The study is based on a comparative analysis of the elaboration and impacts of some CSR activities of the large Brazilian mining company, VALE, in Mozambique, New Caledonia and the Eastern Brazilian Amazon. The results show that even with formal rules set by the firm itself to

define its CSR agenda, the CSR activities are always adapted to the institutional and local social context. We show how variables such as local communities' organization and negotiation capabilities, connections with transnational NGOs, access to independent technical assistance and efficiency of the public institutions affects the company CSR policies differently.

### **Towards inclusive and responsible agro-investments in Ethiopia**

*Fekadu Adugna Tufa<sup>1</sup>, Aklilu Amsalu<sup>1</sup> and Mesfin Kinfu<sup>2</sup> (<sup>1</sup>Addis Ababa University, Ethiopia, <sup>2</sup>Horn of Africa Regional Environment Centre)*

**Abstract:** Ethiopia has become an attractive spot for large-scale agro-investments over the past few years. The country experienced considerable inflow of foreign land investment following the global land rush. Companies from various European and Asian countries, faced with concerns of rising food price, shortages of water and arable lands, and the sky rocketing price of fossil fuel at home have intensified investment in agriculture in the third world countries such as Ethiopia. This international investment fever converged with the major interest in Ethiopia in view of the conventional notion that big investment and intensive capital application would bring macro-level benefits such as GDP growth, increase in government revenues and technological transfer. This resulted in an unprecedented transfer of land to foreign and domestic investors with little consideration for the livelihood of the local communities.

The bias towards agri-business investments at the expense of the smallholders created a situation of an unequal partnership and a non-inclusive business environment. This has been severely criticized by researchers, human rights activists, civil society organizations and the local community. Apart from displacement and dispossession of holdings, the leasing out of large tracts of land is thought to potentially cause serious environmental, socio-economic and cultural adverse effects. There are a number of cases of widespread disputes between investors and local communities which mainly arise from competition over scarce resources. In contrast to this mentality of grabbing, recently there are trends towards a more responsive and inclusive investments mainly through out-grower schemes.

Using our empirical data from large-scale investments and corporate companies that use thousands of out-growers, we comparatively examine the practices, challenges and motivations of agribusinesses in Ethiopia.

### **Session: The role of guidelines and principles in improving land governance**

Friday 10 July, 10.30 – 12.00

Chair: *Louisa Jansen (FAO)*

### **Principles for responsible agricultural investment: Can they help to protect local livelihoods?**

*Raffaele Bertini, Yannick Fiedler and Jesper Karlsson (independent research team)*

**Abstract:** Following the 2007-2008 food crisis, a new wave of large-scale land acquisitions has attracted substantial international concern. Qualitative analyses show indeed that while some investment projects may bring substantial benefits, land acquisitions may also violate local land rights or cause other hardship for local communities. As calls for the promotion of inclusive business models that respect the environment and the rights of local communities were made, international

organizations like FAO elaborated principles for responsible business conduct in primary agriculture with governments and stakeholders from civil society and the private sector. However, there is little information available about the complementarity between these different principles and few scholars have discussed the applicability of “best practices” on the ground.

This paper contributes to an ongoing global debate on how to promote responsible business conduct by answering these questions. Firstly, we analyse trends and driving factors of large-scale land acquisitions, using the Land Matrix and other international datasets to find possible correlations between investment and relevant characteristics of destination countries (e.g. quality of governance, institutions and availability of natural resources) to understand the biggest regulatory challenges. Next, we compare the content and scope of three major codes of conduct: the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources, the FAO Voluntary Guidelines on the Responsible Governance of Tenure, and the CFS Principles for Responsible Investment in Agriculture and Food Systems. We also assess in how far the content of these principles are likely to provide answers to the challenges identified in the first part. Finally, we discuss the applicability of these principles using lessons learned on the ground from pilot use and workshops on principles for responsible agricultural investment.

**How can the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (VGGT) safeguard tenure in the promotion of responsible (land-based) agricultural investments**

*Louisa J.M. Jansen, Maria Guglielma da Passano and Andrew Hilton* (FAO Climate, Energy and Tenure Division)

**Abstract:** The Voluntary Guidelines on the Responsible Governance of Land, Fisheries and Forests in the Context of National Food Security (VGGT) represent a global consensus on internationally accepted principles and standards for responsible practices in terms of governance of tenure. States and other stakeholders can use the VGGT when developing their own strategies, policies, legislation, programmes and activities to improve their governance of tenure. They allow governments, civil society, private sector and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices. Non-state actors, including business enterprises, have a responsibility to respect human rights and legitimate tenure rights. Business enterprises should act with due diligence to avoid infringing on human rights (IIED 2008; OECD 2011; UNCTAD 2012) and legitimate tenure rights of others:

Responsible investments should do no harm, safeguard against dispossession of legitimate tenure right holders and environmental damage, and should respect human rights. Such investments should be made working in partnership with relevant levels of government and local holders of tenure rights to land, fisheries and forests, respecting their legitimate tenure rights (VGGT section 12.4).

Many countries whose development plans include a rapid increase in agricultural (land-based) investments are the ones where food insecurity is prevalent and where large-scale land acquisitions are taking place. These acquisitions may further aggravate food insecurity on local people dependent on the land for their livelihoods (Kaag & Zoomers 2014; Liu 2014; IAWG 2014; OECD 2014; Schoneveld, 2013; FAO 2009; IFAD 2009). Governments have increased attention to marketing the country to external investors and facilitating the investment approval process for both

foreign and domestic investors. However, the lack of an established investment environment (i.e. weak tenure governance, jointly with weak institutional, policy, social and legal frameworks) in host countries has often failed to attract the kind of investment that would be instrumental to national development because risks for the investors out-weighted opportunities. Initiatives such as the VGGT can help governments in their efforts to regulate and manage investment through improved tenure governance, and also make good business sense in helping investors to decrease risks and increase predictability on their returns. Many investors have stated that they are more readily attracted to stable and well-developed investment environments than by the offer of 'cheap' land (Deininger et al. 2011).

Addressing land tenure issues and equipping investment promotion authorities with the means to navigate land tenure issues is paramount in order to seize opportunities and minimize the risks associated with investment in agriculture and food systems. For instance, balancing the provision of enabling conditions such as the protection of investors' investment, with ensuring the rights of local land users through establishing safeguards and inclusive decision-making, is challenging but can deliver win-win results (World Bank 2014). Enacting stronger safeguards may provide incentives for investors to partner with local land users and owners, rather than acquire large tracts of land (FAO 2011).

FAO and partners seek to provide technical guidance on how to promote responsible investment that safeguards tenure rights and contributes to food security and nutrition by supporting investment promotion authorities on what needs to be in place in order to attract and manage well-intentioned investment, how to screen and oversee the investment approval process, how to involve local communities that will "host" the investment part of the process, and how to monitor the effectiveness of investment promotion in safeguarding tenure and promoting sustainable development. Such authorities play a key role in facilitating access to land for investors, while ensuring that local land rights are respected and local land owners and users receive fair compensation for the use of their land (UNCTAD 2008).

## **The politics of land deals - A comparative analysis of global land policies on large-scale land acquisition**

*Suzanne Verhoog (VU University Amsterdam)*

**Abstract:** Due to current crises, large-scale land acquisition is becoming a topic of growing concern. Public data from the 'Land Matrix Global Observatory'<sup>1</sup> demonstrates that since 2000, 1,782 large-scale land transactions<sup>2</sup> in low- and middle-income countries<sup>3</sup> were reported, covering an area of more than 137 million hectares. Compared to 2014<sup>4</sup> the total amount of hectares has doubled, mainly due to a sharp increase of domestic land deals in terms of hectares<sup>5</sup>.

The majority of these land deals, also referred to as 'land grabs', took place between 2008 and 2010, peaking in 2009. International institutions as well as national governments and elites play a dominant role in initiating and facilitating these land grabs. Large-scale land acquisition often goes hand in hand with issues of displacement, weak governance structures, corruption, conflicts, and environmental damages. Several international institutions have taken the initiative in developing global land policies in an attempt to govern the global land grab. The effectiveness of these so-called 'soft law' instruments is however increasingly being questioned. This paper therefore offers a comparative analysis on the effectiveness of global land policies on large-scale land acquisition.

Currently the FAO-CFS Voluntary Guidelines and the AU Framework & Guidelines are being implemented. This research therefore specifically focuses on the effectiveness of these two land policy frameworks. Evidence so far reveals that in practice global land policies on large-scale land acquisition can be problematic due to:

- 1) their 'voluntary character' (no sanctioning mechanism on non-performance (legality indicator)),
- 2) land deals are often initiated and facilitated by nationals (elites) and/or national governments,
- 3) (increasing) vulnerability of 'customary land rights', mainly due weak governance structures and shortcomings in the implementation of land reform policies, and
- 4) 'emptiness of consultations', hereby referring to the ineffectiveness of the Free, Prior and Informed Consent principles. Issues of food sovereignty instead of food security are furthermore largely neglected.

### **Implementing the land governance assessment framework**

*Sue Mbaya, Mandi Rukuni and Joyce Marangu (LGAF Africa)*

**Abstract:** In 2006 the African Union adopted the Declaration on Land Issues and Challenges in Africa. The Declaration spells out the concerns and aspirations of African Heads of States with respect to land governance. The Declaration was itself informed by the Framework and Guidelines on Land Policy in Africa (F&G) which highlights the 'second scramble for Africa' as a key developmental concern for African States. In response, African governments have paid increasing focus on the conflict arising from the need to secure foreign investment through Large Scale Land Based Investments (LSLBI) and the emerging undesirable consequences which are said to include negative impacts on resource governance, livelihoods and biodiversity. The call for responsible governance of land and of investments in land has become a key consideration.

The Nairobi Action Plan on Large Scale Land-Based Investments agreed in Africa in 2010 was a major milestone of taking this agenda forward. The Action Plan was subsequently given effect through several initiatives including an assessment of the extent and impact of LSLBI undertaken by the Land Policy Initiative at the request of African Heads of State (2013) and the development of Guiding Principles on Large Scale Land Based Investments (GP) in 2014. The GP were endorsed by African Heads of States in 2014 providing the continent with a shared framework for improving responsible governance of land and with it, more responsible investment in land. What is now required are tools to operationalize the aspirations spelt out in these and other frameworks adopted by African States.

The Land Governance Assessment Framework (LGAF) is a diagnostic tool applied at country level to assess the status of land governance. LGAF is presently being implemented in several countries in Africa, including some countries in which large scale land acquisitions are prevalent. A thematic area of focus under LGAF is the transfer of large tracts of land to private investors. Alongside other international and regional frameworks and processes such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and Comprehensive Africa Agriculture Development Programme, LGAF provides African States with a tool to operationalize the GP of the African Union.

This paper will review evidence from 5 African countries implementing the LGAF in order to identify technical and policy options for improving land governance in the context of LSLBIs. Data and evidence analysed in support of identified recommendations will encompass prevailing policy

and legal frameworks, institutional effectiveness and capacities as well as data relating to frequency of critical incidences and outcomes including the extent to which transfer of public land to private use follows transparent process; national strategies for private investment are well articulated and implemented; institutions for effecting these strategies and related policies are functional and operating in a transparent and inclusive manner;

In the event that funds are permitting, this topic may also be considered as a session consisting of presentations by authors from the respective countries.

### **Land grabs in Brazil as a result of the lack of land governance**

*Bastiaan Philip Reydon, Vitor Bukvar Fernandes, Paula da Silva Bueno and Roberto Simiquelli (Universitas de Campinas)*

**Abstract:** Brazil has the fifth largest national land area of the world and this land resource represents a critical asset for the country's urban, agricultural and economic development, also providing essential environmental services. Nevertheless, it has an historical lack of governance over its lands, failing to provide secure land rights and to control the extensive frauds resulting in large processes of land grabs.

The objective of this study is to depict evidences of land grab process in different moments and regions to understand its main features. The study will mainly compare the processes of land grab in the states of the Amazon biomes that occurred mainly at the end of last century, with cases of the cerrado biome that is occurring in the beginning of this century.

Even though in the Amazon region the land grab was for the occupation of new areas and the recent land grab is for soya plantation, both mechanisms are mainly the same, and are caused by lack of land governance in the country. The absence of a landownership cadastre and a trustful land registration system are the main characteristics of the absence of land governance in Brazil.

The cases of the Amazonian bioma will be studies based on literature review and the LGAF application in Mato Grosso, and the cerrado cases are based on the field studies done recently in Piaui and Tocantins.

Last, we will use this evidences have a clearer vision of these process and to point out a way forward through some policy propositions aimed at tackling these fraudulent land grabs.

### **Session: Land governance and the landscape approach**

Friday 10 July, 13.00 – 14.30

Chair: *Sjoerd Panhuysen (HIVOS)*

### **Applying an integrated landscape approach: A case study based on West Kalimantan, Indonesia**

*Johan Meijer<sup>1</sup> and Wilbert van Rooij<sup>2</sup> (<sup>1</sup>PBL Netherlands Environmental Assessment Agency, <sup>2</sup>Plansup)*

**Abstract:** Growing demand for land, water and natural resources and human-induced climate change put an increasing pressure on nature. The negative effects of these issues are most prominent in developing countries. Over the past decades, the landscape approach has been put forward as a possible decision support solution for several development issues (often referred to as competing claims) that converge on a landscape level. The landscape approach aims to integrate the objectives of different stakeholders at landscape level, in order to establish long-term sustainable growth. The

pursued objectives are those of sustained economic and social development, combined with local biodiversity conservation. Thus, landscape approaches could lead to improved cross-sectoral decisions that are better than the sum of actor- and sector-specific solutions. Using reports, spatial data and literature gathered for a PBL workshop on sustainable palm oil development in West Kalimantan, Indonesia, we have tried to develop a case study on how a landscape approach in this region could be developed and which new insights this would bring. From the best available information various stakeholders (local (indigenous) households/farmers, governments, NGOs, palm oil sector, forestry sector, mining sector, tourism and areas reserved for the conservation of biodiversity) with more or less identifiable spatial claims were derived. By creating a stack map of spatial claims this case study aims to provide an integrated view on the various stakeholders that need to cooperate in order to achieve sustainable management of land, forest and water resources. Although this is challenging because all stakeholders have different views on land rights and the role of governments, several options were identified. The effects on biodiversity were analysed for the year 2020 in a Business As Usual and a Green Growth scenario.

### **From product to place – Landscape governance and the role of global commodity chains**

*Cora van Oosten (Wageningen UR Centre for Development Innovation, CDI)*

**Abstract:** During the last decade, the concept of landscape governance has become generally accepted as referring to the multi-stakeholder process of spatial planning, negotiation and decision-making at landscape level. Landscape governance is often presented as place based, as it refers to the process of how multiple actors representing different production systems interact to manage and allocate their land to achieve social, economic, and environmental goals. Landscape governance has often been studied in the context of multiple-use and mosaic landscapes in both the Northern and Southern hemisphere. However, little is known about tropical landscapes which have been strongly incorporated in global commodity chains, functioning as providers of single commodities to the global market, and characterised by product-based governance mechanisms. This article aims to shed light on this second type of landscape, by presenting the landscape of Ketapang, in Indonesia's West Kalimantan, which is marked by its two dominant production systems of rubber and oil palm. These two production systems are both embedded in global product chains, but they differ in terms of species and their genetic characteristics, the actor networks they are involved in, and the institutional frameworks regulating access to resources and markets. Consequently, they also differ in terms of their impact on the forested landscapes they share. Where rubber is strongly embedded in local culture, biologically rich ecosystems and relational economies, oil palm is rather embedded in highly rationalised international trade networks, regulated by formal rules and regulations set by governments, and voluntary guidelines set by the Round Table on Sustainable Palm Oil. The article shows how the rubber and the oil palm production systems used to be competing for space. But it also shows how the recently emerging forms of public-private stakeholder collaboration seem to be leading to a gradual integration of the two production systems. It shows that this gradual move towards a multiple-chain production system offers opportunities for more integrated and place-based governance mechanisms to emerge.

To describe this process of governance innovation at landscape level, the author uses Treib's *modes of governance* (Treib, 2007), to analyse how this governance innovation is directly shaped by public-private actor networks operating within the landscape. It also describes how the nationally

defined policy frameworks and steering instruments seem to hamper rather than foster such landscape based governance innovation. The author also uses the concept of *institutional bricolage* (Cleaver, 2012; Cleaver and de Koning, 2012), to explain how, despite the hampering policy frameworks and steering instruments, governance innovation at landscape level is being shaped by public and private actors within the landscape. Such bricolage happens through the way in which public and private actors mix and match existing policy frameworks and steering instruments from both the rubber and the palm oil sector into newly crafted governance arrangements responding to the needs of both commodity chains. In conclusion, the article describes the dynamic nature of two product based governance systems that share one single space, and assesses their ability to transform into one place based governance system, adapted to the specific conditions and dynamics of place.

## **Emerging experience in public private landscape governance in IDH Initiative on Sustainable Landscapes**

*Nienke Stam (IDH Sustainable Trade Initiative)*

**Abstract:** This paper elaborates on emerging lessons on public-private landscape governance models, and the business rational for private sector to be involved in landscape governance.

Land tenure reforms and natural resource management are increasingly recognized to be issues best addressed in a landscape approach. Rather than considering core elements on the landscape (land, water, natural resources, etc.) in isolation, the landscape approach takes interactions between the elements and the ecosystem services they produce into account to maximize productivity, improve livelihoods, increase food security and adaptation to climate change and reduce potential negative environmental impacts.

To date, businesses are rarely represented in landscape approaches, and are certainly not the ones initiating discussions. However, international agribusiness companies are increasingly recognizing that action is needed to secure supply in the long run. Zero deforestation commitments are forcing companies to conserve forests within their concessions. Water availability and quality risk is becoming more pressing and requires investment beyond the farm.

For private sector, a landscape approach seems particularly appropriate when:

- The magnitude of risk (or actual impacts) is too great for any one stakeholder to address and extends far beyond the farm scale.
- Coalitions are likely to have more capacity and influence for resource mobilization.
- An enabling environment that includes the policies and incentives provided by government and civil society is needed to sustain desired outcomes.

Frontrunner companies are undertaking landscape level initiative to develop public private mechanisms to govern natural resources. Several members of SAI Platform are taking joint action to reduce overexploitation of water resources around Seville, Spain; and the objective of this initiative is to mobilize government to enforce existing legislation and counter illegal irrigation. Similarly, IDH's Initiative for Sustainable Landscapes (ISLA) program experiences appetite with sourcing and agricultural production companies to work in public-private partnership in sourcing and production landscapes is strong. The paper elaborates on shape and scope of such new governance coalitions, and drivers for landscape level action by businesses such as compliance with regulations (e.g. the Forest Law in Brazil) and avoiding reputational risk (deforestation in Kalimantan).

## **Theme: Land tools**

### **Session: Innovative land tools**

Wednesday 8 July, 16.30 – 18.00

Chairs: *Jaap Zevenbergen<sup>1</sup>, Rohan Bennett<sup>1</sup> and Jean du Plessis<sup>2</sup>* (ITC, University of Twente<sup>1</sup>, UN-Habitat<sup>2</sup>)

#### **GLTN and the continuum of land rights**

*Jean du Plessis* (Global Land Tool Network, GLTN/ UN-Habitat)

**Abstract:** The Global Land Tool Network (GLTN) is a growing alliance of more than 65 international partners. GLTN works for poverty alleviation through land reform, improved land management and security of tenure, particularly through the development and dissemination of pro-poor and gender-responsive land tools at country level.

This paper presents the mission, aims and work of GLTN, in particular its role in supporting land actors and governments in their efforts to provide security of tenure for everyone, including the poor. The paper introduces the continuum of land rights, a cornerstone of GLTN's philosophy and approach to land tenure. According to GLTN one can view rights to land as lying on a continuum between formal and informal. The continuum represents an inclusive tenure approach: tenure can take a variety of appropriate and legitimate forms, none of which should be seen as the preferred or ultimate form of land rights. It provides for recognition of what is already in place and bringing this into a land information management system catering for the whole spectrum of land rights in a country. The continuum incorporates tenure rights that are documented as well as undocumented, formal as well as informal, for individuals as well as groups, including pastoralists and residents of slums and other settlements, which may be legal or extra-legal.

The paper traces the origins and purpose of the continuum, discusses recent research, debates and emerging insights and innovations concerning it, and reports on progress made in its application, including the development, testing and dissemination of a number of practical land tools necessary for implementation. These include the Social Tenure Domain Model, Participatory Enumerations, the Gender Evaluation Criteria and others.

#### **The Social Tenure Domain Model and complementary tools**

Christiaan Lemmen (University of Twente/ Kadaster International)

**Abstract:** The Social Tenure Domain Model (STDM) is a pro-poor land information management system that can be used to support the land administration of the poor in urban and rural areas. It is a new way of thinking about land records.

The STDM is a specialisation of the Land Administration Domain Model (LADM). LADM is a conceptual data standard for land administration. This International Standard is referred to as ISO 19152. In this framework STDM data can be linked to the land administration system.

STDM allows integration of different forms of tenure, e.g. formal and customary types of tenure, or even informal tenure or overlapping claims on land. The STDM is founded on the Continuum of Land Rights and supports its implementation. This range of rights generally cannot be described relative to

a parcel – which is a formal entity. New forms of spatial units are available to support recordation of social tenure.

The STDM is developed by GLTN partners UN-Habitat, the International Federation of Surveyors and the Faculty of Geo-Information Science and Earth Observation at the University of Twente.

The paper introduces the Social Tenure Domain Model, the Land Administration Domain Model, an overview of use and application of those models worldwide, fit-for-purpose approaches in land administration and an overview of a strategy (under development) for the Operationalisation of the Continuum of Land Rights based on those innovative tools.

### **Exploring land tool frontiers**

*Rohan Bennett (University of Twente)*

**Abstract:** Available, accurate, and authoritative land information can support land tenure security provision. A combination of societal-pull and technology-push has resulted in the recent development of new tools for creating, sharing and using land information. At the global level, these are most prominently demonstrated by the Global Land Tool Network's (GLTN) 5-themed toolkit. Whilst still in development, many are reaching maturity, and will be applicable at scale. Meanwhile, another suite of opportunities is emerging. Driven by developments in geoinformation science, these will further enhance the quality of speed of land information capture and use. This paper presents a number of these cutting edge developments and the potential application to the domain of land governance. Selections include the characteristics and roles for unmanned aerial vehicles (UAVs), automatic feature extraction, flexible spatial cognition capturing, and open-access map servers. Considered application could reduce the cost of land information collection by 30-50%.

### **The Mobile Application to Secure Tenure (MAST)**

*Jeffrey Euwema (Cloudburst/ USAID)*

**Abstract:** The Mobile Application to Secure Tenure (MAST) tests the concept of a participatory or “crowd-sourced approach” to capturing land rights information using mobile technologies. MAST is developing a data management infrastructure and an Android-based mobile phone application based on the Social Tenure Domain Model (STDM). The information technology infrastructure allows users to easily capture, record and manage land rights’ information. The project is funded by USAID’s Land Tenure and Resource Management Office. MAST is being implemented in Ilalasimba, a village in Iringa Rural District of Tanzania. The project involves the use of trusted intermediaries or local level data collectors who will capture land rights information needed by the Government of Tanzania to issue Certificates of Customary Rights of Occupancy (CCROs). A critical component of the project is to provide training for villagers on the legal framework related to land rights. The program is placing special attention on the need to educate women on their land rights. The MAST project is working closely with district and national-level government officials to build capacity to use this technology. The goals of the project are to lower costs and time associated with acquiring CCROs and improve transparency in the process of mapping and registering land rights.

## **Participatory land administration – in one day**

*Mathilde Molendijk (Kadaster International)*

**Abstract:** Estimations show that about 70% of the people-land relationships are not documented. Tenure security provides access to credit (based on property as collateral) and stimulates investments and developments. Reliable land administration is a basic infrastructure. Land information is in support to sustainable economic and infrastructural development and interrelated spatial planning, resource and environmental management and disaster management.

Advances in land administration worldwide are disappointing. Progress is made slowly: about thirty countries have a land administration covering the complete territory. Comprehensive and inefficient procedures result in a situation where the costs of administrating land often outweigh the actual value of a piece of land. This is also related to corruption.

While the world population continues to grow and the pressure on land and natural resources increases, land conflicts and competing claims on land increase. The current approach of administering land is not fit for its purpose: it is estimated that it takes six hundreds of years before land is administrated properly all over the world if the current methods are continued to be used.

So what modern approaches can be adopted to get recognition of ownership now, within our lifetime, in line with the “getting to zero” ambition of the Dutch government in its agenda on aid, trade and investments. In Colombia for example, millions of land rights are not formalised, information on land rights and parcel boundaries is often out-dated, 40% of the legal registered property does not match the information in the cadastral registers, and long-lasting severe land related conflicts all lead to deadlock.

In the paper the use of participatory mobile mapping will be explored in order to establish a rapid and low-cost cadastral inventory. Will it be possible to collect data using smartphones and integrate this data into one orthophoto, and discuss the results in a Public Inspection with the citizens, resolving overlapping claims ... and get a cadastral inventory in one day. The paper will end with a discussion on how the academia, policy makers and practitioners can contribute to “equitable and sustainable development – with social justice”.

## **Recent advances in the integration of Registration and Cadastre in Brazil: the role of SIGEF**

*Bastiaan Philip Reydon<sup>1</sup>, Ana Karina da Silva Bueno<sup>1</sup> and Ana Paula da Silva Bueno<sup>1</sup> (<sup>1</sup>Universidade Estadual de Campinas – UNICAMP)*

**Abstract:** At the beginning of XXI century, Brazil has, on the one hand, a great economic growth, strong institutions in various areas, improved social situation and, secondly, the rural land situation is still very precarious, with basic unresolved questions, such as for example, knowledge of what is public and private land, due to the absence of a single register. However, the legislation moved forward in an attempt to link the cadastres of INCRA, the Internal Revenue Service, with information from the Registry of Real Estate with the enactment of Law No. 10,267 / 2001, creating the National Register of Rural Properties - CNIR that through land Management System - SIGEF may contribute to the formation of registration of rural land, comprising public and private areas. However, CNIR is still in the implementation phase and the SIGEF already showing significant quantitative results of rural, public and private property, already georeferenced. A possible limitation is the fact that CNIR not

enter buildings that are within the land possession that should have been observed, as in Brazil, it is a gift Institute since colonial times.

### **Open Development Initiative - Mekong**

*Terry Parnell (East West Management Institute - Open Development Initiative)*

**Abstract:** East West Management Institute's Open Development Initiative offers an innovative online platform for aggregating, organising and objectively presenting a wide range of information, across landscapes and sectors, to illuminate development trends, including land use. The platform increases public awareness, enables individual analysis, and informs planning and public dialogue to contribute to sustainable development and good governance. Economic development and its social and environmental implications are prioritised. Historical and current information is presented with context, through briefings and compelling data visualisations, but without editorial comment.

Initiated in 2011, the pilot site, Open Development Cambodia ([www.opendevcam.net](http://www.opendevcam.net)), is a go-to site for private sector, civil society, academia and technocrats, and is frequently cited as a source for news, research, and planning. Interactive maps and accompanying information on related actors effectively illustrates land use trends, while avoiding political censure. The site attracts 35,000 visitors monthly, 40% return users.

Now expanding across the Mekong, a new unified database supports five country websites (Cambodia, Vietnam, Thailand, Myanmar, Laos), in both native and English language, and the regional Open Development Mekong. The shared back architecture enables the regional view; the first such attempt to capture development trends from the ground up at a transborder level. There is excellent potential to further link with international top-down approaches, like the Land Portal.

ODI natively supports good open data standards and crowd-sourced data-sharing. Registered data contributors directly contribute to the database and participate in a discussion forum where they can clarify data and discuss research design in a safe space. Data is published after vetting to ensure standards.

ODI's independent, journalistic approach enables publication of contrasting data sets, thereby generating more discussion around critical data. It increases public expectations for information, a key to good governance. The open source platform is scalable and replicable.

### **Session: Land tools – impact assessment**

Thursday 9 July, 10.30 – 12.00

Chairs: *Jaap Zevenbergen<sup>1</sup>, Rohan Bennett<sup>1</sup> and Jean du Plessis<sup>2</sup> (ITC, University of Twente<sup>1</sup>, UN-Habitat<sup>2</sup>)*

### **Pro-poor land tools: are they effective? Three peri-urban case-studies from sub-Saharan Africa**

*Paul van Asperen (TU Delft)*

**Abstract:** Sub-Saharan Africa is urbanizing rapidly, but most countries lack appropriate tools to manage their urban growth. This creates both risks and opportunities for prospective landholders, resulting in a tangle of insecure land rights and claims under multiple tenure systems. Recently,

innovative land tools have been proposed and implemented to formalize land tenure. It is envisaged that tenure security for landholders will increase and in turn contribute to poverty reduction.

In order to evaluate the land tools, an evaluation framework is designed, consisting of six criteria, determined by fifteen indicators. The evaluation is carried out in three peri-urban areas in Chazanga (within Lusaka, Zambia), Oshakati (Namibia) and around Gaborone (Botswana). Each case-study is carried out with a literature review and expert interviews regarding the legal and institutional framework, together with semi-structured interviews with poor land holders in the settlements. The following tools have been studied:

- In Oshakati: proclamation of townlands, recognized occupancy, saving scheme and the flexible land tenure system;
- In Chazanga: conversion of customary rights, declaration of improvement area and occupancy licenses (Housing Act);
- In peri-urban Gaborone: customary land grant (Tribal Land Act) and presidential amnesty.

It is found that innovative tools are pro-poor with respect to accessibility, to the occupational component of affordability and to simplicity. The innovative tools, in comparison to conventional land tools, offer a limited degree of improvement in legal recognition, support for the poor, legal security and perceived security. It is argued that improvement is needed with regard to co-management, awareness (especially of the available land tools) and the capital component of affordability.

Overall, the innovative tools are considered fairly pro-poor. Although a direct relationship with poverty reduction is difficult to prove, the innovative land tools contribute to the inclusion of the poor in the formal administrations and economy.

### **The need and potential of geomatics for interdisciplinary land reform assessments, the showcase of Zimbabwe’s “fast track land reform”**

*Konrad Hentze (University of Bonn)*

**Abstract:** The presentation aims to highlight the potential of standardized spatial methods of remote sensing and participatory GIS to evaluate and assess impacts of land reform programs. Using the example of Zimbabwe's fast track land reform program, the need of a multidimensional assessment criteria catalogue will be demonstrated. The lack of spatial research on land reforms will be elaborated with the results of a quantitative literature review.

By presenting regional examples of remote sensing studies from Southern Africa, the potential of this method to assess land tenure and land use changes will be demonstrated. Remote sensing will be treated as a core method to deliver standardized, quantitative datasets of the effects of land tenure change due to land reform events. Furthermore, a public participatory GIS approach will be introduced. It would allow persons affected by land reform, and all others, to contribute spatial knowledge on the land redistribution process. The combination of these two methods of geomatics serves as a great contribution to land tenure and land reform research.

Finally, the talk will give an overview of a preliminary interdisciplinary spatial land reform research and assessment framework designed to contribute essential data on land redistribution and its effects. A similar paper has been submitted to the journal “land”, but has not been published yet.

## **Access to the land tenure administration system in Rwanda and the impacts of the system on ordinary citizens**

*Mireille Biraro (INES Department of Land Admin)*

**Abstract:** In 2008, the Government of Rwanda (GoR) initiated a systematic registration of all privately held land through a Land Tenure Regularization (LTR) program. This was an implementation of the 2004 Land Policy followed by the 2005 Organic Law replaced by the Land Law of 2013. Under LTR, all rightful landholders were provided legally valid land documents to support their claims. The program resulted in about 10.4 million of registered parcels (LTR Summary report of 31thMay 2013).

The Land Law stresses that land registration is obligatory for any landholder, implying that all land transactions must be registered in the name of the new right holder. To support registration compliance, the GoR decentralized the land administration system at all the 30 District Land Bureaus and charged them to maintain it.

The current study aims to assess how ordinary citizens are benefiting from this formal land administration system in addressing the following questions: 1) Are ordinary citizens aware of the land administration system? 2) Do they have access to this system to enable them to uphold their land rights in terms of time, distance, procedures, documentation, service cost? 3) Are the anticipated impacts of formalizing land tenure being realized (e.g. enhanced tenure security, access to credit, increased land-based investment)? 4) What concerns related to tenure security are not addressed by the current system? 5) What alternatives measures to improve the situation?

This study is conducted by Institut d'Enseignement Supérieur de Ruhengeri (INES Ruhengeri), a higher learning institute of applied sciences, through an evidence-based research on the above topic. Financial and capacity building support are provided by the United States Agency for International Development (USAID) through the LAND Project. The research will inform policy makers, civil society organizations and ordinary citizens, and ultimately contribute to a research-informed adaptive policy environment in Rwanda.

## **Institutional innovation in solving land problems in Amazonia: the case of General Office of Justice in Mato Grosso**

*Bastiaan Philip Reydon<sup>1</sup>, Ana Karina da Silva Bueno<sup>1</sup> and Ana Paula da Silva Bueno<sup>1</sup> (<sup>1</sup>Universidade Estadual de Campinas – UNICAMP)*

**Abstract:** The state of Mato Grosso has undergone an intense process of colonization in the 70s and 80s, with the sale of public land to private colonizers and individuals. This occupation was pursued in a disorderly way, without identification of public and private lands, due to lack of cadastres. In recent years the federal and state governments have been promoting a series of actions that ultimately aggravate the land issues of the early occupation of the state, increasing legal uncertainty for owners, tenants and government officers in general.

The LGAF methodology identified several issues on the agricultural landscape of Mato Grosso. However, it also evidenced that some solutions have already been set in motion by the General Office of Justice of the State of Mato Grosso to remedy problems described by the methodology, such as the creation of a Commission of Land Affairs and Public Records which aims to analyze, discuss and propose solutions through cooperation between land administration agencies. However, the committee is unable to move forward in solving these issues as a result of obstacles set

by the Instituto de Terras do Mato Grosso (INTERMAT) which refuses to share its land databases that would be key for the resolution of conflicts centered on land ownership in the region

### **E-governance for land administration in state of Harayana (India) – a study of Harayana land registration information system (halris)**

*Navreet Kaur<sup>1</sup>, Simranjeet Singh Bains<sup>2</sup> and L. Sitalhou<sup>1</sup> (<sup>1</sup>Department of Public Administration, Panjab University, <sup>2</sup>Department of Economics, Lyalpur Khalsa College Jalandhar)*

**Abstract:** Agriculture constitutes as the largest livelihood provider in India. Land is more than a social security, as it is also attached with their community and cultural identity. Land governance concerns with rules, processes and structures through which decisions are made about access to land and its use, the manner in which decisions are implemented and enforced (David Palmer). Strategical interventions by the state through policies and programmes at all levels of Government are required for improved land governance. The components of good governance has turned into practical reality through e-governance. Information and Communication Technology has emerged as an instrument for citizen centric services

Government of India has introduced National Land Records Modernization Programme in order to computerize land records and registration. The state government in Harayana has implemented “HALRIS” Harayana Land Registration Information System. It is complete integrated workflow Automation System of Land Record. It is implemented in all 74 Tehsils and 44 sub tehsils. The services to citizens are provided through public services delivery centres “e-Disha”.

The project e-Disha was initiated in March 2006 to fulfil the objective of maximizing citizen and government interaction, to increase service delivery to citizens and to bring transparency and openness in the public service delivery mechanism.

An attempt has been made in this paper to assess the implementation of governance reforms in land sector in state of Harayana and also to analyse the perceptions of citizens regarding service delivery mechanism in land records .Hypothesis that e-governance has improved citizen centric services will be tested through questionnaire and interview method. The respondents comprise of 100 citizens who availed services at e-disha and 20 officials of e-disha centres.

This paper will help to find out strengths and weakness of the land administration in state of Harayana.

### **Increasing the community active participation in the process of systematic land registration. The role of para-surveyors and local mediators (Abunzi) in Rwanda**

*Alban U. Singirankabo, Ernest Uwayezu and Desiré Uwitonze (University of Rwanda)*

**Abstract:** Evolving technologies and the efforts to optimise the processes of land demarcation and land adjudication have led to improve land registration throughout decades. With the aim to build land administration institutions and procedures that fit the purpose, the work initially carried out by professional surveyors and lawyers has been continually making place to increasing participatory approaches. Therefore, like in Rwanda, the role of rights-holders is no longer limited to providing information on their relationships to land but to helping the actual collection of land information. In Rwanda, the first land registration was carried systematically in the period 2007-2013 as the first step of the ongoing land tenure regularisation program. Para-surveyors are recruited and trained

locally to demarcate land while existing local mediators contribute together with the community to the adjudication. This paper aims to explain local community increased active participation in the systematic land registration in Rwanda. Questionnaire survey and focus group discussions were directed to a sampled 75 households within five cells of Nyange Sector, to collect the views and perceptions of local community's on their active participation in the registration processes. Additional interviews involved local authority, Para-surveyors and Abunzi. The research reveals that local land registration techniques increase community active participation and develop ownership which in addition lead to trust and tenure security. On one hand this is due to the fact that local mediators are elected from the community to lead the adjudication, together with the community ascertain rights on land and handle first level dispute cases. And on the other hand, the sensitisations and locally recruited para-surveyors combined with boundaries identification on aerial photographs helped the community to understand and actively participate in the registration. However, the relative tenure insecurity felt results from new developmental programs which stipulate the use of the land.

### **Session: Legal and socio-legal perspectives in land governance**

Thursday 9 July, 14.00 – 15.30

Chair: *Carolien Jacobs* (Van Vollenhoven Institute – Leiden University)

#### **Included or excluded? An analysis of the application of the free, prior and informed consent principle in land grabbing cases in Cameroon and Uganda**

*Jean-Claude Nkwanyuo Ashukem* (North West University Potchefstroom Campus)

**Abstract:** Even though the principle of free, prior and informed consent (FPIC) is soft law, the need to ensure, promote, and respect, the rights to be informed and be involved in development projects, is strongly backed in international legal instruments such as the ILO Convention 169 on the Rights of Indigenous People. The Convention does not only appear to be the most comprehensive and advanced international legal instrument that deals with indigenous people's rights in terms of the FPIC, but also signals an addition to the growing body of international human rights law that serves to ensure the realisation and protection of the substantive environmental and other human rights of indigenous peoples. Such rights entail for example, the rights to be informed and participate in decision-making processes with respect to development projects. This implies an obligation on state party to such international agreements to ensure that indigenous people are informed about, and are actively involved in both the negotiation and implementation of land grabbing deals. However, because the latter often takes place against the background of non-transparent contracts which are inimical to the rights and interests of indigenous people, it is compelling to think that the principle of FPIC is not applicable during land grabbing contractual agreements.

Focusing on Cameroon and Uganda, the paper examines instances of land grabbing in these countries to support this hypothesis by specifically focusing on the application of the principle, of FPIC. The paper argues by drawing on international law that the application of this principle in the context of land grabbing does not only serve to protect the rights and interests of indigenous people, but is instructive to fostering and reinforcing the land governance regime of host countries involved in such deals. To this end, the paper concludes that because the principle embodies aspects of procedural rights such as the rights to information and participation, which are often conspicuously lacking during land grabbing contracts, its application in and during land grabbing contractual

agreements might be useful to set the basis for the recognition, promotion, and enforcement of the rights and interests of indigenous people in Cameroon and Uganda, particularly, and sub-Saharan Africa generally.

### **Fencing and the transformation of Namibia's communal lands**

*Willem Odendaal<sup>1</sup> and Paul Hebinck<sup>2</sup>* (<sup>1</sup>Legal Assistance Centre, Windhoek, Namibia; <sup>2</sup>Sociology of Development and Change, Wageningen University)

**Abstract:** This paper addresses the problem of the fencing of communal lands in northern Namibia. This is not a new phenomenon. The first cases of 'illegal' fencing are reported in the early 1970s when local businessmen began to seek and obtain approval from local chiefs for large areas of land to be allocated to them for grazing. It has expanded rapidly in the 1980's and accelerated thereafter (Cox et al. 1998; Fowler, 1998; Odendaal 2011a, 2011b; Werner, 2011; Wapulile versus Chairman Ohangwena Communal Land Board, High Court Judgment September 18, 2003, High Court Windhoek). The current government, notably the Ministry of Lands and Resettlement with assistance from the Communal Land Boards and NGOs, are currently investigating ways to eradicate fencing. In some instances, those who fence illegally have been asked to take them down voluntary; in many situations, the Communal Land Boards, responsible for the administration of communal land, resort to making use of legal means in terms of the Communal Land Reform Act, to achieve its aims. For most of the development practitioners, activists and observers of the fencing processes in Namibia, a major drive to investigate fencing critically is that fencing reduces livelihood opportunities for large numbers of communal farmers. Fencing does not allow inclusive development and growth; on the contrary it excludes the majority of cattle keepers from water points and good pastures.

The aim of this paper is to debate the meaning of fencing. In order to achieve this requires a conceptual rethinking of the fencing as a practice and as a piece of technology (e.g. wire). The paper reviews how fencing is conceptualised in the literature and a main question to address is to what extend fencing can be simply understood as part of land grabbing that recently has attracted a lot of attention from academics and practitioners. Or is it more appropriate to perceive fencing as the socio-material indicator of 'structural' transformations of the commons in Namibia, a process that is stretching over 100 or more years. Is fencing an example of land grabbing or is land grabbing a specific but recent dimension of the gradual transformation of the nature of the commons?

Building on more broader perspectives of social change and development one may argue that conceptualising communal areas as arenas of struggle is an important methodological step to take. Fencing is not treated as an event or series of events taking place disconnected or isolated from broader process of historical and contemporary socio-politico and environmental transformation of the communal lands in Namibia. Following Giddens (1987) we define 'arena' as the social setting or site of enactment of social activities and processes. Long (2000: 190, 2001: 59) defines arenas as social locations or situations where issues, resources, values and representations contest with each other. These are either spaces in which contestations associated with different practices and values of different domains take place or they are spaces within a single domain where attempts are made to resolve discrepancies in value interpretation and incompatibility between actors' interests.

The enactment of fences is one such activity generating particular processes. A focus on the enactment allows analysing how actors enact cooperation but also resistances, contestations and negotiations enacted by social actors in their struggle to access and make use of the resources of the

communal areas. Social actors struggle to get a fair share of the benefits derived from such access (Robot and Poluso 2003). It is thus important to acknowledge that fencing occurs in contexts of inequalities in terms of wealth and power, and differences in practices and values. Fencing is practised by social actors rooted in complex sets of social relations that not only span the local environment but, progressively, the global as well. The latter is important. The arena is not just constituted in the communal areas *per se* but stretches beyond the locality of communal farmers and their everyday struggles to include national politics and politicians, Windhoek's businessmen, government officials and offices, court rooms and so on.

The paper shortly depicts the broader conceptual picture of fencing in Namibia. A first section links fencing to the changes in the cattle economy; the second section explores the relationships between power, elites and fencing; the third zooms in on the legal context of fencing and explores the link between fencing and the reworking of customary law in Namibia. These three processes are strongly interrelated and together constitute the analytical and methodological core of a programme of inquiry into fencing practices in Namibia.

### **The “Myth of communally owned land” and land governance under customary**

*Judy Adoko (Land and Equity Movement in Uganda, LEMU)*

**Abstract:** The paper will draw from the research of Land and Equity Movement in Uganda – LEMU to disagree with the deep misunderstanding and the bias against customary tenure, which is held by most people, even though this bias is what has informed policies and laws on titling of land which in turn excludes traditional governance. The paper will link the bias to the economic agricultural growth theory.

The current Land laws in Uganda will be explained with emphasis on customary tenure since: **a)** it forms more than 80% of land; **b)** the system is oral and most misunderstood and unsupported; **c)** until recently, it is the only tenure system that was to be phased out through titling. The abstract will explain what customary tenure is – family and community land held in trust for the family and the community by head of family and nominated people, respectively. The differences between family and community land ownership will be highlighted. Clan management roles are stated to be to: administer land justice, protect land rights of women and children; sanction land sales, manage the head of families managing family land; mark land boundaries, set customary land laws and manage community land.

The interface between the different tenure systems will be land rights vulnerability of women and children resulting from: **a)** difference in meaning of “ownership”; **b)** the creation of hybrid laws, **c)** new interpretations, **d)** very different state and traditional land justice systems; **e)** impact of titles and **f)** protection of land rights falling in between systems. To conclude, the abstract will refer to the National Land Policy as an opportunity to enhance traditional land governance that can protect land rights and lead to equitable and sustainable development.

### **Some remarks on the protection of commons in international law**

*Miguel Ángel Martín López (University of Seville)*

**Abstract:** Facts are pointing that near two billions of people are living in commons, but they only have insecure legal rights to the land they see as theirs. On 11 May 2012 the Committee on World Food Security (CFS) officially endorsed the Voluntary Guidelines on the Responsible Governance of

Tenure of Land, Fisheries and Forests in the Context of National Food Security. These Voluntary Guidelines is an important step in protecting land tenure of vulnerable groups, but its rights are not legally binding and there is no an explicit treatment of commons.

Commons have a considerably diversity. Much land is owned by the state, which can allocate it to outside investors even against local opposition. The holder can also be the communities and local governments. The poorest and most vulnerable people in developing countries are small-scale farmers living in these areas. Increasing demands on the land, its investment value, and the need for more food sources, oblige us to think of human rights and protecting commons. Special focus also should be made in People in mobile pastoral communities. The literature indicates that livelihoods of pastoral communities are dependent on commons, particularly sensitive resources such as water and pasture.

Thus, the specific legal approach to commons is obligatory and necessary, and at times disregarded. It will demand a clarification standard of the existing rules on the subject matter (taking into account human rights rules). Also, our research objectives will highlight the route to follow in order to create international regulation where current rules don't exist, particularly the lacunae law of the above mentioned FAO Voluntary Guidelines.

### **How can we recognize land tenure rights in a public ownership framework: African cases?**

*Caroline Plançon (The World Bank)*

**Abstract:** This presentation is focused on land tenure rights recognition and the role of actors in this process, mainly policy-makers and development partners.

In the framework of the ongoing process of land policy initiative, led by the African Union, there remains a big challenge: how are land tenure rights recognized and protected when they are non-written, such as the case in most African countries, particularly in rural areas.

To discuss this issue, we will evoke the importance of public ownership: what it is and why we have to keep it in mind in the design of land programs and policies, and how partners take into account this legal issue. Our goal is to explain this important legal principle, its historic roots and its implications in the ongoing land policies at country level, linking it with ongoing concrete projects, particularly irrigated land ones implemented in the Sahel.

We will take our examples amongst specific cases of ongoing land policy processes in francophone African countries in which one of the legal features is the strong relationship between a state and its territory. Legally speaking, we speak of public ownership principle. In other words it means, in a large part of the lands in most countries in the Sahel, people have land use rights on lands which belong to the state. The question is: are these rights recognized enough? What could be a stronger way to protect them? What are the pros and cons for their stronger recognition in the legal framework?

We will explain these issues focusing on the cases of irrigating programs in Niger, Mali, Senegal and Burkina Faso. We will discuss how partners involved in development projects with land components deal with this land issue. This presentation will link policy making process, development project design and research outcomes.

## **Land, liabilities and lethargy: understanding the construction of ‘abandoned lands’ in Tajikistan**

*Irna Hofman (Leiden University Institute for Area Studies)*

**Abstract:** Post-independence agrarian change in Tajikistan has been evolving step wise, up to the current stage where former collective and state farms have been replaced by individual farm enterprises. Another important characteristic of today’s farm sector is that, besides longer flowing donor injections, more recently land investments have been pursued by other foreign actors, such as Chinese companies.

The capital involved in these investments is significant, particularly when compared to Tajik farmers, for whom the continuation of farming depends on remittances. What is more, Tajik farmers are often exposed to risks, particularly when they are unable to select their own crop choice. I shed light on the important aspect that property over land brings not only rights, but also obligations, both explicit and implicit ones.

Many debates on global land investments touch on the existence of marginal or abandoned lands. The Tajik authorities particularly refer to unused and marginal land to legitimise the granting of land to foreign (Chinese) investors, as the abandoned fields would exemplify the lack of people’s willingness and abilities to take on or expand individual farming.

I aim to explain that conflicting views over and values of farming and farmland shape people’s perceptions of farming and thus, willingness to farm. For some, farming is endowed with plentiful profit potentials. For yet others, farmland is a liability full of uncertainties.

In this paper I describe that abandoned lands in Tajikistan are constructions of the socio-political context, and are particularly confined to peripheral zones where the state has divested over the past two decades. These uncultivated fields carry high debts, primarily incurred by cotton growing farms in the past five years (see also Lerman and Sedik 2009, van Atta 2009, van Atta 2008). The recurring nature of farm debts is largely due to the political economy of cotton in Tajikistan, and has important implications for further farm development. Thus, the issue of debts merits attention since it touches on the construction of ‘marginal’ and ‘empty’ land in Tajikistan that feeds into the ‘land grab’ debate (see for instance Baka 2013, Visser and Spoor 2011).

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### **Land governance in Mozambique: Insights of the Land Law and empirical findings over land governance**

*Natacha Bruna (Observatorio do Meio Rural, OMR)*

**Abstract:** The great inflow of investment in the extractive industry in Mozambique (coal, natural gas and oil) as well as the implementation of large-scale agricultural investments, particularly in the Nacala corridor, has made land conflicts a common issue in Mozambique.

These phenomena present consequences that are beyond the desirable course of social and economic development of the country. The Land Law is considered to be one of the best although it is not applied in an effective way, causing disturbances in the process of transference and management.

Despite the prohibition of land market, in Mozambique the selling and buying of land is a common public practice (verified in newspaper and other means of communication). The state not only allows these practices but may also go against the law.

Because of the prohibition, the law foresees the use of the DUAT, which, gives the right of use and the way that Mozambican people use to transfer or "sell" their land. However, the possession of DUAT does not always represent higher safety over land occupation. External investment and other activities so called of "national interest" are highly prioritized.

The nature of Land Law together with poor practices and inefficient monitoring lead to several cases of land conflict in Mozambique in areas of great economic interest as Nacala Corridor (ProSAVANA and other agricultural investment), mineral coal in Tete (moatize) and natural gas in Cabo Delgado (Palma).

Studies show that in those areas the community become vulnerable and often loose their land and do not get fair compensation or are resettled in areas where the land is not as fertile and the access to markets and services (water; health care; education) is diminished.

## **Theme: Conflict-related displacement**

### **Documentary & discussion: Grounding Land Governance**

Friday 10 July, 10.30-12.00

Chair: *Mathijs van Leeuwen* (ASC, Leiden University / CICAM, Radboud University Nijmegen)

### **Session: Conflict-related displacement: challenges to land governance**

Friday 10 July, 13.00 – 14.30

Chairs: *Gemma van der Haar*<sup>1</sup> and *Mathijs van Leeuwen*<sup>23</sup> (<sup>1</sup>Wageningen University; <sup>2</sup>ASC, Leiden University; <sup>3</sup>CICAM, Radboud University Nijmegen)

#### **The impact of geopolitical conflict on the fate of “grabbed” agricultural land**

*Michael J. Strauss* (Centre d'Etudes Diplomatiques et Stratégiques Paris)

**Abstract:** What happens to the use of agricultural land “grabbed” in an international transaction when a geopolitical or internal conflict disrupts or radically alters the situation of one or both parties to the deal? This question arises because of geopolitical events that have occurred since the global “land-grabbing” phenomenon emerged in 2007-2008, some of which impacted the land deals. Examples include the 2009 coup in Madagascar, the revolutions in Libya and Ukraine, the breakup of Sudan into two states and the conflict in Mali – all nations that had concluded agricultural land agreements with foreign parties.

The fate of the transactions themselves, and consequently of the land use relative to the plans to grow crops for export to the party that obtained farming rights, is not always evident. This paper examines what is known across several cases to determine (1) what their outcomes are, including the gainers/losers at levels ranging from international to local; (2) whether any patterns can be discerned; and (3) whether the results can be addressed proactively, or during or after a potentially disruptive event, in order to minimize the impact on the continuity of the land’s agricultural use.

#### **Military entrepreneurs, land access, IDPs and refugees resettlement in Eastern DRC**

*Decky Kipuka Kabongi* (Carleton University)

**Abstract:** The general objective of this paper is to examine the relationship between military entrepreneurs and land governance in the provinces of North Kivu and South Kivu in eastern DR Congo. Over the last two decades, these two provinces of the DRC have experienced violent armed conflicts that caused massive displacements of local population. Humanitarian sources indicate that the majority of the IDPs in the DRC are concentrated in its eastern provinces of North and South Kivu. Moreover, a large proportion of Congolese refugees in the DRC’s neighboring countries come from these two provinces. Unresolved disputes between various ethnic groups of eastern Congo over access to and control of land have been a major factor that led to armed violence and ensuing political instability that erupted in eastern DRC in the mid-1990s. While most scholars who have studied the Congolese conflict have focused on illegal access to Congo’s rich minerals, they have overlooked the question of land governance. Both political and military elites have used their influences to take control of large proportions of land in the aftermath of massive population displacements resulting from the conflict. In the absence of secure property rights and land tenure,

population resettlement becomes complicated as most of the returning IDPs and refugees try to regain access to and control of their land, which is the main economic asset that can facilitate their social and economic re-integration. In this context and very specifically, this paper aims to analyze the impact of military elites who take control of abandoned lands on land access and ownership in eastern Congo. From a public policy perspective, understanding such an impact is crucial for a sustainable peace in post-conflict context. This paper seeks to carry out a fieldwork in the DRC to meet its stated objectives.

### **Of landmines, notions of place and (dis)placement. Narratives of settlement and displacement in Nagorno-Karabakh, the South Caucasus**

*Pia Ferner (Wageningen University)*

**Abstract:** Official end of the Nagorno-Karabakh war between Karabakh-Armenians and Azerbaijan was marked by the signing of a cease-fire agreement in 1994. More than 20 years later 600.000 people are still living as IDP's in Azerbaijan as a result of this conflict. While internationally being recognized as de jure part of the Republic of Azerbaijan, Nagorno-Karabakh is de facto independent leaving the issue of IDP's, which is among the highest numbers per capita on a global scale, largely unresolved.

While the fate of IDP's remaining in Azerbaijan proper is of pressing concern, I consider it relevant to also shed light on the current situation of settlers residing in the occupied or liberated territories of independent but unrecognized Nagorno-Karabakh Republic. During field research valuable insights could be gained on how landmines shape peoples living environments as well as notions of place and belonging, which can serve as valuable input for approaches to land governance and conflict management.

This paper explores sense-making processes of Armenian settlers in landmine contaminated areas of Nagorno-Karabakh. The frozen conflict environment in the South Caucasus has immediate impact on questions of territoriality and land governance, particularly also through the continued presence of landmines and current demining strategies. However, it further contributes to a shaping of local peoples perceptions of and attachment to place and questions of belonging and identity. In addition, the presence of landmines has wider implications for a potential return of IDP's. These notions of place can be linked back to an understanding of conflict dynamics and key factors for a potential settlement of the conflict. Current peace negotiations lack transparency and inclusion of non-political actors and fall short in going beyond the principle question of territorial belongings, lacking the ability of adopting a more people-centred approach.

### **The geo-politics of displacement-related land disputes in Yei River county, South Sudan**

*Peter Justin<sup>1</sup> and Mathijs van Leeuwen<sup>12</sup> (<sup>1</sup>ASC, Leiden University; <sup>2</sup>CICAM, Radboud University Nijmegen)*

**Abstract:** This paper explores the politics of land reclamation after violent conflict in Yei River County in South Sudan, and shows how war-related displacement and return in practice promote particular geopolitical projects around land governance. While displacement is commonly seen to result in reshuffles in landownership, which need to be 'reversed' in post-conflict settings, this paper argues that in practice, displacement may come down to a drastic reorganization of how land is accessed.

Displacement may transform the institutional order in place, and change who is in charge and what rules apply. This makes displacement highly political, and not easily reversible. To make this argument, the paper explores interactions between returning landowners and internally displaced persons (IDPs) in Yei River County. While the 2005 Comprehensive Peace Agreement (CPA) stipulates restitution of land occupied by others in the absence of the pre-war owners as well as compensation of those that have to leave, in practice, many people perceive injustices in the restitution process. Due to grievances of the past and fears that the displaced might settle permanently, the displaced are perceived as perpetrators of land grabbing. Those with good connections to the military are able to circumvent legislation and overpower land governing authorities, while those without such connections are at the losing end. The de facto result is a new institutional order surrounding land, which puts at sharp relationships between returnees and displaced from elsewhere and creates potential for (violent) conflict in the future.

### **Diaspora development activities in the countries of origin implications for land governance and internal displacement in the Great Lakes Region**

*Antony Otieno Ongáyo (Utrecht University – International Development)*

**Abstract:** Developing countries especially in Sub-Saharan Africa are increasingly facing huge challenges presented by conflict-induced internal displacement, estimated at 26 million people. Most affected is the Great Lakes region, where the major causes of internal displacement include environmental disasters and ethnic conflicts linked to land disputes, competition for natural resources, land ownership in the volatile regions and periodic ethnic violence and civil war. Land disputes and conflict-induced internal displacement are further exacerbated by commercial interests, land tenure policies under neo-liberalism and the allocation of land by the elite through politics of patronage. Land in most developing country societies is also a sensitive issue due to its linkage to traditional values and customs, livelihoods and sustainability of communities. As result land disputes bring along enormous influence on land governance and make land a highly prized resource. The problem is much more serious in countries with historical injustices related to colonial land legacy and poor post-independence land distribution policies. Among the latest entrants in the land debate are the diaspora who return to invest in such sectors as agriculture, real estate and infrastructure development. The diaspora engagement in land related issues is linked to efforts by governments to encourage migrants to invest back home but also a factor that is influenced by the diasporas motivation to undertake investments that would ensure a secure livelihood upon return. This is informed by the difficult conditions for investment in the countries of residence in comparison the low cost of investment in countries of origin.

This paper seeks to establish the implications of diaspora development activities in the countries of origin for Land Governance and internal displacement in the case of the Great Lakes Region. It seeks to do so by investigating and analysing the dynamics and interrelationship between land governance, land disputes and internal displacement and how these conditions are influenced by diaspora activities upon return or from a distance. The analysis will focus on institutional configurations and human agency in order to assess how plurality of actors and organisations but also how diaspora activities in the countries of origin impact upon institutions and land governance policies

## **Conflict related displacement and post-conflict land administration**

*Dimo Todorovski (ITC, University of Twente)*

Conflicts are a huge obstacle to global growth and sustainable development. The most serious concerns from conflicts nowadays are: death, injury, destroyed infrastructure and houses, and displacement. Land and its administration are always negatively affected by conflict; if neglected or not properly addressed in post-conflict contexts they could be a cause for new disputes and renewed violent conflicts. These issues become more complex after the end of the conflict when people in masses return to their places of origin and usually find their properties destroyed or illegally occupied by secondary occupants. This study aims at increasing the understanding of conflict related displacement and post-conflict land administration.

One of the cases where conflict related displacement and land related challenges can be deeper explored is Kosovo. Kosovo witnessed a conflict which resulted with displacement in several waves. In the first wave, prior to the NATO intervention in March 1999, more than 260,000 people were internally displaced persons (IDPs) and 100,000 were refugees. The second wave of displacement occurred when the NATO intervention was announced; almost half of the total population, app. 800,000 mainly Kosovo Albanians, sought refuge in neighbouring Albania, Macedonia and Montenegro, and additional 500,000 were IDPs. After the end of the conflict in period of 40 days, more than 700,000 refugees returned to Kosovo. Violation in property rights, illegal occupation and forced eviction from properties was evident. The final wave, aroused after the end of the conflict, when 245,000 mainly Serbs and other non-Albanians fled from Kosovo. Land issues were adequately addressed in the peace agreement document focusing on displaced population, establishment of land administration system and resolution of property claims. With the support of the international community these issues were developed accordingly and had positive impact on land related problems of the displaced population of Kosovo.

## **Theme: Gender**

### **Session: Issues in gender and land**

Wednesday 8 July, 16.30 – 18.00

Chair: *Caroline Archambault (Utrecht University – International Development Studies)*

### **Gendered resource relations and changing land values: implications for women's access, control, and decision making over natural resources**

*Juliana Nnoko-Mewau<sup>1</sup>, Robert Mazur<sup>1</sup>, Sharon R. Bird<sup>1</sup> and Ruth Meinzen-Dick<sup>2</sup> (<sup>1</sup>Iowa State University – Department of Sociology; <sup>2</sup>International Food Policy Research Institute, IFPRI)*

**Abstract:** The processes by which transfer of agricultural land use right is planned and implemented in the Global South are diverse based on national contextual factors and involve multiple stakeholders depending on the statutory provisions, customary laws, and social, political and legal institutions within a particular society. Drawing on empirical data collected in mid-2014 in four communities in Cameroon, we examine systemic processes that create and reproduce gender inequality within rural communities, shaping negotiation over the transfer of community land use rights to a multinational corporation. Our research shows that current processes of transferring land-

use rights are gendered and that these processes negatively affect women in particular and the communities they belong to.

### **Women, inheritance and Islam: assessing customary and religious laws and practices around inheritance**

*Elisabetta Cangelosi<sup>1</sup> and Sabine Pallas<sup>1</sup>* (<sup>1</sup>International Land Coalition, Women's Land Rights Initiative)

**Abstract:** This paper present an overview and analysis about Women's Inheritance Rights in Muslim Societies, based on selected case studies commissioned by the International Land Coalition's Women's Land Rights Initiative.

Women's access to and control over resources is shaped by complex systems of common and civil law as well as customary and religious laws and practices. When women do acquire rights to land, they largely do so through inheritance – which is strongly influenced by laws and customs that govern family and social relations. Customary or religious laws remain deeply embedded in many parts of the world, with men more likely to inherit, own, control and manage larger areas of land, cattle and more valuable animals, compared to women. Different customs and traditions may interact and produce very specific situations affecting women's land rights.

The research took place in Asia (Pakistan, India, Indonesia and Bangladesh) and Africa (Mali, Senegal and Togo) where different customs, laws and traditions interact with each other and create a complex puzzle of inheritance rights options for women, as well as women's actions against unfair conditions.

The aim of this research project was to understand in more detail to what extent Muslim law and/or culture affects women's inheritance of land, and to develop policy recommendations on how to address discriminatory customary laws and practices. The paper analyses country-specific features of women's inheritance rights as well as commonalities across countries with a view to identifying possible strategies to secure women's land rights in Muslim contexts. A comparison between Muslim and non-Muslim contexts is also conducted, in particular for West Africa, India and Bangladesh, to better identify the role played by each tradition and understand the differentiated interaction of customary and social norms.

### **Negotiation practices in women's pathways to land tenure security – women's social networks and access to land governing institutions in Burundi**

*Karin van Boxtel* (Wageningen University)

**Abstract:** Secure land tenure is vital for effective socio-economic development and social stability. Yet, the existing literature often stresses the problems related to women's land tenure in rural settings. In Burundi, women are often particularly vulnerable, being deprived of their rights to inherit or register land. Moreover, they often lack knowledge, wealth and access to authorities to cope with land disputes. Especially widows and divorced women are at a disadvantage, when they can no longer access land through their husbands. The ways in which women nonetheless secure access to land deserve further exploration.

Therefore, I studied the pathways through which widows and divorced women in rural Burundi deal with threats to land tenure security. I unravelled the strategies they employ at a local

level, navigating between statutory-, customary- and human rights normative orders. My analysis shows that social relationships and networks are critical for how women manage to access land.

In this paper, I specifically zoom in on constraining and enabling factors of the social relations and networks of widows and divorced women, and the pathways they create to secure their interests. Since personal dependency relations are at the heart of the local social fabric, the relationships these women have with authorities, community and family members are crucial to manage threats to their land tenure. This paper analyses the practices of negotiation, brokerage and processes of in- and exclusion emerging from this, and explores the role of social networks in their pathways to land tenure security.

This case study underscores analyses that emphasise how the negotiability of local tenure arrangements is an unequal process, which is often at the disadvantage of vulnerable women. However, it also reveals how women's social networks are critical in the negotiation of access to land governing institutions and how they get their land claims nonetheless acknowledged.

### **Land tenure regularization in Rwanda: registration of land rights for women and its impacts on food security**

*Appoloni Mukahigiro<sup>1</sup>, Monica Lengoiboni<sup>1</sup> and Liza Groenendijk<sup>1</sup> (<sup>1</sup>ITC, University of Twente)*

**Abstract:** Securing women land rights through land titling programs are viewed to be potential means for enhancing their tenure security. This is with the expectation that women may gain greater influence to make decisions on how to use the land, if they are registered as joint owners. According to studies, women are more likely than men to make decisions that improve food and nutrition needs at farm level. This research investigated the impacts of registration of land rights for women in Rwanda on food security at household level. The focus was on how women perceive land; if and how women make decisions on food crop production; and programs that influence women's decision making on food crop production. Results show that women perceive land as being a primary source of food, source of livelihoods, and owning land increases the status of women in the society. Results indicate that women land owners have obtained security of tenure and are aware of their land rights. This is especially so because their consent is required prior to disposal of land by their husbands. However, tenure insecurity is perceived when it comes to the limitations or land use restrictions in the formal land law. On making decisions on food crop production, majority of women never make decisions, or sometimes make decision on food production. The crop intensification programs by the government influence the populations' decision making in relation to what food crops to grow, giving little room for freedom to grow food crops of their choice. This has implications on food security at household level. Women growing food crops of their choice observe no increased harvest since their land rights were registered. Notwithstanding this, the study also shows that programs such as cooperative societies provide opportunities for women to access credit with which they could invest in and enhance farm level productivity.

## **Legal empowerment to women's land tenure security in Rwanda: Assessment from the land reform perspective**

*Uwayezu Ernest<sup>1</sup> and Singirankabo Uwacu Alban<sup>1</sup> (<sup>1</sup>University of Rwanda)*

**Abstract:** From the year 2004, the Government of Rwanda has institutionalized different rules determining the use and management of land. Those rules comprise strategies for the protection and enforcement of land rights for all landowners and provide a legal basis for women to claim and defend their land rights against any threats. This study ascertains the extent to which Rwandan women' land rights are recognized by the community and how different leaders empower those women in defending their land rights. It applies the goal-based evaluation approach to assess whether the expected outcomes from Rwandan land reform entailing equal land rights for all citizens and special protection of land rights for women are being achieved. Data sources comprise the survey by questionnaire, interviews and review of the literature on land tenure and land administration systems in Rwanda. Findings show that most of Rwandan women are aware of legal process to claim and defend their land rights when they are neither recognized nor respected by some members of the community. Land rights claims are mostly submitted to local leaders (cell and Village levels), mediation committees and occasionally at primary courts. There have been different cases where those leaders assisted women claiming their land right and the later accessed fair justice. There are however barriers such as ignorance about land law and legal process to claim land rights, fear of mistreatment or harassment by their relatives or husbands, lack of confidence in defending their rights, fear of not being understood by the members of mediation committee or local leaders, and lack of finance resources to pursue their claims transferred to court that prevent some women from defending their land rights. The study suggests some measures to enhance land tenure security for rural Rwandan women.

## **Session: Gender and commercial land investments**

Thursday 9 July, 10.30 – 12.00

Chair: *Caroline Archambault* (Utrecht University – International Development Studies)

### **How can commercial land investments better integrate gender in order to significantly enhance women's well-being and diminish gender inequalities?**

*Celine Salcedo-La Viña<sup>1</sup> and Maitri Morarji<sup>2</sup> (<sup>1</sup>World Resources Institute, <sup>2</sup>Wellspring Advisors)*

**Abstract:** Research by WRI and other organizations has shown that while national laws governing commercial land-based investments often mandate community participation in decision-making processes, in practice community participation remains weak, particularly for women. Women's specific vulnerabilities, contributions to agriculture, and role as primary food providers in rural households necessitate their engagement in land acquisition and investment processes.

Last year, WRI and partner organizations launched a project to promote gender-equitable community decision-making on land investments in Mozambique, Tanzania and the Philippines. These three countries are among the top ten targeted for land investments documented in the Land Matrix. The project goal is to strengthen women's participatory rights through reforms in the regulatory frameworks governing land investments. The project has two phases, with the first phase devoted to research on the policy and statutory frameworks, and the practice of land acquisitions as

described in existing literature and case studies undertaken in each country. Gaps in the statutory and regulatory framework (law v. implementing rules and guidelines), and between such frameworks and practice, were identified, and evidence-based reforms were developed to be put forward to the government. The second phase will be for outreach and advocacy, including pressing for regulatory reforms, engagement of key stakeholders, and developing a monitoring tool for CSOs and communities. Outreach to promote rights awareness to women and buy-in by men in communities is a critical component. Also included is outreach to investors to promote better integration of women in public consultations.

The conference presentation will describe the results of the combined research of country partners and WRI and the reform options identified. A key finding is that statutory mandates on community participation and gender equality are not followed through in the regulatory frameworks, making it hard for women to exercise their rights. Specific reforms recommended for each country and outreach and advocacy strategies will be discussed.

### **From agricultural lands to a “first class” airport. Gender and land sales in Atenco, Mexico**

*Verónica Vázquez García (Colegio de Postgraduados)*

**Abstract:** The municipality of Atenco, Mexico, received considerable attention in 2001, when President Vicente Fox unsuccessfully attempted to expropriate its agricultural lands in order to build a new airport; and again in 2006, when the police entered Atenco in order to contain a mobilization led by the Frente de Pueblos en Defensa de la Tierra (FPDT), causing severe human rights violations that remain unpunished to the present day. Both events have been sufficiently researched and FPDT leaders have become icons of land struggles in Mexico. Less known are the land sales silently orchestrated by CONAGUA (National Committee on Water) since 2001 for the same purpose. The idea, so CONAGUA officials say, is to build the airport on lands lawfully bought from peasants rather than expropriated from them, together with an “ecological park” that make the whole project highly sustainable.

This paper has two objectives: 1) to reconstruct the process of agricultural land sales from the point of view of Atenco men and women; 2) to analyze the impact of agricultural land sales on gender relations in terms of access to traditional resources, landscape transformations and new employment opportunities. Field data was collected through interviews and research site observations. Official documents produced by CONAGUA, the National Institute of Statistics and the National Agrarian Office support field data analysis.

### **Linking women with agribusiness in Zambia: corporate social responsibility, creating shared value, and human rights approaches**

*Eija Pehu<sup>1</sup>, Pirkko Poutiainen<sup>1</sup> and Marialena Vyzaki<sup>1</sup> (<sup>1</sup>The World Bank)*

*Presented by: Patricia van de Velde (The World Bank)*

**Abstract:** The ultimate goal of the research described here is to derive principles and good practices that enable women to participate more equitably and productively in development led by Africa’s private sector. The analysis examines how women—largely as farmers and employees, but also as entrepreneurs in their own right—are participating in agribusiness. Under what terms and conditions do women participate? What can be done to develop better links between women and agribusiness

and improve women's economic empowerment? To introduce specificity to this inquiry and derive practical recommendations anchored in experience, the research focuses on Zambia, where companies increasingly work with women farmers and employees, and some businesses are interested in programs designed to increase profits while achieving social and developmental goals such as women's empowerment.

Following extensive consultation with stakeholders, 4 agribusinesses operating in Zambia were selected for detailed case studies: Cargill, a multinational agribusiness; Eastern Province Farmers Cooperative (EPFC), a small, not-for-profit business; KASCOL (Kaleya Smallholders Company Ltd.), a former government enterprise that now has mixed ownership and social enterprise aims; and Zambia Breweries, a subsidiary of SABMiller, a multinational beverage firm. The companies were selected based on a number of considerations, including their interest in participating, the likelihood that they would enable the team to obtain information on the practices of interest for linking women and agribusiness, and the diversity of agricultural commodities produced or procured by each company (some commodities are produced mostly by women, and others by men; some are grown primarily for cash, and others for home consumption). An additional consideration was that the companies should differ by type and ownership.

The experience of the case study companies shows that innovation, learning, and progress are occurring with respect to women's advancement in more commercial agricultural value chains and enterprises. Admittedly these companies represent the best practices in Zambia; in that sense, they stand as models for similar efforts in other companies, which are likely to have considerable room for improvement. We are currently working on a Conceptual Framework to anchor these Case Study findings and identifying the drivers for gender empowerment looking at the public and private sector domains. Initially, we will present different frameworks for the investment model impacting women disaggregating by contract farmers and employees. The outcomes may depend on the size of the company, looking at different impact potential based on size/investment/crop. This study is being supervised by Eija Pehu. We think this report and our discussion may offer an alternative scenario to thinking about gender impacts of commercial land investments and agribusiness. Once the final report has been cleared, we will be sharing this document widely, and also look forward to sharing the anticipated Conceptual Framework Study which is forthcoming.

### **Common property, women's livelihood and large-scale agriculture investment in Ghana**

*Gertrude Dzifa Torvikey (University of Ghana)*

**Abstract:** Africa has become the hotspot for global large-scale land-based investments. While these investments are encouraged for various reasons, many argue that the phenomenon is changing women's land holding right which is already under discussion. Ghana, like many other African countries has witnesses increased investment in agriculture land over the past seven years. The discussions bordering such investments treat women's land holding as secondary and therefore relegate it to the back burner when it comes to broader discussions on user right and right to dispose of land. This paper argues that in rural areas where common property is a major livelihood source for women, large-scale acquisitions which do not consider these secondary users in negotiations have fundamentally altered the opportunity space for poor rural women. The paper is based on systematic review of literature on land-based agriculture investments in especially those published after 2007 till 2014 to analyse how common property has been treated conceptually in these publications. The policy argument this paper advances is that, common property users are conceptual owners of the

land and therefore must be recognized as much as titleholders. Communitarian use of natural resources is a major buffer for poor women in rural Ghana and therefore, policies on land must be innovative enough to embrace the diverse users of land.

### **Discussion session: Gender and land**

Thursday 9 July, 14.00-15.30

## **Theme: Sustainability of oil palm production in Latin America and Asia**

### **Session: Oil palm expansion in Latin America – linking development pathways to socio-environmental impacts**

Thursday 9 July, 16.00 – 17.30

Chairs: *Antonio Castellanos Navarrete<sup>1</sup>, Fabio de Castro<sup>2</sup> and Pablo Pacheco<sup>3</sup>* (<sup>1</sup>Wageningen University, <sup>2</sup>CEDLA – University of Amsterdam, <sup>3</sup>CIFOR)

### **Outcomes and challenges from disparate pathways of oil palm expansion in Latin America Pablo Pacheco (CIFOR)**

**Abstract:** Oil palm cultivation is increasingly expanding in Latin America under development pathways that diverge from the ones observed in Southeast Asia where oil palm has developed based on large-scale plantations and increasingly targeting the global markets. In Latin America, in contrast, palm oil supplies mainly the domestic oil food and biodiesel industry, supported also by domestic capitals. In spite of that, disparate development pathways are observed in oil palm development in Latin America, which are related not only to broader policy goals but also to the business models adopted by industry, the ways in which the value chains are organized, and the degrees of integration of smallholders to production and processing. These different factors shape differentiated outcomes of oil palm development in growers' income, distribution of benefits and local development. This work focuses on comparing, based on cases from Brazil, Colombia and Peru, the disparate development pathways associated to oil palm development influenced by, on the one side, broader policy frameworks and state incentives, and on the other side, to the type of business models established by industry in their interactions with smallholders. In each case, we will emphasize on their impacts in income of growers, distribution of benefits, and local development, and associated impacts on land use change. Main contrasting situations range from models driven by industry and biodiesel production to others in which oil palm is driven by development projects and cooperatives. We will conclude by stressing the opportunities for improving the role of oil palm development when it is part of broader landscape approaches for supporting sustainable land use and economic development.

### **Implications of political and social dynamics on palm oil production models in Colombia Alejandra Rueda Zarate (Nes Naturaleza)**

**Abstract:** Colombia is the largest producer country of palm oil in Latin America and fourth in the world with over 1.1 million tons and close to 500,000 hectares planted in 2014. Its growth has been

framed by public policies, sector institutionalism, smallholders' inclusion and the conception of new markets such as biodiesel.

The agroindustry is characterized by its dynamism and the constant change on its development models. Nowadays, it is fully integrated with operations spanning the entire palm oil value chain. It started in the early sixties as a way to provide local raw material to the oils & fats industry already established. Then, in late eighties, a greater crude palm oil supply urged to break in to the international markets. Finally, during the last decade, palm oil sector was focused on the local biodiesel market through inclusive models with smallholders - during the last years, 6.000 small farmers entered into the business. As a way for social and economic development, medium and large mills have established Productive Strategic Alliances with smallholders who actually cover 15% of the total planted area in Colombia.

However, in spite of the growth shown by the agribusiness, oil palm plantations in Colombia have been affected by a lethal disease that threatens not only their sustainability but the livelihoods of hundreds of smallholders and workers. This phenomenon represents a new challenge for every actor in the supply chain and calls for creative and innovative solutions.

The paper provides an overview of palm oil agribusiness in Colombia, it describes the main production models and discusses the role of its main stakeholders. It also addresses the actual challenges of the sector such as phytosanitary problems and productivity.

### **Oil palm production by smallholders in the Peruvian Amazon**

Aymé Muzo (CIFOR)

**Abstract:** Oil palm is expanding in the Peruvian Amazon linked not only to industrial plantations but to small-scale growers, organized in cooperatives that supply a growing domestic market. This crop has also been promoted under the alternative development programs in Peru, thus favoring the expansion of oil palm under an "associative business model" in which groups of organized smallholders are not only engaged in production but in processing since they constitute the shareholders of oil palm mills. There are 4 mills owned by 4 cooperatives in the Peruvian Amazon that altogether control about 32% of the total palm oil supply in Peru by 2013, and smallholder's planted areas increased from 3.860 to 19.825 hectares in the period from 2001 to 2013. This expansion is not exempt of controversies. On the one hand, oil palm is considered a profitable crop for farmers, and on the other hand, it is often seen as a main cause of deforestation and diversity loss. This work assesses the implications of oil palm development undertaken by cooperatives for smallholder's livelihoods, production systems and land use change dynamics. This based on data from a survey, conducted in the period from October 2013 to April 2014, comprising 91 households in the department of San Martin and 135 households in Ucayali that were selected through a random sampling method. Main findings suggest that oil palm accounts for about 79% of the total annual household income and occupies about 53% of the total cultivated area, replacing mainly to forest regrowth and agroforestry systems. Smallholders, when decide to cultivate oil palm, benefit from a steady source of income and relatively secure market, yet have to dedicate greater capital for its establishment. However, a high income-dependence on oil palm can represent a risk to farmers that while tend to benefit form a highly profitable crop may also suffer from market oscillations, thus affecting their livelihoods.

## **The environmental governance of oil palm expansions: bottlenecks and opportunities for sustainable land use change in Mesoamerica**

*Antonio Castellanos-Navarrete (Wageningen University)*

**Abstract:** Environmental governance of tropical deforestation has increasingly focused on reducing greenhouse gas emissions. Such an approach has been adopted by numerous national governments as part of the Kyoto Protocol commitments as well as being increasingly influential in certification schemes such as RSPO. Greenhouse gas emissions mostly depend on land use changes that implicate several actors with a different prioritisation for production and conservation goals. The aim of this research is analyse the possibility offered by contemporary mechanisms to reduce greenhouse gas emissions for the case of the oil palm expansion in Mesoamerica. This study was carried out in two regions in Mexico and one in Guatemala with smallholders as key producers in all cases. This research points to three main findings. First, state interventions in the oil palm sector did not include any mechanisms to reduce emissions. Interventions in study regions formed part of a large tradition in which agricultural development has normally taken precedence over environmental considerations when outside natural protected areas. Second, the RSPO certification scheme discouraged deforestation but it is unlikely to have further impacts considering its problematic emission estimation model as well as the lack of incentives for smallholder participation in Mesoamerica. And third, local decisions on land use changes were dominated by land degradation and production concerns that were not always conducive to emissions reduction. Global efforts to reduce emissions had a limited impact on the oil palm expansion in Mesoamerica as such efforts entered in contradiction with the practices and interests of the actors involved in the region.

## **The political ecology of access to land and palm oil expansion in Colombia**

*Victoria Marin-Burgos (independent researcher)*

**Abstract:** The global palm oil market has experienced a remarkable boom since the year 2000, which has led to an accelerated expansion of oil palm cultivation in palm oil producing countries. There is a wide range of literature documenting the negative socio-environmental effects of this expansion, which, in some cases, have resulted in land and livelihood dispossession of local people. However, country-specific geographies and social, political and economic processes shape the ways in which the expansion unfolds in any particular country. In this paper, I present the conclusions of a doctoral research on the political ecology of access to land and palm oil expansion in Colombia. I analysed the country-specific trajectories of the expansion of the palm oil frontier in Colombia between the years 2000 and 2010, considering multiple scales. I analysed the connection of this expansion with broader processes at global scale. At the national scale, I identified the modes of expansion and the cases where socio-environmental impacts had been reported in different regions of the country. At the local scale, I focused in three cases located in the central region of the palm oil geography in order to analyse the effects of the palm oil expansion in local people's livelihoods. The results show that expansion of oil palm cultivation in Colombia has taken mainly the form of agro-industrial plantations either owned by palm oil producers or controlled by them through contract farming arrangements. This expansion has occurred through forms of territorialization that include several 'accumulation by dispossession' practices, and 'assimilation' (i.e. practices of incorporation of local populations into modern processes of development that deny differences rooted in identity and culture (Escobar,

2006)). These territorialization practices are embedded in contextual factors that include the Colombian agrarian history, the armed conflict, and governmental policies grounded on vested power relations. In the local cases analysed, the physical transformation of the territories and the territorialization practices affected different dimensions of local people's livelihoods.

### **Soy expansion into the Amazon: preliminary findings on land use and land grabbing in Brazilian agricultural frontiers**

*Sérgio Sauer* (University of Brazil/ International Institute for Social Studies, ISS, Erasmus University)

**Abstract:** The State of Pará in the Brazilian Amazon is nationally and internationally known for its land conflicts in the course of history. Agricultural modernization and the expansion of the agricultural frontier, especially the expansion of soy crops, did not significantly alter its record of conflict and violence. Instead, new actors and causes – as elements of new agro-strategies for the Amazon – have experienced a reality of land disputes, increasing conflicts and criminalization of Indigenous and peasant leaders in the region of Santarém, one of the most important urban and rural centres of Western Pará. This research aims to examine the relations between the arrival and expansion of soybean plantations in the region, the continuity of long-standing land conflicts and the emergence of new ones, and the creation of additional obstacles – for instance, the demands for land and the rise of the land price – on the path to securing land and territorial rights in the Amazon, specifically in the state of Pará (eastern Amazon).

### **The biodiesel program and territorial reconfiguration in Eastern Amazon, Brazil**

*Fabio de Castro and Celia Futemma* (CEDLA – University of Amsterdam)

**Abstract:** Renewable energy has become a central element in mitigation strategies for carbon emission. However, the expansion of biofuel production has triggered major criticisms regarding ecological and social impacts to marginalized rural populations. Land grabbing, food security, and land degradation are some of the impacts of biofuel in rural territories. In this paper we address the reconfiguration of rural territory driven by the National Program of Production and Use of Biodiesel (PNPB), and by the Oil Palm Pole (OPP) in the Eastern Amazon implemented in 2005 and 2010, respectively. The PNPB was designed to achieve to replace imported diesel and fulfil the increased demand resulted from economic growth, and to promote the inclusion of small farmers in the production of oil seeds. Although the annual production target was achieved, progress towards social inclusion was insignificant. In 2010, the national government has implemented a program for the expansion of oil palm in the Eastern Amazon in order to boost social inclusion in the PNPB. This paper focuses on the social and landscape transformations driven by this program. Although oil palm crop system has long been established in this region, the OPP program foresees an expansion from 80 to 210 thousand hectares by 2014, and investment of USD500 million for new biodiesel plants and credit lines to benefit mainly small and medium farmers. Based on preliminary data collected between 2011-14, we analyze the transformations in territorial configuration in the municipality of Tome-Açu resulted from this initiative. The discussion will focus on two key elements of this session - power relations among farmers and the biodiesel plants, and the role of the state in the reconfiguration of rural territories in the region - by addressing internal (conditions established by

the contracts between farmers and the biodiesel plants) and external (supporting policies for the expansion of oil palm crops) factors driving the oil palm expansion.

**Session: Towards sustainability of various oil palm production models in Indonesia - a need for integrated and participatory land use planning, socio-economic issues**

Friday 10 July, 10.30 – 12.00

Chairs: *Pita Verweij*<sup>1</sup> and *Paul Burgers*<sup>2</sup> (<sup>1</sup>Utrecht University – Copernicus Institute of Sustainable Development, <sup>2</sup>Wageningen University)

**Oil palm, land governance, equitable and sustainable development: prospects for smallholders in Indonesia**

*Lesley Potter* (Australian National University)

**Abstract:** ‘On the surface oil palm appears to be dominated by large plantations. However... smallholders now account for over 40% of the oil palm area in Indonesia, the largest producer and 80% in Thailand the third largest producer...the structure of the industry is already shifting’ (Byerlee 2014: 584). Is the structure of the industry in Indonesia really shifting towards smallholders? Which smallholders? With high palm fruit prices, smallholders managed reasonably well, although their holdings are smaller than their counterparts in Malaysia, Brazil or Colombia. Lower prices and more onerous regulations have recently brought more difficult conditions. Farmers need land for food production and an alternative income source: mixed cultivation is possible for independents but usually denied ‘scheme’ smallholders. Inequities abound: in Sumatra’s Riau Province smallholders control 57% of the mature oil palm area; in Central Kalimantan, less than 14%. Further inequities occur in production gaps between plantations and smallholders, especially independent smallholders, through lack of access to high quality seedlings, loans and technical advice. Provision of these services, trialled to small groups in Colombia and Malaysia, is beginning in Indonesia. ‘Sustainable development’ of all lands is demanded by consumers, with more attention to environmental and social issues. While smallholders are arguably less likely to deforest than big plantations, or cultivate the peat swamps, larger smallholder plantings may be suspect. The Indonesian Sustainable Palm Oil (ISPO) has weaker regulations than the RSPO for community consultation, land rights and acquisition, while ‘Free prior and informed consent’ (FPIC) is omitted. To avoid further conflicts over land, new company-community partnerships will be needed, based on ‘improvement’ - the creation of shared value -with respect for rights and the balancing of freedom of choice with accountability (Aidenvironment, 2014).

**Smallholder engagement in palm oil production: a portray of smallholder oil palm in Riau Province, Sumatra, Indonesia**

*Suseno Budidarsono*<sup>1</sup>, *Paul Burgers*<sup>2</sup> and *Annelies Zoomers*<sup>1</sup> (<sup>1</sup>Utrecht University – International Development Studies, <sup>2</sup>Wageningen University)

**Abstract:** In the last 15 years oil palm smallholdings in Riau province, Indonesia, have dramatically increased from 480,328 ha (46%) in 2001 to 1.24 million ha (61%) of total oil palm planted area in 2012. Initially, state-owned estate companies supported smallholders in oil palm cultivation. However, these supported smallholders are overtaken by independent smallholders, who take up oil

palm cultivation spontaneously without any official support programme. In Riau province this figure has increased to 81% of total smallholder oil palm in the province. This phenomenal increase went hand in hand with large-scale in-migration aiming at oil palm cultivation. The fact that smallholders are becoming the most important agents in the rapid expansion of oil palm in Riau province, is not well understood. Therefore, taking the smallholder perspective, this paper aims to analyse and understand the growing interest and opportunities for smallholders to construct a livelihood around oil palm cultivation. Despite the fact that yields in smallholder production remains far below their potential, smallholders find it highly profitable. This has triggered large numbers of in-migration. We find that a large majority of 78% of small-scale oil palm producers in Riau Province are migrants, who mostly come from Java and North Sumatra Province. They consist of both supported and independent producers. The remaining percentage, local communities, are all independent oil palm producers. They began to integrate oil palm into their farming systems about ten years after oil palm was introduced in Riau Province in the late 1970's.

### **Food versus fuel: processes of riceland conversion in favour of oil palm**

*Paul Burgers (Wageningen University)*

**Abstract:** Although Indonesia is the third-largest country regarding global rice production, it remains an importer of rice. For multiple decades Indonesia has been striving to reach rice self-sufficiency but only succeeded in the mid-1980s and 2008-2009. Indonesia has the largest per capita rice consumption in the world. Indonesians consume around 140 kilogram of rice per person per year. The apparent inability of rice production to keep up with domestic demand is for an important part caused by land use conversion processes in which rice fields in particular area converted into other uses. On Java, ricefields are increasingly being converted into building sites, to provide housing for the increasing population. On the outer islands, mainly on Sumatra and Kalimantan, large areas of rice land is converted into small scale oil palm plantations. Depending increasingly on rice imports, it has become an important national security issue, now that Indonesia is no longer able to feed their own population with domestically grown rice. Here, research is presented from a number of villages in Riau province and West Sumatra, where Riceland is increasingly being converted into small scale oil palm plantations. If we understand why farmers move away from rice cultivation in favour of oil palm in particular, and find opportunities how we can support farmers again to move back into rice cultivation.

With contributions by:

- *Erick Mario, Head of Sub Division of Law, Government of Indonesia*
- *Radian Nurcahyo, Head of Land Division, Government of Indonesia*

### **Session: Towards sustainability of various oil palm production models in Indonesia – a need for integrated and participatory land use planning, bio-physical issues**

Friday 10 July, 13.00 – 14.30

Chairs: *Pita Verweij<sup>1</sup>* and *Paul Burgers<sup>2</sup>* (<sup>1</sup>Utrecht University – Copernicus Institute of Sustainable Development, <sup>2</sup>Wageningen University)

## **Exploring the diversity in oil palm production by individual household in the frontier expansion of Riau province, Indonesia**

*Ari Susanti (Utrecht University – International Development Studies)*

**Abstract:** The number of smallholder households adopting oil palm (*Elaeis Guineensis*) has been increasing and the accumulation of their land use decisions could substantially influence land use/cover change (LUCC) processes particularly in the oil palm producing region like Riau province of Indonesia. This paper aims to explore the diversity of household's oil palm production and to construct a household typology to understand the diversity of households' land acquisition and production strategies using the principle component analysis (PCA) and cluster analysis. This understanding could be employed in managing future expansion of smallholder oil palm towards sustainable pathways of development in the frontiers.

## **Land change trajectories in a tropical forested landscape**

*Carina van der Laan<sup>1</sup> and Pita Verweij<sup>1</sup> (Utrecht University – Copernicus Institute of Sustainable Development)*

**Abstract:** Widespread agricultural expansion for the production of food, feed, fibre and fuels is influencing the functioning of tropical forest landscapes. As a consequence, it poses a threat to vital ecosystem services, such as carbon sequestration, biodiversity, and provision of food and livelihoods to local communities. Large-scale fires and logging activities, but also the palm oil, soy, mining, timber, and pulp and paper industries have been found to be strongly related to tropical forest loss. However, land use and land cover change is a very dynamic and complex process that varies over time and space, and it can undergo a large sequence of successive changes, namely trajectories. This should be accounted for in land use and land cover analyses and modelling. If a part of a trajectory, e.g. from forest to smallholder rubber to oil palm, within a certain time period would not be observed, one of the land use types involved could be misinterpreted as a main contributor to forest loss.

Our quantitative and spatial analyses based on remote sensing data and expert knowledge, have shown that forest in West Kutai district, East Kalimantan, has declined substantially by forest degradation, deforestation and agricultural expansion. We also found that the expansion of smallholder rubber, forest plantations, mixed agriculture and oil palm plantations has contributed to forest loss, and that these land use types occurred in characteristic trajectories. These trajectories could only be identified by the integration of quantitative and spatial analyses. Involving industries and local communities, and particularly smallholders, in the spatial planning process is recommended, as some may play an important role in agricultural development and/or may be affected by LULC change.

With contributions by:

- *Sulistyawan Barano*, Researcher at Copernicus Institute of Sustainable Development, Utrecht University and Conservation Science Leader of WWF Indonesia

## **Discussion session: Oil palm**

Friday 10 July, 15.00 – 16.00

With contributions by:

- *Tony Liwang*, Board Member of Indonesian Oil Palm Community (MAKSI)

## Theme: Environmental issues

### **Session: Grabbing nature to save it – appropriating land for nature conservation**

Wednesday 8 July, 16.30 – 18.00

Chair: *Robert Fletcher* (Utrecht University – International Development Studies)

#### **Bringing back the barriers: assessing the social impacts of the resurgent protectionist paradigm within international conservation in Gonarezhou National Park, Zimbabwe**

*Elizabeth P. Harrison<sup>1</sup>, Georgea Holmes<sup>1</sup> and Honestly T. Ndlovu<sup>2</sup>* (<sup>1</sup>Sustainability Research Institute, School of Earth and Environment, University of Leeds; <sup>2</sup>Southern Alliance for Indigenous Resources (SAFIRE), Zimbabwe)

**Abstract:** One of the challenges in analysing land grabbing is in situating trends in land and resource tenure within broader trends in environmental governance, particularly how international trends translate into local effects and how this can be made more equitable. This paper uses a detailed case study to link debates about land grabbing to two trends in environmental governance, both of which have been conducted in largely theoretical rather than empirical terms; firstly, the hypothesised resurgent protectionist paradigm in which conservation is moving away from integrating communities into protected areas and increasingly uses a law-and-order approach to keep nature and people separate, and secondly, the rise of transboundary protected areas in which conservation planning becomes an international rather than local issue. It does this through a detailed exploration of recent changes in the focus of conservation policy in Gonarezhou National Park, Zimbabwe. Here the focus has shifted from conservation centred around the principles of community-based natural resource management (CBNRM) and Zimbabwe's national CBNRM programme, CAMPFIRE (the Communal Areas Management Programme for Indigenous Resource ), back to the 'fences-and-fines' approach from its colonial era with the construction of a large electric fence along 57kms of its North-western boundary. This fence has separated local villages from the Park's buffer zone, a resource upon which these adjoining communities had long depended for their subsistence livelihoods. By analysing the changes in local livelihoods the paper demonstrates the severe impacts of this change and its effect on the food security of the local people. Furthermore, an exploration of the policy-making process behind the creation of the fence demonstrates how it is linked to the establishment of the Great Limpopo Transfrontier Park, a realisation that brings with it more complications in discerning the role for local communities within the increasingly international and privatised conservation process.

## **The recursive constitution of property and authority: Green appropriations through shifting contours of rights and authority on a Maasai group ranch**

*Laura A. German<sup>1</sup>, Ryan Unks<sup>1</sup> and Lizzie King<sup>1</sup> (<sup>1</sup>University of Georgia)*

**Abstract:** The dynamics of customary land rights and displacement among Maasai pastoralists in East Africa have been the subject of extensive scholarly inquiry. Forced and quasi-voluntary displacement to make way first for white settlement and subsequently for national parks and reserves; government-led privatization schemes to encourage sedentism and incentivize investment; endogenous subdivision to better defend land against outsiders; and progressive enclosure of private land in the context of the recent ‘land rush’ are some of the documented trajectories of land tenure change in the region (Galvin 2009; Hughes 2007; Mwangi and Ostrom 2009; Lengoiboni et al. 2009; Lesorogol 2008; Letai 2011). Less explored are the ways in which exogenous authority systems (wildlife protection authorities, domestic and international conservation organizations) gain traction within common property regimes to re-shape the contours of property. Laikipia, Kenya presents a unique opportunity to explore these themes given the uniquely ambitious effort to conserve globally-significant biodiversity – much of which is both threatened and threatening to humans and livestock – on private land. In making sense of emerging findings, we draw on a number of existing theories of power which provide complementary understandings of the relationships between property and authority, agency and subordination, aims and effects (Agrawal 2005; Ferguson 2006; Sikor and Lund 2009). These theories chip away at the apparent irony of formally recognized collective title and the growing insecurity of pastoralist lifeways.

## **Reassessing fortress conservation? New media and the politics of distinction in Kruger National Park**

*Bram Büscher (Wageningen University)*

**Abstract:** The idea of protected areas as ‘fortress conservation’ has long been debated and heavily criticized. In practice, however, the paradigm is alive and well and has, in some cases and especially due to rapid increases in poaching, seen major reinforcements. This article contributes to discussions that aim to reassess fortress conservation ideas and practices by analyzing how new online media are changing the politics of access to and control over increasingly militarized protected areas. Focusing on South Africa’s Kruger National Park, one of the most iconic and mediated conservation areas globally, the article argues that new media such as online groups, webcams and mobile phone apps encourage a new politics of social distinction in relation to the park and what it represents. These politics of distinction lead to complex new ways in which the boundaries of ‘fortress Kruger’ are rendered (more) permeable and (more) restrictive at the same time. The article concludes that it is precisely through rendering park boundaries more permeable that new media technologies help to reinforce the racialised and unequal hierarchies of the social order that fortress conservation was built on. Through these dynamics, a historical ‘green grab’ is not only reinforced, but in turn helps to reinforce the political-economic system that increasingly needs green grabs to survive and feign legitimacy.

## **Nature, territory, and the afterlives of empire: genealogies of upland hunter-gatherer dispossession in East Africa**

*Connor Joseph Cavanagh<sup>1,2</sup> and David Himmelfarb<sup>3</sup>* (<sup>1</sup>Department of International Environment and Development Studies (Noragric), Norwegian University of Life Sciences; <sup>2</sup>World Agroforestry Centre (ICRAF); <sup>3</sup>University of South Florida Saint Petersburg)

**Abstract:** In East Africa, the last several decades have witnessed the often-violent removal of upland hunter-gatherers from their homes within forested protected areas. Drawing upon both ethnographic and archival research conducted in Uganda and Kenya, we examine the genealogies of these processes of dispossession, in which forest-dwelling populations were initially marginalized by colonial environmental law, then expropriated of their lands and resource access by more recent trends in global and regional environmental governance, including for carbon forestry and REDD+ related activities. In doing so, we reconstruct political-ecological histories of the upland Benet on Mount Elgon in Uganda as well as the Sengwer in Kenya's Cherangany Hills, examining linkages between their livelihood strategies and adaptations, their claims to indigeneity or autochthony, and their ongoing struggles for social and environmental justice. Not least, these genealogies illuminate the ways in which contemporary forms of what we term naturalization by dispossession intersect with both colonial and post-independence processes of state formation, highlighting the salience of indigenous and other non-state struggles for alternative sustainabilities and nature-society ontologies in an era of both global and local environmental change.

## **"Conservation is development, development is resettlement": Towards translocal thinking of development for conservation**

*Kei Otsuki* (Utrecht University – International Development Studies)

**Abstract:** In 2001, the Limpopo National Park (LNP) was created in Mozambique as a part of the Great Limpopo Transfrontier Park. The goal to develop LNP as a major tourist industry for Mozambique has been involving eviction of local communities. On the one hand, critical scholars have described this eviction as a typical case of green grab that creates masses of environmental refugees. On the other, following the international involuntary settlement guidelines, the Park administration maintains that conservation entails resettlement of local communities, and it should bring development for both wildlife and the communities. What is often missing from these discussions is the pragmatic view of development by the resettled people and how it could be incorporated into the resettlement guidelines to achieve the conservation goal. Drawing on interviews and exploratory focus group discussions, this paper re-examines the concept of development in conservation and highlights the need to think about conservation as a translocal development project.

## **Dual Session: Governing the commons and forest governance**

Thursday 9 July, 10.30 – 12.00

Chair: *Malovika Pawar* (Utrecht University – International Development Studies/ Indian Administrative Service)

## **Part I: Governing the commons**

### **Changing land use, -tenure, interdependency and resilience: The uncertain fate of grazing lands in farming systems in Mali and Burkina Faso**

*Joost Nelen, Nata Traoré and Amadi Coulibaly (SNV Mali)*

**Abstract:** In the past decades livestock and grazing lands have become a fundament of farming systems in the cotton-grain belts of South-Mali and West-Burkina. After the big droughts pastoralists have settled down in considerable numbers. They have integrated local societies but most families remain secondary-rights holders in access to land and natural resources. Agro-pastoralists established mutual trust with hosting communities. Reciprocal service delivery existed. The trust relations helped in resolving conflicts.

These relations have changed. Partly this is due to internal dynamics: all families have developed mixed production systems. The mutual dependency has been reduced, and therefore the need for strong social bonds. Due to population pressure and economic development, land that was 'taken-for-granted' and easily shared, now emerges as an outcome of deliberate claims and is object of conflicts. Agriculture encroaches upon rangelands. Farming moved in the last decades from a situation in which the place of land and water access for production was self-evident, although often contested, object of conflicts, towards a situation in which it has become a central issue again as natural capital.

The paper is a state of affairs by LANDac and SNV of 10 years of study and interventions in 20 Districts in the Mal-Burkina border area.

The interventions have been designed to respond to aforementioned change, but they need improvement. Farm-level interventions are generic and have to be fine-tuned to production systems that are neither purely pastoral nor -agricultural. As for agro-pastoralists: interventions need to understand how their herds use resources that are spread over different territories. Local governments have appropriate land management mandates, but quality of consultation processes is not guaranteed at the district intervention level: representation is a risk and the social mutations ask for better checks and balances.

### **Protecting the commons: A case study from Rajasthan, India**

*Malovika Pawar (Utrecht University – International Development Studies/ Indian Administrative Service)*

Rajasthan is the largest state in India with an area of 34 million hectares, two-thirds of which falls in the arid zone. Forests occupy 8% and permanent pastures only 4.9% of the total area. Common property resources (CPRs) in the state include permanent pastures, grazing grounds, village forests and woodlots, watershed drainage, ponds and tanks, irrigation channels, and common threshing grounds meant for the common use of the villagers.

In pre-British India, the CPRs were under the control of the local communities. With the arrival of state control, community management systems greatly declined. Post-Independence (1947), the decline has been due to land reforms which led to privatization of common lands for

agriculture, allotment of unoccupied land to landless/poor farmers, population growth, and the dismantling of the traditional feudal arrangements that protected the use of the commons.

Over the past few decades, the commons have been appropriated by the state for public infrastructure but also for private industry, mining, tourism, Special Economic Zones (SEZs), private hospitals and universities, solar and wind energy projects etc. Large areas of cultivable pasturelands have also been illegally encroached upon. In Rajasthan alone, the recorded pasture lands have declined by .2 million hectares over 20 years.

In 2011 the Supreme Court of India passed an order in a landmark case, *Jagpal Singh versus the State of Panjab and others*, in which it declared that the enclosure of a village pond in Panjab by real estate developers was a totally illegal occupation of the commons. The court also ordered that similar enclosures all over the country must be reversed. Rajasthan complied by passing an order completely prohibiting allotment or diversion of pasturelands or catchment lands or water bodies, for any *private /commercial purpose*.

This bold and sweeping decision has had far-reaching consequences for the present status of the commons in India. Across the country, 29 court orders and 29 follow-up government orders have been passed in 2012 itself, in compliance of the apex court order. It is to be seen, however, what the future holds for the commons, given the insatiable hunger for land for private and commercial purposes.

## **Part II: Forest Governance**

### **Tenure and forest governance: experiences of Tropenbos International**

*Rene Boot<sup>1</sup> and Herman Savenije<sup>1</sup>* (<sup>1</sup>Tropenbos International)

Improving forest governance and secured and clarified rights to forest lands and trees are important prerequisites for promoting sustainable forest management and reducing deforestation and forest degradation. Forest governance refers to the policy, legal, regulatory and institutional framework dealing with forests, and to the processes that shape decisions about forests and the way these are implemented. The practice of governance is based on fundamental democratic principles, such as participation, fairness, accountability, legitimacy, transparency, efficiency, equity and sustainability. The need to improve forest governance and tenure is widely acknowledged, but difficult to achieve due to divergent interests and mind-sets and unequal power relations.

In this presentation key issues on forest governance and tenure across the countries (Ghana, DRC, Colombia, Indonesia, Vietnam) where Tropenbos International is working, are discussed. Some lessons to move forward in making forest governance work on the ground are presented.

### **Developing policies and legal frameworks to incentivize forest protection**

*Ashley Toombs<sup>1</sup>, Jennifer Blaha<sup>1</sup>, Adrian Ang<sup>1</sup>, Anindita Chakraborty<sup>1</sup>, Fahima Islam<sup>1</sup>, Valentina Lagos<sup>1</sup>, Mina Lee<sup>1</sup>, Maryka Paquette<sup>1</sup>, Xiaoyu Qin<sup>1</sup> and Carolina Rosero<sup>1</sup>* (<sup>1</sup>School of Public and International Affairs, Columbia University, New York – in partnership with the World Resources Institute)

**Abstract:** In the wake of the Kyoto Protocol and global climate talks, incentives programs have launched worldwide to mitigate carbon dioxide emissions from deforestation and protect the vital

ecosystem services that forests naturally proved. However weak forest governance and insufficient incentives for forest protection drive negative outcomes beyond climate change, including biodiversity loss and the marginalization of forest-dependent communities. The report ‘Developing policies and legal frameworks to incentivize forest protection’ analyses the design and implementation of incentive programs in a number of case studies to determine the key policy mechanisms, governance dimensions, and land tenure regulations that either enable forest conservation, restoration, or other conservation-related objectives. The results provide a framework of systematic criteria that may be used to influence forest and land policies from local to global scales.

**Session: Climate change adaptation intervention, land use and the production of exclusion**

Thursday 9 July, 14.00 – 15.30

Chair: *Sebastiaan Soeters* (Utrecht University – International Development Studies)

**Between profit, poverty and spaces of inclusion: Doing business of pro-poor climate change adaptation in Battambang province, Cambodia**

*Michelle McLinden-Nuijen* (Utrecht University – International Development Studies)

**Abstract:** Responding to climate change impacts, various actors are implementing new adaptation policies and programs. Partly a result of the ‘trade vs. aid’ development trend and a lack of adaptation resources, adaptation is increasingly framed as a business case. Within this emerging paradigm, the market is viewed as an effective development mechanism and a broad range of local and International adaptation institutions promote, solicit and (co)fund businesses to become leading agents responsible for building the adaptive capacity and ultimately the resilience of vulnerable communities. This trend aligns well with leading strategies in Cambodia, a Least Developed Country particularly vulnerable to the impacts of climate change. In order to develop the country and help poor farmers adapt to the impacts of climate change, the Cambodian government unites investors with poor farmers through land-based development policies. One recent embodiment of a private sector-led approach, nested in development goals and strategies at the national level, comes from Climate Investment Funds (CIF) Private Sector Set-Aside program (PSSA) through two pioneering, private sector-focused and pro-poor adaptation interventions in Battambang province. Here, ‘win-win’ adaptation scenarios purportedly arise via partnerships and the coordination of actors, assets and innovative opportunities deriving from agricultural investments, smallholder land holdings, and the global market. Yet doing the business of pro-poor adaptation raises many questions. This paper explores the kinds of business models in operation, how relationships and risk are defined, and what solutions are promoted and for whom. And ultimately: how might market-based adaptation increase the resilience of vulnerable communities? If doing pro-poor adaptation through structured mechanisms and resources that mobilize (more) powerful actors from the top down, issues of inclusiveness and equity should be paramount, particularly since climate change impacts most severely on already marginalized groups.

**Capturing benefits, neutralizing threats, promoting alternate visions: motives for mobilization of indigenous peoples and forest-dependent communities around REDD+ in Mesoamerica**

*Laura Sauls<sup>1</sup>, Denise Humphreys Bebbington<sup>1</sup> and Cynthia Caron (Clark University)*

**Abstract:** The emerging regime around Reducing Emissions from Deforestation and Degradation (REDD+) has prompted fierce debate over the technical, economic, social, and political impacts of forest management for international carbon emissions reductions. In Mesoamerica, indigenous peoples and forest-dependent communities (IPs and FDCs) have become active participants in these debates. Each country in the region has already engaged in national-level planning to institute REDD+ programs, yet with variable levels of effort to include peoples living in forested areas with the greatest extent of remaining forest. This paper will explore the ways in which IPs and FDCs are mobilizing around REDD+, and specifically the priorities and goals emerging from the formation of a regional coalition, the Alianza Mesoamericana de Pueblos y Bosques (AMPB), across space and at different scales. In addition to a review of the literature and its relevance for the region, we analyze social media, video, speeches, press releases, and publications from AMPB and its partners, including non-governmental organizations in the region and recognized IPs and FDCs. The literature suggests that groups mobilize in the context of REDD+ in order to capture benefits, to neutralize perceived threats – including dispossession – from the institution of REDD+, and finally to advance a specific vision or goal that exists independent of REDD+, but may be enhanced by it. The final reason for mobilization comes through most strongly in AMPB's work, with benefit sharing and threat neutralization as concerns that the group frames as reasons to embrace their proposed alternatives. We argue that REDD+ has opened up space for IPs and FDCs to define their own views of appropriate interventions for forest conservation and has enabled them to formalize and transnationalize their priorities, taking advantage of both Western science and a strong discourse on tradition and relationships to nature.

**The politics of climate change adaptation in Rwanda's agricultural sector: authoritarian high modernism as a problematic development pathway**

*Chris Huggins (LANDac postdoctoral researcher based at Utrecht University – International Development Studies)*

**Abstract:** There have been calls within the climate adaptation literature to make better integrate adaptation with development efforts, particularly through the design of climate resilient 'pathways'. Many researchers and policy-makers assume that prevailing governance regimes are conducive for adaptation, but this is often a faulty assumption. In order to understand the ways in which agricultural or other rural development policies will affect local adaptation capacities, it is necessary to understand the political economy of policy development and implementation. This paper puts forward James Scott's theory of 'authoritarian high modernism' as a useful model for understanding the pathway of agricultural reform in Rwanda, in order to assess its likely impacts on climate adaptation. Vulnerability and resilience approaches have both fallen short of contextualizing adaptation of individuals and systems in relation to cross-scale political and economic interactions, and the paper calls for the study of social vulnerability to be embedded within multiscale political

economy approaches in order to reveal the likely impacts of particular development pathways on local climate adaptation capacities.

Rwanda has recently managed to bring about dramatic yield increases for selected crops. However, its agricultural policy is largely blind to climate change impacts, and government-driven strategies of commercialization, regional crop specialization, and intensification may potentially increase the rural population's exposure to climate-related risks in some parts of the country. A detailed case study of government programmes to promote maize production in Kirehe District in Rwanda illustrates this point.

### **Climate displacement within states: The Peninsula Principles**

*Khaled Hassine (Office of the High Commissioner on Human Rights)*

**Abstract:** Protecting climate displaced persons demands a set of complex legal, institutional, and ultimately managerial and social interventions, which take into account the uniqueness of each country while building on the lessons learned from similar scenarios. The Peninsula Principles offer a critical set of principles that are designed to be adapted to each country's contextual factors, including the land governance situation, its own set of key actors, institutions, and vulnerable populations.

This paper argues that the global consultative process and the bottom-up approach that led to the formulation and adoption of the Peninsula Principles do not only ensure the appropriateness of this framework in dealing with future and present situations of climate displacement in that they address the needs of those affected, but it also ensure acceptability and ultimately implementation of the provisions. When considering the very nature of the Principles, which are derived from existing standards for the purpose of addressing situations of climate displacement, implementation becomes not only a possible option, but rather an imperative that is further corroborated by the flagrant need for international guidance on how to address the effects of climate change, particularly in terms of identifying and securing appropriate and adequate areas of land to provide for the shelter, livelihood, and socio-cultural needs of those affected. Some of the legal and practical challenges associated with climate displacement are addressed by the current international framework. Others, however, are not explicitly or only inadequately dealt with and the Peninsula Principles therefore fill an existing gap, spanning the entire displacement continuum and moving from the reactive to the preventative sphere. This paper further addresses the implementation modus operandi as well as the main actors and concludes by providing an overview of some of the specific elements of the implementation portfolio, with an emphasis on the implications for land governance.

## **Theme: Large-scale infrastructure; Mining**

### **Session: Large scale infrastructure development projects – how to make these investments more beneficial for all?**

Thursday 9 July, 16.00 – 17.30

Chair: *Ty Pham Huu* (Hue University, Vietnam)

#### **Institutional fit or misfit? A contingent ranking analysis of compensation packages for land acquisition**

*Vikram Patil<sup>1</sup>, Ranjan Ghosh<sup>2</sup> and Vinish Kathuria<sup>3</sup>* (<sup>1</sup>Humboldt Universität zu Berlin, <sup>2</sup>Swedish University of Agricultural Sciences, <sup>3</sup>SJM School of Management, Indian Institute of Technology Bombay)

**Abstract:** A role of public participation is gaining importance in the design and sustainability of institutions of development-induced displacement and rehabilitation (DIDR) of people. At a more federal level in India, there has been a debate going on to include a ‘participation’ component in all rehabilitation policies. However, there is no clarity on the means by which participation influences such institutional fit. The main reason for this lack of clarity is that there is no study, which elicits from the affected farmers their preferences about the appropriate institutional design. We therefore, address this problem using discrete choice modelling approach on a primary dataset of farmers who are going to be displaced in near future due to an irrigation project in India. We show how institutional preference as an indicator of social fit plays an important role in contextualizing the institutional arrangements of development-induced displacement and rehabilitation. We hypothesize that given a choice farmers would prefer land or employment based compensation over contemporary monetary compensation. If true, then this indicates a mismatch between provisions of the contemporary institutional arrangements of DIDR and expectations of farmers, which will be an additional argument for institutional reforms in the current framework of compensation.

#### **Benefit sharing from Kamchay and Lower Sesan 2 hydropower watersheds in Cambodia**

*Prachvuthy Men<sup>13</sup>, Vathana Thun<sup>2</sup>, Soriya Yin<sup>3</sup> and Louis Lebel<sup>4</sup>* (<sup>1</sup>Mekong Institute of Cambodia, <sup>2</sup>Prek Leap National College of Agriculture, <sup>3</sup>Royal University of Phnom Penh, <sup>4</sup>Chiang Mai University)

**Abstract:** The purpose of this study was to explore the institutions underlying different forms of benefit sharing in hydropower projects in Cambodia, through detailed analysis of two case studies: Kamchay and the Lower Sesan 2 hydro-dams. Promises on paper were compared with how benefit sharing was implemented in practice. The study found that, first, compensation and resettlement were a common, if minimalist, form of benefit sharing in Cambodia. Other forms of benefit sharing, such as environmental impact management and allocation of community development funds, were mentioned in both the EIA report and investment agreements, but have never been implemented. Second, at the national and sub-national levels, there are no comprehensive guidelines for benefit sharing, nor is there a supporting legal framework. Benefit sharing and compensation policies have been developed on a project-by-project basis. Third, hydro-dam projects do not prioritize providing electricity services to affected communities: no preferential electricity rate was given. Fourth, inter-ministerial structures have been introduced, which could improve the integration of activities, but

instead have just slowed down decision-making. This study advances our knowledge on how benefits from hydro-dam projects are shared (and not shared), in practice, with prior residents of hydropower watersheds and other affected stakeholders in Cambodia.

### **Land grabbing and governance: The case of the Isthmus of Tehuantepec**

*Hilde Koster (independent researcher)*

**Abstract:** In recent years, new case studies focusing on Latin America have challenged both the agricultural focus of the academic debate on land grabbing, as well as the prevalent view that this phenomenon only occurs in fragile states.

The construction of wind turbine parks in the Isthmus of Tehuantepec and the land grabbing that accompanies it, is a perfect example of such a case study. Indigenous groups oppose the construction of these parks on their land, but are obstructed in their efforts by the Mexican government and (Spanish) construction companies. International treaties on indigenous people, ratified by the Mexican government and national laws on land rights and land tenure should provide enough protection for these groups. However, national legislation tends to have conflicting land laws and in the search for new sources of energy, the Mexican government is in fact benefitting from or even facilitating these land grabs.

In this case study I will therefore examine the role of the Mexican government, taking a closer look at 'governance' concerning land tenure and land rights in the Isthmus of Tehuantepec. By doing so, this paper contributes to studies into cases of land grabbing that occur in non-fragile states, which have hitherto received less scholarly attention than land grabbing cases in fragile states. Besides analyzing state controlled land governance, land tenure and the different stakeholders involved, this paper will also take a closer look at whether 'codes of conduct', as proposed by international agencies such as the World Bank or the International Fund for Agricultural Development, would be beneficial for all parties involved, including local traditional landholders.

### **Water and land grabs as parallel processes: a case study from Ecuador**

*Margherita Scazza (Utrecht University)*

**Abstract:** Water and land grabs are parallel and highly interrelated processes; water is identified both as a target and as a driver of large-scale land investments. Often omitted from the debate on agriculture-driven land grabbing, water governance and unequal distribution are crucial elements to be included when providing a complete analysis of processes of land speculation and distribution. Water grabbing, a phenomenon occurring on a global scale, is in some contexts facilitated by the construction of large dams and mega-hydraulic projects with, among many, irrigation purposes. Ecuador offers several examples of the overlap between unequal land redistribution and waterscapes reconfiguration. The paper will develop around findings derived from a three months field research conducted in the peninsula of Santa Elena, in the south-western part of Ecuador. The construction of a dam on the rivers Daule and Peripa, part of the biggest river basin of the Pacific, and of a water transfer system connected to new irrigation schemes has contributed to the reconfiguration of the hydro-social territory, by favouring land speculation and accumulation in the hands of a powerful élite. Unequal access to water and land, displacement, livelihoods disruption and the emergence of conflicting systems of rights are among the costs originated from these

projects. The mutual relationship between power and natural resources distribution is central to the issue. Social structures and power relations play a crucial role in shaping the landscape, defining the systems of rights in force and the distribution of resources, while in turn being influenced by them. Water and land governance are therefore intertwined and reciprocally influential. By studying the interactions and the relationships between different groups of actors, including landowners, small-scale farmers and public institutions, the new configuration of the hydro-social territory of Santa Elena is described. Particular attention is given to issues of land and water governance and considerations are made on their role in fostering a sustainable and equitable development.

### **Emerging geographies through land grabbing: resistance against the “Generación de Energía Limpia” project in Puebla, Central Mexico**

*Fernando Hernandez Espino* (Clark University)

**Abstract:** In 1992, the government of Mexico enacted a structural land reform. It was the last and most contentious policy within the structural adjustment policies package that the country had undertaken since 1982. The reform aimed to dismantle communal agrarian property in favor of a land market that would more efficiently articulate the new private agrarian property with modern development projects in the country. Because the reform was promoted as voluntary, it created hybrid agrarian communities where some members opted to privatize their plots and other holders decided to keep communal titles. Under this frame this paper explores the contested geographies of land, conflict and agrarian change that have emerged with the announcement of the project “Generación de Energía Limpia” (clean energy production project), a plan to construct four hydroelectric dams in Puebla, Mexico. The project has been designed by Grupo Mexico, the largest mining company in the country, with the purpose of supplying energy for its operations in the region. However, resistance against the project has mounted, resulting in violence between supporters and adversaries. The process of negotiation and contestation between different actors and their interests speak of the new emerging geographies in Mexico in particular and in Latin America

### **Session Land Governance in the artisanal and small scale mining sector (part one)**

Friday 10 July, 10.30 – 12.00

Chair: *Chris Huggins* (LANDac postdoctoral researcher based at Utrecht University – International Development Studies)

#### **Land, politics and small-scale mining in Mongolia**

*Pascale Hatcher* (Ritsumeikan University)

**Abstract:** Spearheaded by international donors, Mongolia’s mining regime has been highly successful in attracting foreign large-scale investments. In fact, the country is currently the construction site of what are expected to become two of the biggest mining development projects on Earth. With such successes, large-scale mining has become the cornerstone of the country’s development and poverty reduction narrative. However, despite the economic boom, poverty in Mongolia is on the rise and the severe socio-environmental impacts of the expanding large-scale sector are surfacing. If all eyes currently remain on the large-scale sector, small-scale artisanal mining (SSAM), despite being illegal until 2008, continues to represent 20 per cent of Mongolia’s rural workforce and accounts for nearly 10 per cent of revenues in the country. Building on political economy insights, this paper explores the

politics of SSAM in the competing context of the fast-pace development of large-scale mining in Mongolia.

### **Different faces of access control in a Congolese gold mine**

*Sara Geenen<sup>1</sup> and Klara Claessens<sup>1</sup>* (<sup>1</sup>Institute of Development Policy and Management, University of Antwerp)

**Abstract:** Minerals from eastern Democratic Republic of Congo are commonly labelled ‘conflict minerals’. Both at the national and international level, numerous legal and technical initiatives have been launched to halt the trade in these contentious minerals. Yet the conflict minerals narrative is flawed and needs to be nuanced. In this paper we present the case of Mukungwe, a gold mining site in eastern DRC. In Mukungwe, artisanal mining started after the discovery of gold deposits in the late 1970s and history has been characterized by conflict, including fights by various rebel groups and factions of the national army. Yet instead of analysing the conflict in Mukungwe as a mere example of a mineral resource conflict, this paper offers a more contextual understanding, starting from a detailed ethnographically and historically inflicted account and inspired by the literature on access, exclusion and control. In this sense, conflict and violence are understood as but one of the mechanisms of access control. Based on ethnographic and archival research, this paper offers a detailed insights into the narratives and practices of the conflict’s key players, being groups of local elites, state representatives, an industrial company, and artisanal miners.

### **Zimbabwe’s agrarian transformation: the nexus of artisanal small-scale mining and agriculture**

*Easter Chigumira* (University of Zimbabwe)

**Abstract:** Zimbabwe’s Fast Track Land Reform Programme (FTLRP) that began in the year 2000 reconfigured large-scale commercial farming space into mostly peasant territories. This reconfiguration ignited debates on the most suitable farming model for food security, resource management and rural development in Zimbabwe, and other post-colonial countries. Despite seminal work on the outcomes of Zimbabwe’s FTLRP and peasant-based struggles there is little information or debate on the critical and intertwined role of Artisanal Small-Scale Mining (ASM) and farming. In this paper, I use the framework of political ecology to examine the interaction between mining activities and agrarian livelihoods, and the changes that farmers consciously make with regard to their livelihood provisioning and tenure security, particularly, in mineral rich regions. Drawing from a series of surveys, narratives and key informant interviews this paper presents findings from a decade-long study of three communities resettled under the A1 and A2 settlement variants in the Sanyati District, Zimbabwe. My findings show differential patterns of investment, asset accumulation, and crop production amongst households which in turn affect livelihood strategies and outcomes. New and diverse sources of rural income and commodity markets have emerged, including high levels of small-scale artisanal gold mining. Income from artisanal mining provides valuable investments in agrarian institutions, social networks and markets. Furthermore, ASM is used to counter tenure insecurity and navigate the challenges of limited agrarian support from the state and financial institutions. ASM has become important for building resilient agrarian livelihoods and food security in Fast Track communities. In light of this, analysis of agrarian political

ecology and future policies in and beyond Zimbabwe now require an understanding of the nexus of mining and farming activities.

### **Fragmented ‘custom’ – fractured ‘community’! Mining and property struggles on the Platinum Belt, South Africa**

*Sonwabile Mnwana* (Mining & Rural Transformation in Southern Africa (MARTISA) project)

**Abstract:** Over the past two decades communal land which falls under the former ‘homeland’ areas has increasingly become the target of the post-apartheid mining focus. Major operations of the world’s largest platinum producers occur on rural in these communal areas. This emanates from the country’s geological advantage - the vast platinum-rich rock formation called the Bushveld Complex. Most of the area covered by the Bushveld Complex - tagged ‘the platinum belt’ - spreads beneath rural communal land under the political jurisdiction of traditional (formerly known as ‘tribal’ authorities) mainly in the North West and Limpopo provinces.

Drawing on a recent study carried out in the Bakgatla-ba-Kgafela tribal authority area in South Africa’s North West province, this article demonstrates that mining generates intense struggles over mining and communal property - land and mining revenues. Some scholars observe that the escalating conflict on the platinum belt epitomises a resurgence of ethnic identities in post-apartheid South Africa. However, I argue that competing versions of custom and contrasting group identities that dominate these struggles reveal, not just ethnic revitalisation, but serious divisions that challenge the very meaning and existence of ‘tribal/traditional communities’. Since rights to communal property are secured through group (‘tribal’) membership and defined through custom, custom itself has become a space for contestation. Therefore, I argue that the colonial crystallisation of custom made it difficult to ‘bend’ when people’s social conditions change, but easy to ‘break’ when material conditions transform and disputes over property arise. It is this inflexibility in the way the state and the courts conceive custom – as a rigid set of rules - which perpetuates inequality and disputes at village level.

### **Mining and resistance in the Alto Cauca, Colombia: Opposing extractivism from the everyday practice of traditional small-scale mining**

*Irene Vélez Torres* (Universidad del Valle, Colombia)

**Abstract:** For more than a decade, the Colombian government has aimed to make the country a “mining paradise”. As a consequence, since the year 2000 the mining policies have resulted in the strengthening of the extractive mining industry by building a flexible and foreign-welcoming Mining Code. This new legislation helped to increase foreign mining investment more than fourfold in one decade ; during the same period, the mining contribution to the GDP increased from 1.8% in the year 2000 to 2.3% in 2011. Mining entitlement has shown a similar exponential increase from 2.952 titles in 2004 to 8.905 titles in 2010.

However, the mining boom is not only reflected by the national legislation but also by illegal ventures of miners who, using backhoes to dig the Andean watersheds, have made dramatic environmental damages in the last decade. Extractivism in Colombia is, therefore, the result of a combined scenario where the national law and the illegal actions of the backhoes have expanded the mining frontier, affecting the rights of local communities to access underground resources in their

territories. One of the conflicts emerging in the context of extractivism is the one in the Alto Cauca; located at the South-West of Colombia, where local afrodescendants have defended their right to artisanal small-scale mining against legal and illegal mining.

My presentation will start by contextualizing legal and illegal mining in Colombia. I will continue with an analysis of the case of the Alto Cauca to describe how local afrodescendants inhabitants defend their right to small-scale mining, opposing the pressure of the law – that has benefited private mining entitlement - and the pressure of the arms – played by illegal armed groups that guard the illegal mining of backhoes. It is my aim to demonstrate that extractivism in Colombia is two-faced, as the formal legislation, as well as the illegal mining extraction of backhoes are affecting the right to territory of local communities. To end my presentation, I will describe the practices of resistance that afrodescendants from the Alto Cauca have used to defend their artisanal small-scale mining, disputing the illegal backhoes as well as the governance of mining resources by the State.

### **Session: Land governance in the artisanal and small scale mining sector (part two)**

Friday 10 July, 13.00 – 14.30

Chair: *Chris Huggins* (LANDac postdoctoral researcher based at Utrecht University International Development Studies)

#### **Distancing from an investment-led perspective to revisiting past approaches, dichotomies, categories and boundaries of the artisanal and small scale mining sector**

*Bonnie Campbell* (University of Quebec, Montreal)

**Abstract:** Our work on regulatory frameworks in the mining sector in Africa over the last fifteen years has led to an examination of the links between regulation and legitimacy. It has also led to the analysis of the structural relations of power which are institutionalised and reproduced by these frameworks and the social, political, environmental and economic implications of the processes they entail for the populations concerned. Among the arguments we have put forward is that the process of liberalisation has driven down norms essential for development, reduced institutional capacity needed to enforce regulations and led to the blurring of the demarcation of spheres of authority and responsibility between public and private actors with important consequences for the communities concerned and the legitimacy of the mining companies themselves. However, the responses put forward to tackle the difficulties which result from over twenty years of reforms fail to address the deeper structural issues which are at the very origin of the problems. These responses fail to address the deeper structural issues which are at the origin of the problems which have resulted from over twenty years of reforms. This may be explained, at least in part, by the fact that the manner in which these issues have been conceptualised reflects the particular investment-led model and agenda which inspired past reforms and in fact continues to condition the way in which issues in this sector are conceptualised, whether tracing of revenue flows, issues of transparency or the way in which we introduce dichotomies, categories and boundaries. While our past work has focused largely on the industrial sector, this presentation will use the conceptual framework which we have developed to extend our questioning of past approaches which have emerged to examine the artisanal and small scale mining (ASM) sector. It will address approaches and tools with regard to ASM by illustrating the need to:

- Rethink appropriate categories to capture shifting boundaries;

- Revisit approaches;

Renew institutional reform and policy processes from a country specific and participative perspective.

### **Min(d)ing the land: The relationship between artisanal and small-scale mining and surface land arrangements in the southern Philippines, eastern DRC and Liberia**

*Boris Verbrugge<sup>1</sup>, Jeroen Cuvelier<sup>1</sup> and Steven van Bockstael<sup>1</sup> (Conflict Research Group, Ghent University)*

**Abstract:** This article examines the relationship between artisanal and small-scale mining (ASM) and surface land tenure arrangements, through a comparison of mining areas in the southern Philippines, the eastern DRC and Liberia. In all three cases, ASM takes place in peripheral regions outside central state control, where both land- and mineral tenure are characterized by high degrees of informality. Based on our comparative analysis, we highlight three core propositions. First, the relationship between ASM and surface land claimants is not (merely) characterized by antagonism, but involves a significant degree of negotiation and mutual benefit-sharing. Secondly, even in places purportedly characterized by a weak state presence, people make constant references to state-sanctioned legality to underpin their (often overlapping) claims to mineral resource wealth; whether as miner or as a surface landowner claiming royalties. Thirdly, people's ability to effectively use state-sanctioned legality as a mechanism to access mineral wealth -and to exclude others from accessing this wealth-is not distributed equally, and hinges on access to vital financial and political resources.

### **A three-dimensional perspective on artisanal gold mining in Tongo (northern Ghana)**

Esther van de Camp (Leiden University)

### **Integrating free, prior, and informed consent into international environmental social impact assessment frameworks**

*Maryka Paquette (Columbia University, New York)*

In the extractive industry, companies are required under international, national, and company-specific policies to conduct Environmental and Social Impact Assessments (ESAI) or Environmental Impact Statements (EIS) alongside feasibility studies to determine the viability of a proposed project. They are also expected to conform to international human rights norms that require companies receive the free, prior, and informed consent (FPIC) of indigenous peoples affected by such projects prior to proceeding with development. In order to achieve this, indigenous stakeholders are presented with completed ESIA reports during the consultation process, which communicate the potential impacts of the project on their livelihood; the 'informed' component of FPIC. ESIAs are currently developed entirely based upon the Western scientific tradition and do not take into account indigenous peoples' respective scientific methodologies nor their traditional ecological knowledge (TEK) of the local environment. The report 'Integrating free, prior, and informed consent into international environmental social impact assessment frameworks' address this gap by identifying opportunities to improve implementation of FPIC around the ESIA process. The study first considers indigenous peoples' experiences around their community's participation in impact studies and the planning process surrounding those assessments. Secondly, it considers methods of integrating local perspectives into the ESIA framework, including TEK, in order to make inclusive

social and environmental impact determinations. The results offer practical points of discussion to influence company, industry, and/or government FPIC policies in relation to the ESIA process.

## Theme: Land governance and local outcomes

### **Session: Land governance and local outcomes**

Friday 10 July, 10.30 – 12.00

Chair: *Guus van Westen* (Utrecht University – International Development Studies)

#### **Governance of social-ecological systems for sustainability and resilience in the face of disasters –Experiences from the aquacultural crisis in Chiloé, Chile**

*Melanie Bakema<sup>1</sup>, Constanza Parra<sup>1</sup> and Philip McCann<sup>1</sup> (<sup>1</sup>University of Groningen)*

**Abstract:** Times of crisis are often characterized by tensions around short-term decisions that potentially constrain long-term sustainability aspirations (Ingram et al., 2006). Moreover, planning under stress can lead to randomly designated governance responsibilities. As we found that there are no panaceas for good institutional structures to allow for sustainable and resilient post-disaster recovery (Ostrom, 2010; Swyngedouw, 2005), we analyze in this paper multi-level governance arrangements in the face of disasters.

First, we reflect on governance approaches from a social-ecological systems perspective (Folke et al., 2005). The shift from (disaster) management towards governance (Tierney, 2012) enables multi-level and multi-actor collaboration, highlighting learning possibilities from the dynamic nature of post-disaster transitions to allow for sustainable land governance.

Second, we explore these mutual learning processes by focusing on the relationships between actors on different levels in the case of Chiloé, Chile. In 2007, Chiloé – an island with the largest share of salmon production in Chile – was the scene of the aquacultural crisis of Infectious Salmon Anemia (ISA). ISA caused big disruptions in the local societies and since the outbreak of the virus, there are more and more tensions around the environmental impacts and the sustainability of the salmon industry. Based on ethnographies and in-depth interviews with actors from a wide variety of roles in the process, we found that the sanitary crisis evolved into a social-economic crisis and consequently led to an environmental disaster.

Governance in the aftermath of the ISA crisis in Chiloé emphasizes the need for a clear and balanced division of governance responsibilities between public, private and civil society institutions. By exploring learning processes and transitions that were triggered by the ISA crisis, we conclude with reflections on fostering transitions from ad hoc ‘learning by doing’ to structural improvements of structures for land governance in places in the face of disasters.

#### **Rights for all? A study of neo-liberal land markets and their links to equitable development using the examples of Thailand and Vietnam**

*Daniel Hayward* (Utrecht University)

**Abstract:** The dominating politico-economic discourse of modern land reform is neo-liberalism, which ultimately promotes deregulated markets through a formalised legal framework. It is claimed that this fosters improved efficiency and productivity in land use, facilitating national economic

growth. This paper offers a comparative assessment of two countries within the Asia-Pacific region, namely Thailand and Vietnam. A geo-historical perspective gages the development of modern land tenure and administration systems in each country, noting in each case the potential formation of land markets under neo-liberal policy. State-level economic development is compared to the localised benefits of national strategies, focussing upon productivity, livelihood security, poverty alleviation and social equity. Thailand can be seen as an archetypal model of land reform, with a titling programme supported by the World Bank reflecting neo-liberal interests. Vietnam, on the other hand, has also embraced global connectivity, but within the limitations of strong government control as a socialist state. Benefits have been felt by inhabitants in each land through tenure security, opportunities for investment, and the use of land as a financial asset. However, it is also clear that full liberalisation proves unworkable. A one-size-fits-all solution through free market ideology cannot address the complexity of localised cultural and political contexts. The Vietnamese government mediates a line between the market and socialist state power. Meanwhile, a pluralist system prevails in Thailand, incorporating ambiguities between modern and traditional tenure, and state-owned forests against private farmland. In both cases, the relationship of neo-liberalism to issues of equity remains problematic. Therefore, greater focus must be brought upon local conceptions of land and tenure systems, to be included within national discourses on policy formation. This contradicts neo-liberal purism, but is essential if the market is to be used as a medium for equitable growth, rather than as a catalyst towards marginalisation and exclusion.

### **Zoning ecological economic as an alternative for improving the land use and promotion of land governance: a study about Acre**

*Bastiaan Philip Reydon<sup>1</sup>, Elyson Souza<sup>1</sup> and Gisele Souza<sup>1</sup> (<sup>1</sup>Universitas de Campinas)*

**Abstract:** The international community discusses the harmful effects of human actions on the environment, many argue that the preservation of environmental resources such as air, forests and water sources are vital to the maintenance of human life on earth, but in practice, few actions walked with these ideals. Historically, Brazil shows a lack of governance with respect to the earth that gives precedent to the occurrence of economic, social and environmental impacts. In this context, land governance becomes an urgent need and the Amazon plays a key role in the process of defining the strategies and policies that address economic efficiency, social justice and ecological prudence. This work aims to study the state of Acre experience, located in the Amazon region of Brazil, to walk to the promotion of land governance through the implementation of the management policy of the land use expressed in the preparation of the Ecological Economic Zoning (EEZ). The methodology used was through literature review and secondary data research contained in academic papers and government organizations of Acre, Brazil.

### **Changing land use rights in China, towards a real market for user rights?**

*Meine Pieter van Dijk<sup>1</sup> and Laura Kamsma<sup>2</sup> (<sup>1</sup>International Institute of Social Studies, ISS, Erasmus University, <sup>2</sup>Leiden University)*

**Abstract:** Land governance in China is changing rapidly (Yongjun Zhao et al., 2014). The Third plenum (9-12 November 2013) has developed the guidelines for the future by suggesting that China will work toward a unified (rural and urban) free land market, but what does this mean and where are we in

the process? Drawing from a case study of introducing elements of the market in the transfer of user rights in Chengdu (Kamsma and Van Dijk, 2015) we review where China is in using the experience of Chengdu for the development of a unified land market. The process is slow and important decisions will have to be made at the national and provincial level (implementing legislation), while a unified market also requires that a good land registration system is in place and the required legislation concerning the Hukou system will be implemented.

### **Socioeconomic impacts of land degradation – reasons for heterogeneity**

*Nora Steurer (Netherlands Environmental Assessment Agency)*

**Abstract:** Socioeconomic impacts of land degradation are often highly variable and/or site specific. Estimates can range from 3.8% of GDP in Kenya to 18% in Ghana, depending on region and methods used. Global assessments of economic costs of land degradation range from 1-3% loss of GDP. The socioeconomic impact on livelihoods (poverty) is less often quantified and there is much discussion under what circumstances impact occurs how quickly. Land degradation in one region may not have the same impact on livelihoods as in another region. It is hence unclear which conditions determine the degree of impact. While a higher degree of direct natural resource dependence of households suggests, intuitively, an amplification of socioeconomic impact of land degradation, other conditions may have equal or higher importance.

We intend to fill this gap and assemble existing evidence with the help of a systematic review following the question: *Are there conditions that strongly increase socioeconomic vulnerability to land degradation?* This question follows the assumption that such conditions need to be present in order for land degradation to have a strong socioeconomic impact. In other words that pathways heterogeneous. With the help of these conditions/reasons for heterogeneity we aim to find land degradation hotspots from a socioeconomic point of view: Areas in the world which are degrading and where conditions are present which make a high socioeconomic impact from such degradation likely. Our systematic review is based on extensive search in relevant databases, expert calls and pre-determined search-and analytical criteria with the help of an extraction protocol.

We find that conditions given most often in scientific literature center around institutional land governance, especially comparative lack of attention for and investment in degraded land and Least Favored Areas, (mis-) management of public goods, lack of institutional coordination, lack of access to social security and insurance services and infrastructure investment. Further conditions emerging include lack of market access, direct natural resource dependence and population growth. Regions where conditions apply are signaled as vulnerable.

### **Agricultural modernity and the production of state and nature in post-genocide Rwanda**

*Giuseppe Davide Cioffo (Université Catholique de Louvain)*

**Abstract:** The Rwandan post-genocide state, dominated by the Rwandan Patriotic Front, has been variously described as ‘authoritarian’, ‘developmentalist’ and committed to ‘social-engineering projects’. Such definitions are often based on the study of policies of social mobilisation, for ‘unity and reconciliation’ and for the, direct or indirect, extraction of economic value from the population through systems of taxation and fines as well as community works. However, notwithstanding the predominantly rural nature of Rwandan economy and population, such analysis have often neglected

the role that rural policies play in promoting the consolidation of the state apparatus and its reach towards the end of economic development. This article is an attempt to fill such gap. Based on fieldwork conducted between 2012 and 2014, it is argued that the Rwandan rural policies of land consolidation and improved input distribution are represent an attempt not only at increasing agricultural production, but at reconfiguring the relations that rural dwellers entertain with their environment – or in the words of environmental historian Jason Moore, the ‘interaction between human and extra-human nature’ (Moore 2010). As such, the RPF rural policies shall not be seen as a ‘social-engineering project’ but rather as an ecological-engineering project, an attempt to restructure the whole of life

## **Theme: Jatropha**

### **Session: Can Jatropha have a second chance? Insights based on past experiences**

Friday 10 July, 13.00 – 14.30

Chair: *Aklilu Amsalu<sup>1</sup>* and *Richmond Antwi-Bediako<sup>23</sup>* (<sup>1</sup>*Addis Ababa University*, <sup>2</sup>*Rural Environmental Care Association*, <sup>3</sup>*Utrecht University – International Development Studies*)

### **The future of Jatropha cultivation in Ethiopia: some experiences from alternative uses of Jatropha**

*Fekadu Adugna Tufa<sup>1</sup>, Aklilu Amsalu<sup>1</sup> and Mesfin Kinfu<sup>2</sup>* (<sup>1</sup>*Addis Ababa University*, *Ethiopia*, <sup>2</sup>*Horn of Africa Regional Environment Centre*)

**Abstract:** In the last decade very large tracts of land have been acquired for industrial bio-fuel development in Ethiopia. Given the country’s full dependence on imported fossil fuel and the global rush for alternative energy sources, the Ethiopian government, not surprisingly, has given emphasis to investment in biofuel development. Jatropha is one of the main feedstocks widely tried and promoted in the country. The fact that Jatropha ‘grows’ on a barren land made it a critically important crop that would solve a number of problems at the same time: fuel, income and environmental conservation. However, after few years of experimentation, Jatropha did not deliver what had been expected. Instead, almost all large-scale Jatropha investments failed and land under Jatropha plantations abandoned. At the present, given the unprecedented drop in the international price of fossil fuels, large-scale investment on bio-fuel as alternative source of energy seems not viable.

Hence, if Jatropha is to be given another chance it is due to its multiple contributions in addition to potential future use for biodiesel. Using data from Northern Ethiopia where local communities are organized into producers associations to grow Jatropha on barren mountainous areas, this study examines challenges, documents good practices and provides key insights on the multiple benefits of investing in Jatropha cultivation. We argue that by adopting alternative models of production such as small-scale and community based plantation on degraded land, and maximization of output through improved Jatropha value chain development, Jatropha can contribute to rehabilitate degraded land and improve food security and local economic development.

## **Are we to be blamed? The chief's perspectives on blemishes in large scale land acquisition for Jatropha cultivation in Ghana**

*Richmond Antwi-Bediako (Rural Environmental Care Association/ Utrecht University – International Development Studies)*

**Abstract:** Land allocation by chiefs to investors for large-scale Jatropha cultivation has failed to exert effective rights of land users, improve livelihoods and local economic development in Ghana. As a result, many researchers pointed accusing fingers on chiefs for causing the primary land irregularities and dispossessions in many of the land deals. Yet little attention is given to chiefs' perspectives on factors leading to failures. This paper examines the evidence for inefficiencies in land acquisition for large-scale Jatropha cultivation as a factor of multiple land actors instead of the chiefs. This case study in Ghana from nine Jatropha sites (with chiefdoms) and also perspectives of chiefs provides arguments to suggest that three major challenges inhibit effective land deals: state non-interference policy; insecurity in land ownership; and fear of annexation by land brokers. This paper provides proposals to help appreciate and address challenges that interpret and frame chiefs as the causes of conflicts in many land deals.

## **Beyond the Hype: intercropping and agroforestry production models to reduce conflicts and enhance cooperation in industrial Jatropha cultivation in Ghana**

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**Abstract:** In semi-arid and sub-humid zones of West Africa, farmers have for many generations maintained intercropping and agroforestry. However, a current policy challenge debilitating the successes in these farming systems in many countries is the growing emphasis on monoculture or industrial agricultural crops and mechanized farming (often subsidized). In order to reduce conflicts and foster cooperation between local communities and Jatropha investors, this paper examines the potential of agroforestry and intercropping as Jatropha production models in Ghana. To achieve the objective of this research, household questionnaire surveys, interviews, key informant interviews, focus group discussions and field observations were used. The Jatropha companies associated with communities within the savannah and transition zones of Ghana were selected to coincide with the natural distribution of dawadawa-shea-baobab. From 2005 to about 2010, there was a boom in the acquisition of land and cultivation of Jatropha as feedstock for biodiesel production in Ghana. These acquisitions and cultivation of Jatropha took place within a context when there was neither national nor regional policy for promoting and regulating the development of the industry. Following community agitations in Kpachaa and Kusawgu over the large scale clearance of dawadawa, shea and baobab, the Environmental Protection Agency put up *ad hoc* measures to regulate the production. Following this, Kadelso, Ahenakom experienced relatively peaceful production systems. Intercropping Jatropha with cucumber, pepper, sorghum and groundnuts proved successful in Kadelso. Beyond the hype, this paper recommends adoption of local farming practices into the large scale cultivation of Jatropha rather than a monoculture stands.