

Conference Report

LANDac Annual International Conference 2017

LEAVE NO ONE BEHIND: SETTING THE LAND AGENDA TO 2030

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Overview

The LANDac Annual International Conference 2017 was titled: ‘Leave no one Behind: Setting the Land Agenda to 2030’. This edition took the Sustainable Development Goals (SDGs) as its starting point. With over 250 participants from more than 25 countries, it addressed a variety of themes as diverse as the SDGs themselves. Sessions were about ‘new’ themes such as the New Urban Agenda, urban and peri-urban areas, infrastructural development, migration, and mobility, and the more ‘traditional’ themes such as food security and inclusive business. Sessions were also dedicated to technical innovation, monitoring and measurement, resistance, and waste governance. Participants were from universities, knowledge institutions, government, and NGOs, while some representatives of the private sector also attended. In the debates, a couple of recurrent topics came up, such as: the importance of including communities - including women - in decision making, urban land grab, the central role of the state, the role of civil society, the risks of formalization of land, the importance of data, and the dangers of turning land into a financial asset. The need for multi-stakeholder dialogues and knowledge accumulation – LANDac being a prime example – was seen as a possible solution to share experiences and ideas on how to move forward.

About LANDac

LANDac – the Netherlands Academy on Land Governance for Equitable and Sustainable Development – brings together researchers, policy makers, development practitioners and business professionals in the field of land governance and development. With a focus on new pressures and competing claims on land and natural resources, the LANDac network conducts research, disseminates information, and organises courses and training. Our guiding question is *how to optimise the link between land governance, sustainable development, and poverty alleviation?*

LANDac is a partnership led by, and based at, Utrecht University. Other partners are: the African Studies Centre Leiden, Agriterria, the Faculty of Geo-Information Science and Earth Observation (ITC) of the University of Twente, the Royal Tropical Institute (KIT), the Netherlands Ministry of Foreign Affairs, the Land Portal, Oxfam Novib, Royal Haskoning DHV, VNG International, and Wageningen University and Research.

DAY I

Opening

Professor of International Development Studies at Utrecht University and Chair of LANDac, Annelies Zoomers,

opened the session by looking back to the first conference on land issues ten years ago, when rural issues were still neglected. This changed in 2008 when the big hype around land grabbing began and worried media reports about land evictions raised alarm. LANDac since then went through three different stages. In the first stage, empirical evidence was collected that proved that the large-scale acquisitions were indeed happening on a big scale. The second stage was about trying to find solutions to prevent harm and to emphasize the development impact. These solutions included the adaptation of the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs), the principle of

‘free, prior and informed consent (FPIC), governance, land administrations, communities defending their rights, responsible business conduct, and the set-up of multi-stakeholder approaches. LANDac recently started setting up new networks in Tanzania, Mozambique, Uganda, to do bottom up research and start dialogue with investors on the ground.

In the third stage, a shift was made to the urban areas. As cities expand, there is increasing pressure on land in peri-urban areas, while within cities, residents must make place for big real estate projects. The instruments in place, such as the VGGTs and FPIC, do not address the urban question adequately, while responsible business conduct with its certification schemes and codes of conduct are primarily

directed towards the agrosector. New solutions are needed, Zoomers stressed.

She ended by casting doubt on the title of the conference: 'leaving no one behind'. Is inclusiveness, which aims to take more people on board to make people part of so-called development, really the right objective? This is a question to which she would return at the end of the conference.

Rector Magnificus of Utrecht University, Bert van der Zwaan, mentioned the good relations between Utrecht University and the mission of LANDAC. The multi-disciplinary research is extremely important, like the multi-stakeholder approach. 'Land rights is essential, it is a resource like air', he stated. Good land governance and good land usage is equally important for attaining the SDG's. He was happy to see that since signing the LANDac Charter, LANDac has succeeded well and resulted in numerous research and trainings.

Kees Rade, Director Inclusive Green Growth of the Netherlands Ministry of Foreign Affairs, also recognized that land rights are essential for all the 17 SDG's and to leave no one behind, and was thankful that LANDac has put the issue high on the agenda. 'If ever there was a cause worth fighting for, this is it. But it is also the most daunting', he added. While infrastructure, roads and railways underpin development and can lead to better livelihoods, according to Rade, it has also led to land grabbing and human rights violations. Therefore, it needs to be more sustainable and beneficial for local communities. Companies first should carry out land tenure assessments with the help of other stakeholders.

The topic is especially relevant for the Netherlands, as Dutch infrastructure companies have been awarded a lot of contracts. Rade mentioned two dredging projects by Van Oord in Suape, Brazil, where NGOs exposed that local fishing communities lost their land without compensation and were relocated two hours away from their fishing resources. In Rade's opinion, Van Oord and Atradius should have tried harder to mitigate the negative effects. The case shows that there's still a need for improvement, but also that naming and shaming of individual cases is not enough. Constructive change is need, he emphasized. Land issues arise mostly in countries where governments cannot protect its citizens. Companies should be assisted by government and knowledge institutions that help them in an early stage to prevent harmful effects. Rade said the issue is high on the radar of minister Ploumen of Aid and Trade, who recently expressed concerns about the impact of infrastructure development on communities and committed to talk with the executives of companies.

Key notes: Setting the scene

Eric Sheppard, Humboldt Chair and Professor of Geography, University of California Los Angeles, sketched the urban development in Jakarta, with 30 million inhabitants currently one of the largest metropolitan areas in the world. Urban migration that's happening at an extremely fast pace, typical of cities in the Global South. Informal settlements are growing, while at the same time big ice scrapers pop up for the emerging middle class. Real estate agencies are taking advantage of the opportunity to make profits from the middle classes, while financial institutions are seeking to turn land into an asset. The land comes from the 'urban commons', the places where people have their informal settlements, which are being turned into commodities.

Sheppard sketched the historical development of land development in the city. Under the regime of president Suharto in the seventies and eighties, developers worked hand in hand with the state and large tracts of land were handed over to well-connected developers. The second era began after the financial crisis in 1997, which drove many developers to bankruptcy. Middle classes lost their shares in the stock market. The Indonesian state promoted an agenda to redevelop the economy by promoting middle class consumption and huge shopping centres were built - one of which even includes a national league hockey ring. The third stage, after 2007, was one of re-investing, the decentralization of land use planning to easily manipulated local governments, market-driven development, and a middle class investing in real estate rather than stock markets. The integrated real estate projects that are being developed now are quite spectacular. Dozens of services are being offered, such as health facilities, schools, sport centres, universities and even cemeteries. This should persuade the middle class that they can live in small 'oases', isolated in communities far from the chaos of Jakarta.

This development however is dramatically changing the attitudes of the middle class towards the poor. Whereas in the past, middle classes and the poor lived side by side and respected each other, this respect has disappeared with the segregation. Sheppard notes an almost dehumanization of the poor, seeing them as responsible for their own poverty. The middle class increasingly refuses to take responsibility for the well-being of the poor, and this also shapes the willingness of politics to develop pro-poor policies.

The process goes hand in hand with displacement. The urban commons with its informal settlements are being privatized, its inhabitants turned into entrepreneurs. This leads to a degradation of the urban commons, where people have lived for over sixty years, social networks

BOX 1: The SDGs – Monitoring and measurement


The SDG's were a red thread throughout the conference. The SDG's made it clear that land tenure security is a critical ingredient of poverty reduction by including it in indicator '1.4.2.' to monitor the progress of the security of land and property rights. The specific text is: *"Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of nature.* Everlyne Nairesiae of UN Habitat chaired a parallel session on this topic. It was stressed that it's important that tenure rights are legally documented, as well as the *perception* of tenure security: how communities feel about it and if they feel secure enough to pass over to the next generation the land that they own. That applies to the rural as well as urban settings. Yet a methodology has not yet been established for measurement. Therefore agencies such as World Bank and UN Habitat should step in. An expert group in Washington in May agreed on a number of indicators, taking account of gender perspectives and a continuum of land rights, such as titles, or just renting. Household surveys are being done to collect data and a next conference in October will address land registries and cadastres.

One of the case studies of this session came from PhD-candidate Bernardo Almeida of the Vollenhoven Institute. He presented a project developed by the Van Vollenhoven Institute and The Asia Foundation that aimed to develop and implement a questionnaire about land tenure, disputes, expectations and perceptions that could be replicated. The questionnaire was developed through a consultative, participatory process with the community. The project created a large set of land-date which was presented in the session. The data can inform land-related legislation and interventions and give policy makers guidance which problems to address and how.

In the plenary session, **Thea Hilhorst**, senior land governance specialist at the World Bank, talked about the SDG land indicators and the importance of legally recognized documentation. Producing reliable data is the core business of a land administration. It is crucial to get the indicators right and know what you wish for, so as to get the right incentive for improvement of tenure security. Registration fees could be lowered to include more people into the system. New technology can be used to make land administration systems cheaper. Rwanda was mentioned as an interesting experience, where they managed to develop a new system within a few year's time.

Zoomers appreciated that Hilhorst said we have to be careful to select the indicators, as implicitly formalization is being stimulated. There's a risk we move away from land being public, to being only entitled to stay if you can show that you have a land title. Aren't you pushing in the wrong direction, she asked. Hilhorst continued to press for legalization, even it concerns public land. Without a legal recognition, how otherwise to claim the land? Concern was also raised that rushing to give land titles, it results in putting the men's name on the title.

evolved and where many investments in infrastructure such as green spaces, pavements, sewage systems and spaces of sociability have developed over time. Developers, who can't rely on the state anymore, go to the settlements to persuade people to sell their houses. Those who have land rights and can sell the land, can get equivalent of 40 years of wages. They met a man who first refused to sell his land, yet succumbed to the temptation a few years later. In two years' time, the percentage of sold houses moved from 20 % to 60 %. Once the house is bought, it is torn down and walls are put around the property to prevent anybody else from them. As such, the neighbourhood disappears or becomes a very unpleasant place. The dissolution of the neighbourhood becomes thus a rapidly reinforcement process. People living in these kampongs, the renters, don't get any money out of it, and are simply displaced. At the same time, in other parts of the kampong, people take advantage to offer food, accommodation, sell their services as cleaners, rent offices. 'Money becomes the thing that dissolves social relations', concluded Sheppard. There are also cases where decennia old kampongs have been suddenly declared as illegal as they are constructed near green areas or rivers, or because the poor get the blame for land subsidence. Neighbourhoods are being cleared with only a few days' notice.

From the audience questions were raised whether there were examples of resistance against neoliberalist commodification tendencies, what role Dutch companies could play for more equal distribution, and whether there's not some sort of combination possible between these real estate processes, which can't be stopped, and urban development for the poor.

Esther Mwaura from GROOTS Kenya started, in a reaction to Sheppard's speech, by raising the question whether women would have made other decisions than men about selling the property if they would have participated in the decision-making. Women's land rights are the focus of GROOTS Kenya, an NGO founded twenty years ago. The organization now brings together 3.500 women groups focused on women living in poverty who are 'drivers of their own change'.

While responsible land governance is about participation, equitable sharing, accountability, and transparency, Mwaura lamented that land rights in Kenya traditionally has been discussed as a highly technical matter and only accessible for people who have gone to school. She stressed the importance of empowering women to gather their own data that they can use for their own advocacy. Women for example are using GPS to map public land – the land that is shared by communities and used for development such as schools and hospitals – and they keep these records. If the government changes, they can show the new official what the situation is in their area. She said that in many projects, women are usually consulted after

the project already began and functions only as a 'thick-the-box'. Currently, GROOTS is attempting to change that by helping women to have a record of how much they own and say what kind of resettlement they want, before exploration begins. She hopes this will transform the way that investors, governments, or donors think about the process of displacement.

Furthermore, she stated that the biggest bottleneck of agriculture in Kenya is the assumption that food security will improve at the household level if there is investment in large scale agriculture. This leads to poignant situations where women produce soy for the big companies, while their children die of malnutrition. GROOTS therefore accompanies women to make sure they do not give all their land away to investors, but keep land to grow their own food. The women in the group are checking on each other. 'Without these checks and balances, people die of hunger.' Women are also helped to move up into the value chain and process food themselves, such as making yoghurt for their communities to ensure their own food security. Lastly, she stressed it's important to invest in communities to build their own solutions.

From the audience however, doubt was casted whether women would really behave differently from men. In his research from Cambodia, Paul Rabé (Institute for Housing and Urban Development Studies) discovered that women behaved the same as men when they were central in the development process.

Parallel sessions

The following excerpts present some snapshots from different sessions.

Scaling up women's land rights

LANDac launched earlier this year a new gender program, funded by the Dutch Ministry of Foreign Affairs, "Securing women's land rights in Africa: scaling up impact in Senegal, Kenya, Malawi and Mozambique". The Steering Committee Panel came together to discuss some of the ways forward. While the question on scaling up was not so easy to be answered, different topics concerning gender came up in the session.

El Hadji Faye from Enda Pronat **Senegal** brought forward that if women have the same access as men to agricultural resources, they could increase production on women's farms in developing countries by 20 to 30 %, according to numbers of FAO. However, in customary law in Senegal, the wife is under guardianship of the father. There's a need to change that situation, he stressed. From the audience, it was brought forward that customary land laws are viewed as negative to women and therefore eroded by outside

forces, but this bears the risks of ignoring customary systems which in the end do have some safeguards.

In **Mozambique** there also exists a huge disparity between men and women, as was shared by Clemente Ntauazi from ADECRU Mozambique. If they get divorced or their men die, then family members take all the possessions including the land. While the Constitution does acknowledge women's land rights, awareness has not yet reached all levels of society. Esther Mwaura from GROOTS Kenya shared a strategy that her organization used: as soon as the husband dies, the organization takes the woman to the cemetery to make sure she gets the death certificate first. The organization then takes all the women's possessions so as to prevent the family members from taking it – they bring it back afterwards.

The engagement with **the private sector** was discussed. Esther Mwaura (GROOTS) stated: 'In my past life, I was afraid to work with the private sector. But now we work with them. The idea is not to get compromised, but to understand each other.' That is why she is empowering

communities to engage with the private sector, but in such a way that they are prepared for the long-haul. The private sector always comes with goodies, so it's important to ensure that women are not sold-in with nice CSR promises such as building schools or hospitals, or roads. The effects are bigger than that.

The need for concrete **economic empowerment** was repeatedly stressed in the meeting. In that way, women can resist land grabbing better, and make better use of the transition from aid to trade in the development community.

The importance of **data and formal documents** were highlighted several times. Documentation enables women to hold actors to account: rather than being sweetened in promises, they can hold them accountable for what they promised and make sure they reflect on it. Mapping public land is essential: once women have been able to map, then that map is already an informal security of tenure. It's also important that women record how they increase production of land, get access to markets and financial

BOX 2: The Urban Land Agenda for 2030

In a parallel round-table session on the Urban Land Agenda for 2030 panellists Claudio Acioly, Head Capacity Development Unit UN-Habitat, William Cobbett, Director Cities Alliance, Anna Walnycki (IIED), Danielle Hirsch (Director Both Ends), Paul Rabé, Coordinator Urban Land Governance Program, Institute for Housing and Urban Development Studies (IHS) and Richard Sliuzas, Associate Professor Urban Planning, University of Twente, discussed the land policy challenges facing cities, facilitated by Emiel Wegelin (UrbAct/IDS).

The urban expansion land take globally grows at twice the speed as urban population growth, and by implication this is most pronounced (and frightening) in developing countries. Such urban expansion generally takes place in a fragmented and un-planned manner. This is caused by a variety of reasons, such as e.g. in Mexico City, where many people cannot cope with the costs of housing in the city and therefore move to the outskirts, resulting in millions of houses in the city being abandoned. The dysfunctionality of urban land markets causes the dysfunctionality of cities as a whole. The impact of centralized allocation of land (Africa) and decentralized allocation of land (Asia) on this was discussed. Serviced land availability, provision of adequate urban infrastructure and shelter need to be considered in an integrated manner in these expansion areas, and this can only be planned for properly if there is effective urban governance, which is often not the case. The key point in this is transparently reaching consensus among the stakeholders about the city they want.

This has become more difficult over time, as the actors shaping urban development have changed: nowadays it is often the developers who are managing land use planning instead of formal (local) governments, and who are supported by consultancy firms instead of academics. Corruption and lack of transparency were seen as some of the biggest obstacles in making urban planning inclusive and sustainable: the size of urban development projects are often so enormous that such issues are virtually unavoidable.

The question was posed whether provision of secure land tenure was good enough to ensure that no one is left behind as the city grows. People in slums sometimes fall for the temptation of money and sell their land, as was demonstrated by Eric Sheppard in his presentation on Jakarta, and, if this is under coercion, that is problematic. Furthermore it was noted that the administrative jurisdiction of the core city municipality does not extend beyond the city's administrative boundaries while the urban expansion goes beyond these boundaries and the peri-urban areas are dependent on what happens in the core city. There is thus a mismatch between administrative jurisdiction and the functional urban area. It was stressed that communities and households have a major role to play in shaping the city and must be central actors in the local urban development policy, - planning and – programming dialogue.

On instruments to address the above challenges there was agreement that the development of national urban policy frameworks and low-key planning for urban expansion are important for more effective urban land management and – development, as is integrated infrastructure development and the judicious use of land-based local finance instruments. Effective and transparent land registration processes and procedures are conditional to this, as is enhancing local government capacities to deal with these issues.

resources and what school fees and health services they pay. With those records, women can present their contribution to their husbands. In that way, the men, impressed by the achievements of their women, are more easily prepared to register land in a joint title and even allow women to buy land.

The question was raised whether women's movements were only '**women for women**'. While some stressed that men supported it as well, others warned that while there are certainly men champions, sometimes people too easily assume that men support the women's agenda while this is not always true. A formalization of the process therefore is crucial and bring skills to implement the women's agenda. 'Men need to support publicly the women's agenda.'

Philip Kilonzo from ActionAid Kenya however posed the key question: **how to sustain the movements and how to take them to a more national agenda?** For example, by aligning to initiatives such as Africans Rising or the Year of the Family Farming. The Kilimanjaro initiative was highlighted as a big mobilization moment. 'You cannot talk about us without us'. Mwaura mentioned also the example of women writing new land policy in Nairobi. It was however also said that moving up to large-scale women's rights programmes in national agenda's, encounters a challenge of resources.

From the audience question marks were raised about the upbeat message to **mobilize** women, as if everything will be better if we just put them together. But is that enough - what if the spaces aren't there to influence social norms? Shouldn't there be first a conducive environment before women are able to organize themselves? As an answer Esther Mwaura stressed the idea of organising – which is different from mobilization as organization is for the long term, about giving women assets, economic empowerment, so they know how to talk to governors, geologists, et cetera. Knowledge is key.

Responsible business

Two parallel sessions were dedicated to responsible business. Banks such as ING, HSBC and Deutsche Group claim to 'do good', but they do not have statements of what they do to mitigate the risks of undermining the SDGs. It was said that their overall impact does not align with the SDG's. Furthermore, it was discussed that if investors want to make a positive impact on smallholders and the landscapes they live in, then the impacts on land and food security, livelihoods, income, and employment should be taken into account at an early stage. The different international standards still seem to be insufficient to do good, as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) focus on national

governments and not investors, and the OECD guidelines do not incorporate land tenure.

Natacha Bruna from Observatorio do Meio Rural in Mozambique said that Mozambique was still in the 'do no harm' phase instead of 'doing good'. Guided by the principle of efficiency, the government sells huge extracts of land to foreign companies. While the investors are obliged to consult the communities, this does not always happen in practice. One example is a highly controversial investment called ProSAVANA, a government coverage program aiming to boost agricultural business in the densely populated Nacala Corridor. The guidelines for the investment were controversial and the government facilitated the displacement of the local population. The program is not yet implemented because of high levels of resistance in the community. A pilot project showed that inequality was increased and the emergency of a local elite who knew how to occupy the land and benefit from the program.

Retno Kusumaningtyas of Profundo discussed sustainable palm oil investment. While financial institutions were beginning to acknowledge the business case of responsible palm oil produced by small holders, Asian institutions seem to lag behind in working according to international guidelines and standards. They also rarely participate in roundtable or other dialogue initiatives. The case therefore was made that national and local government should push financial institutions more to promote a sustainable and inclusive industry.

Positive examples were highlighted in a second session on inclusive business. Julian Quan from NRI University of Greenwich and team leader of the DFID funded programme Land –Enhancing Governance for Economic Development (LEGEND) presented a list where companies work together with NGOs or other stakeholders. For example: Solidaridad with SL Natural Habitats LTD, where the company gets help to apply the VGGT principles, community land rights are formalized and land transfer arrangements are made based on participatory mapping and land use planning. Another example is VSF Belgium with Dorobo Safari and Ujamaa Community Resource Trust in Tanzania, where land and natural resource rights are secured by local communities through active involvement in land use planning.

Pioneering work was being done by Terra Firma with the NGO Oram in cooperation with the eucalyptus company Portucel in Mozambique, where Terra Firma helps delineating the land in the area where Portucel got concessions.



Terra Firma and ORAM delineating the land in the Malalo community, Mozambique

Herman Mulder distinguished in his closing remarks that there are three levels of engagement for business in land grabbing: they can be the cause, they contribute, or they are the link. The financial sector does not *cause* land grabbing, Mulder stated, but they are linked with it. The responsibility they have is for due diligence, Mulder stated. Yet the ones who are causing it, are often the governments themselves. The government has the duty to protect the Ruggie Principles. Referring to the before mentioned case in Suape, he said that the tender document did not require to consult the global committee, as this was the responsibility of the local government. Even if Van Oord was aware they should conduct consultations under international law, the tender documents didn't allow them to consult. Therefore, we should help governments to improve the tender documents, he stated.

In the discussion, a participant was wondering whether companies can use the LEGEND program for laundering their name – something that was denied by Quan as they selected business who sincerely mean well. The question was also raised how investors will be held accountable to implement the VGGT's despite the fact it's voluntarily.

Mulder stated finally that business should be helped doing a better job. Guidelines should be brought to a higher level, for example by adopting mandatory due diligence law. The UK Modern Slavery Act was named as a positive example. He expressed hopes that the next cabinet would take further steps in the direction of mandatory laws.

Land, displacement, and mobility

In this session four different researchers explored the way in which topics such as land, displacement and mobility are linked in practice and could bring like a new research focus for LANDac. Nguyen Thi Dien of the Vietnam National University of Agriculture presented her research about land relations and migration in the Red River Delta region of Vietnam. She found a feminisation and ageing of the agricultural production as men and youngsters migrate away in search of extra labour opportunities. This gender aspect was taken up in the presentation of Celine Salcedo de la Vina from the World Resource Institute who stressed that it is key to create enabling conditions of women to participate meaningfully in decision making on land by translating the language of law into the community. Until now the gaps between law and practice are still too tremendous. The presentation of Laurien Petri showed how in the specific case of Myanmar, the livelihoods of local people were seriously threatened because the government holds the right to confiscate land without offering prior information or compensation. Afterwards, the research of Shih-Jung Hsu Li-Min Liao also exposed rather cruel land evictions in Taiwan, where land was appropriated with bulldozers. Protests ensued, and with the help of NGOs some people were able to maintain their land. A megaproject, which will result in the displacement of 46.000 residents, also resulted in big protests in front of city halls. Other strategies that are being used by the protesters are the signing of petitions and creating different discourses than the government 'public interest' discourse in newspaper editorials and public lectures. In the discussion, these practices were related to questions about the eminent domain and the right of the state to disposes people from their land for the greater good.

Land use planning

In this session, Jutta Hesse of Utrecht University discussed land use regulation tools and whether they still function when things change. Land use plans regulate the use and management of the land, and allow to give property rights, but after time, people may have different wishes. The discussion revolved about the question whether the common use of land should be implemented in this instrument, and how to make these tools functional in accordance to changing needs. From the audience, it was stressed that communities should be incorporated in land use plans, and not only individuals.

Land governance and environmental justice in the context of climate change

In this session, the topic of green grabbing was discussed. The term green grabbing is used to describe appropriation of land which is justified to protect the environment. Usually the nature is being framed into the delivering of services related to the green economy or systems such as REDD+. The danger however is that when nature is getting protected because of its economic value instead of a value on its own, then the nature that doesn't deliver these economic services, are in danger. Besides that, there was a discussion on climate smart agriculture: companies could think that they are doing good when doing climate smart agriculture projects, but there are also land grab risks involved. Evidence among local communities in Vietnam's Central Highlands has shown that after the implementation of REDD+, they had no or limited access to their natural forests. In the long run, this could provide significant challenges, in particular to food security, as many households depended on shifting cultivation.

Infrastructure development

Different researchers presented their case studies about infrastructural development-induced displacement. Murtagh Read from Utrecht University presented his PhD-research on the port city of **Beira in Mozambique**, a city that due to its climate related challenges attracts a lot of donor investment. A consortium of Dutch developers has embarked on a Master Plan for Beira to make the city more resilient. This plan is still in its initial phase. Empirical fieldwork was done on the consequences of involuntary resettlements caused by infrastructural projects by China, the German KFW development bank and the World Bank. A reduction in livelihoods and overall welfare were found in all three cases, while there were no provisions for livelihood rehabilitation. While the first resettlement (China) was accompanied by a considerable degree of conflict and lack of coordination, in the second resettlement (KFW) houses of varying quality were found, some of them without sanitation facilities. There was also a lack of consultation with the local community. The World Bank resettlement did provide good quality houses and community consultation, but also here a reduction in livelihoods was found. One of the inhabitants stated 'We are starving in our beautiful homes'. Farmers that used to live from urban agriculture, received some cash compensation, but this was by far not sufficient to make up for the loss.

Read concluded that there is a structural non-compliance to international standards. There is a lucrative political economy of infrastructure development around the city, but there seems not to be a real incentive for including the

voice of the community. Apart from the World Bank project that is likely to be monitored, no accountability is taking place in the other two projects. Recognizing that displacement is a central part of urban development, he made a plea for a more pro-active and structural approach to displacement, instead of treating it on an ad-hoc basis.



World Bank resettlement in Beira: proper housing, but a reduction in livelihoods

A presentation from Rijanta, Universitas Gadjah Mada Indonesia, about **Yogyakarta** showed unequal displacement dynamics as a result of a new airport that is being built. Those who can claim the land receive a considerable amount of compensation: 300.000 USD per household – an equivalent of 160 years of work. Money is being used to buy land for speculation, building shops, or save or consume it. But it's the landless and sharecroppers that oppose the process, as they were excluded from the compensation process or receive only very little.

Rocío Juliana Herrera from the Karlsruhe Institute of Technology presented her research on smallholder fruit growers near urban areas in the **Upper Río Negro Valley in North Patagonia, Argentina**. An already precarious situation became more precarious as they are selling their land for the development of gated communities. The expansion of gated communities caused problems for the fruit growers as they saw their irrigation networks interrupted, and the communities themselves did not have access to services due to their far location from the city, causing contamination risks for groundwater. Secondly, land was being sold to fracking companies to extract oil. Co-existence of the two activities however is difficult because oil and gas infrastructure use the same infrastructure used for fruit growers, and the fruit growers are sensitive to environmental degradation of the oil industry. The national and provincial administration promoted the process of urban expansion and fracking, with the exemption of some municipalities that because of local resistance declared themselves free from fracking. Herrera reflected that the fragmentation in territory reflected the

fragmentation of society and was wondering under what conditions planning could be an agent of change.

Sarah Balestri, Università Cattolica del Sacro Cuore, highlighted **mining deals**, which have heavily intensified in the last few years due to the increased demand for raw materials. Extractive activities are often located in remote, ecologically sensitive, and less-developed areas that include many indigenous lands and territories. It's expected they contribute to decent employment, economic growth, fiscal revenues and get infrastructure linkages. However, they occur as land-grabbing actions contributing to conflict, inequality, and environmental degradation. In countries such as Mozambique, Congo, Tanzania, Sudan, Nigeria most large-scale acquisitions are taking place. There appears to be a correlation (albeit not a causal one) between a high number of acquisitions, dependency on natural resources and a low value of egalitarian institutions (institutions that are able to protect rights and freedoms). However, there appears to be a considerable lack of reliable statistics as empirical analyses is missing and the land matrix does not include mining concessions. The need for transparency, accountability and participation therefore was plead for.

In the ensuing discussion, points were raised such as different responsibilities between the private sector and the government, limited capacity of local governments to live up to their responsibilities and the need for social grassroots movements that can function as watchdogs.

Closing plenary: What transformations do we see?

During the closing plenary, four participants were asked to reflect on some of the key messages from the day in relation to the question *since we started studying large scale land acquisitions, what transformations have taken place?*

Laura German, professor of the University of Georgia:

- Market liberalization resulting in losses to smallholders rather than gains. The provision of social goods has been largely left to the private sector, and governance to market based instruments. The question therefore is: can we expect the private sector to deliver on the public goods? Inclusive business is not going to transform rural areas and the private sector is not a substitute for government, German warned. There are however some success cases. For example, in Liberia, given the conflicts surrounding land acquisitions, it was decided that 80 % of the agricultural production goes to smallholders.

- Decentralization. As there's a capacity gap at the local level, local governments are easily manipulated.
- She concluded by saying there are a lot of opportunities to come together and have dialogue, but there are different interests and goals – equity and efficiency don't necessarily align. Civil society has an important role to play, she stressed.

Wytse Chamberlain, PhD candidate at the University of Pretoria and coordinator of the Land Matrix Africa, reflected on the last ten years by looking at the data:

- As last year's report of the Land Matrix showed, large scale land acquisitions continue to happen at a large scale. However, there seems to be a certain levelling off since 2010 when the hype kicked off. The investments are reducing in scale and the big 'cowboy' investments have waned.
- A few years ago, it was all about jatropha, now everybody is talking about palm oil. This last sector is characterized by big exchange rate companies dictating what is happening.
- The land matrix does not see signs that the community is getting more involved in land deals.
- While certain trends are changing, Chamberlain reflected, she does not see that a more structural change is taking place. While we talk about empowering communities and bring them on board, they are still getting on board within a framework where commercial interests prevail, she noted. She'd like to see the next ten years a more structural adjustment in how to produce food where production and consumption are more localized.
- The most land deals are still in Africa, while the size of the deals is increasing in Asia and in Eastern Europe. Indonesia, Ukraine, and Russia are the countries with the most acres under contract; Indonesia, Cambodia and Mozambique are the countries with the biggest number of land deals. Land deals happen mostly in countries where agriculture is a big size of the GDP.
- Food crops are the biggest focus of land deals.
- Malaysia and Singapore are becoming increasingly important investors, while the US is losing out. Netherlands is the seventh up the list of investors. One of the main reasons for that is a joint venture of Shell with a biofuel company from Brazil, that owns an enormous amount of land.
- It's not government who look for land, it's driven primarily by the private sector. 50 % are private companies, 34 % of stock listed companies.

- Community consultation is very difficult to capture due to a lack of information, but what can be observed is that community consultations is not really taking place. Only in 2 % of the cases there was Free, Prior and Informed Consent. Important groups can be excluded in the consultation.
- The benefits for the community are predominantly schools, health facilities infrastructure, and, rarely, financial compensation. Rental fees do not end up with community. Employment effects are seen especially during clearance phase.

about? Because within communities there are a lot of different power struggles.

Eric Sheppard Humboldt Chair and Professor of Geography, University of California Los Angeles:

- While maybe things are stagnating for the rural land grab, in cities the opposite is the case. He noted the enormous parallels between rural and urban areas, both ‘plagued’ by the ‘big D’ of development, where commons are turned into commodities, resulting in displacement and disruption.
- Sheppard respected the ethical commitments of businesses doing things differently, yet he is worried about land having become an attractive financial product. ‘As you move to financialization, you move away from all these nice things about supporting small producers and you get constrained by market dynamics. I am not convinced that social problems can be solved by interest-bearing investments’, he stated. The government has a great deal of power, but is unable to use that power to constrain the developers.
- Coming back to the question that Zoomers posed in the beginning, whether ‘leaving no-one behind’ is good enough or not, he concluded that this way of framing the debate assumes that we’re all doing fine now and it’s just a question of getting all on board – whilst in fact there’s a need to prioritize the less well off. He believes that the state can be involved in this, but only with immense pressure from an active civil society. People are being very creative in finding ways to exceed attempts at commodification. ‘We need to think how to resist conformity and talk about social revolution to do things differently’, he concluded.

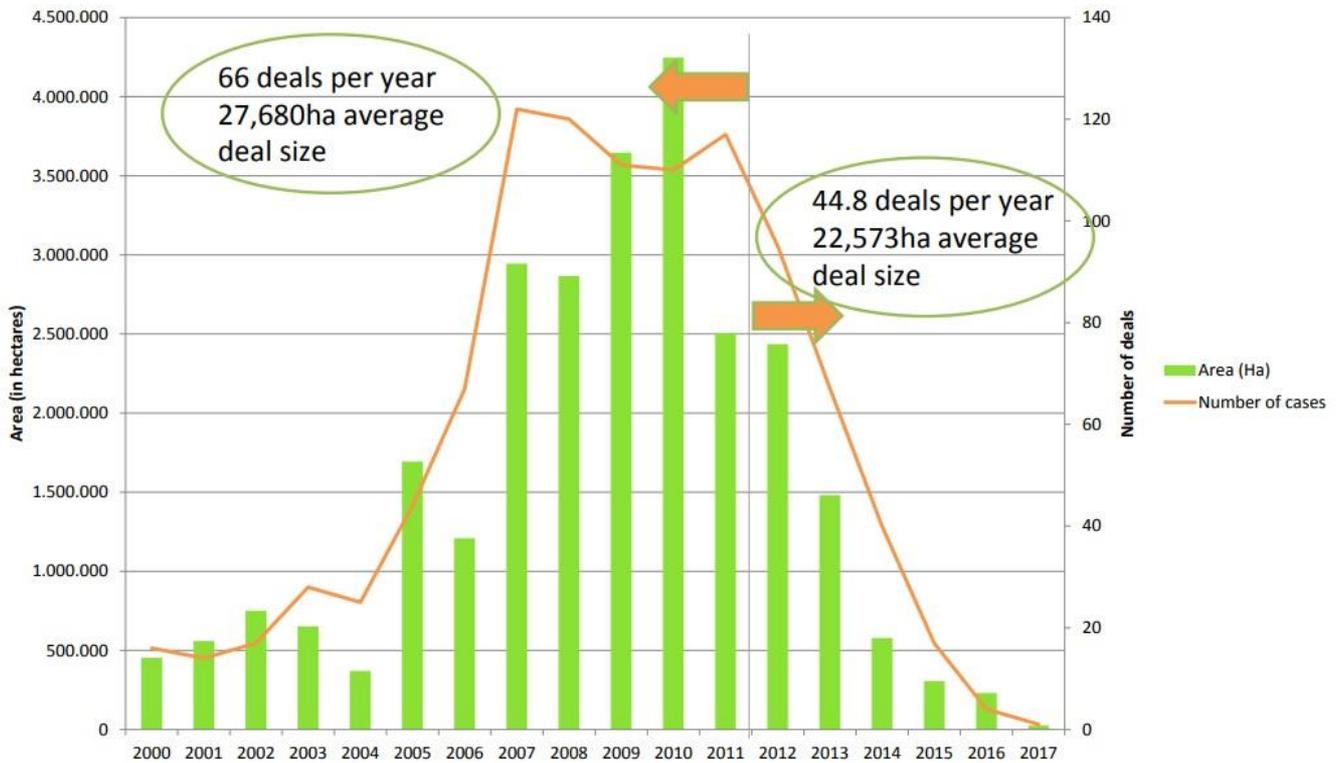
Countries receiving the most investments. Green: higher rank 2011-2017 *

Host Country	Number of deals	Area under contract (Ha)	Rank 2000-2011	Rank 2012-2017
Indonesia	116	1096334	4	1
Ukraine	23	226590	6	2
Russia	25	370316	3	3
Brazil	52	296395	1	11
Papua New Guinea	31	169562	2	30
Argentina	44	174523	5	29
Ghana	34	890568	7	15
Ethiopia	56	46394	8	14
South Sudan	3	705204	9	n/a
Morocco	3	701531	10	n/a
Congo	5	680000	14	5
Cambodia	93	69243	12	10
Liberia	8	609204	11	n/a
Sudan	18	543312	22	4
Madagascar	9	41522	13	28
Zambia	27	19304	15	16
Paraguay	12	8211	19	6
Mozambique	60	74213	20	7
Uruguay	36	48114	16	17
Sierra Leone	16	25093	17	20

Red: higher rank 2000-2011 * White: no change. Source: Land Matrix, presentation Wytske Chamberlain

Esther Mwaura (GROOTS Kenya):

- Everybody now acknowledges that land is a common good and that it’s about access and control over land. She emphasized the role of the government and that it’s important to invest in governments to take responsibility.
- One of the main transformations she saw is access to data by communities. From the audience the question was raised that if we want to get communities on board, then who are we talking



Number of land deals: Development over time
 Source: Wytske Chamberlain/Land Matrix

DAY II

Key notes: The right to the city

Whereas the first day served to sketch the state of the debate, the second day focused on ways to move forward. In the first keynote speech, **Helga Leitner**, Professor of Geography, University of California Los Angeles, build upon the presentation of her colleague Eric Sheppard, sharing more insights from the research in Jakarta in relation to ‘the right to the city’. In Jakarta, there are clear violations to the right to the city, as people are forcibly evicted from their homes and there’s massive displacement taking place from the kampongs in the city. Kampong residents, however, are not passive victims, but they challenge these evictions. They make demands for replacement housing and compensation. Besides distributive demands, their demands are also procedural in nature. They want to have their voice heard and take part in participatory planning. She mentioned that a lot of the resistance is made possible by local non-profit organizations.

She continued by showing a new residential area with high-rise apartments blocs with rooms of about 30m² accommodating between four and five people. Where most relocation is to the fringes of the city, these residents were lucky they were relocated close to their old neighbourhood. The displacement however has negative consequences for their livelihoods: most people were active at informal markets, but in these blocs, there was no space for that.

Some people started small markets in the corridors of the apartment blocks, and farming spaces were found against the wall of a warehouse. The biggest issue for the residents, however, was that they didn’t have the water pipes running. They needed to get drinking and washing water from the vendors, which was very expensive.

Flooding due to land subsidence in Jakarta



This is only one example: Leitner stressed there have been long discussions for many years about the problems with existing replacement housing and that it doesn’t serve the needs of the people who get relocated. There have been numerous attempts by architects and planners to try to come up with alternative housing designs which would be more appropriate for the kampong residents. But there’s a lack of uptake. One of the few exceptions is a sort of vertical kampong that was created in Jakarta – yet there

were lots of restrictions, such as not being allowed to sell things or hang out their laundry.

So – how to claim the right to the city? she asked. One of the most important things is to provide a greater voice for all residents in urban development and decision making, stressed Leitner. The people of the kampongs have clear ideas what they want. Secondly, Leitner suggested that attempts should be made to enrol partners into the uptake of alternatives and demonstration projects. Thirdly, make a case for the value of kampongs as urban living spaces that are worthwhile preserving – instead of only thinking about the land on which those kampongs are constructed.

Throughout her speech she purposefully used the word ‘kampong’ instead of ‘slums’, as the discursive move from kampong to slum had degraded the value of the kampong.

Leitner concluded more research was needed on the impact of transformations on cities as a whole. For

example, if people are getting displaced to the urban fringe, they start commuting back to the city, meaning increased traffic congestion and pollution. And more assessments on the environmental sustainability are needed – a high rise bloc has a more ecological footprint than the kampongs.

From the audience, there were critical remarks on high rise buildings, questions about how to nurture social movements to fight for the right to the city in places where this social infrastructure does not yet exist, and whether it would be an idea to adopt a landscape approach to urban settings.

BOX 3: Country focus – Cambodia

While **Duncan Pruett** (Oxfam) lobbied in his former job to get land tenure security into the SDG framework, in his current job in Myanmar it’s about putting these in practice – which is a much more complicated job. To make the SDG’s work, not just incremental steps are needed in projects, but much more structural changes around power and the peace process. He mentioned numerous contextual challenges:

- Since 2012 farmers can obtain formal land titles and access cheaper credit. There’s however only space for one name on the form, and it’s usually the men’s name that appear. Women inherit only when there’s not a male heir. Women don’t tend to say this is unfair: their attitudes are identical to men.
- Communal and customary land rights are not formally recognized in Myanmar. Oxfam promotes forms of collective land rights, but it’s impossible to track progress. The rights are effectively lease rights, which expire, and participatory mapping is not formally recognized.
- Myanmar knows many conflict areas – land is being captured by overlapping authorities such as paramilitaries, armies or armed rebel groups.
- There’s a lack of transparency and a lot of confusion which law applies where. There’s no unified land registry, and many land laws need revision.
- Even though there’s quite a progressive land policy adopted by the outgoing military government after a consultation process, it hasn’t been implemented and now is being challenged by vested interests.
- The IDP law states that land can be used if it is vacated for three years: this land is now being taken by all kinds of actors, such as Chinese companies.

A concrete example is a Chinese company exporting bananas to China, using agrochemicals that have been banned in China. Farmers told that the local military expanded land out of ‘security reasons’, but then sold the land out to Chinese banana producers. Furthermore, more and more land is used for corn production, which depletes the soil. The prices are highly volatile. Consequently, many farmers are driven into debt.

On a more positive note, Pruett concluded that the SDG’s do offer guidance, but the government faces enormous expectations. Given the peace process, the SDG’s might not be given the priority. Working on the SDG’s therefore requires serious political transformation, the engagement of advocacy and many stakeholders, building evidence and the support of men and women on the ground.

From the audience, the question was posed whether the SDG’s were relevant for improving the livelihoods. Pruett answered it can help catalyse processes such as access to greater information. Another question was about collaborative processes of dialogue and with which institutions. On the question on how to promote inclusive agriculture in Myanmar, Pruett stated there are still pretty old-fashioned ideas about agricultural production. Oxfam did get a positive response from the government when they proposed alternatives, but it’s difficult to prioritize where to start.

Annelies Zoomers was shocked by Pruett’s story, wondering how it’s possible that women’s land rights and customary land rights are still not acknowledged while these issues have been on the agenda for so many years.

Parallel sessions

The following excerpts are snapshots from the plenary sessions.

Everyday forms of and grabbing by local elites: power and resistance

An Ansoms and Aymar Nyenyenzi Bisoka of the Catholic University Leuven have been trying to study stories of hidden resistance with alternative methods. In Leuven, they developed a Land Rush Game, a board game which places the gamer in a simulation of land competition. Based on that concept, they developed a theatre play on fictive local land conflicts together with professional actors and the local youth. The theatre exercise allowed the researchers to access hidden discourses where participants only talk about in inner circles, such as issues on gender issues and violence.

It was debated that this research method brings up ethical questions, as it is being done in a conflict affected setting. The participatory method means that the researcher loses some control as the theatre play itself becomes a tool for change where power relations come into play. For example, one of the sketches was hijacked by rebel groups. Ansoms reflected that the theatre might bring up emotional experiences that pose a challenge to security. Another group concluded in their sketch that the only solution or a land conflict is the use of machetes. Ansoms feared that her research intervention legitimized violence, yet concluded after some reflection that it would be paternalistic to decide what the ideal outcome of the play would be, and that as a researcher she should be open to outcomes that did not match her own values.

Research by Alice Jandrain, Sandra Kiala and Aymar Nyenyenzi of the Catholic University of Leuven looked into reasons of non-resistance and found there to be a lack of awareness of the impact of land grabs, and a belief in the development discourse used by the state wherein land is described as a productive resource. Anuarite Bashizi (Leuven) looked into different forms of contestation of land grabbing by the Canadian mining company Banro in DRC Congo. Forms of resistance were the use of guns, popular uprising and forms of hidden resistance consisting of gestures and speeches contrary to those held in public.

René Claude Niyonkuru (Leuven) researched the role of non-state actors in fighting land grabbing, such as the legal framework that is evolving, the ability of data information such as the land matrix, civil society actors that make sure that the voice of the voiceless are considered, and actors such as the International Land Coalition that provide legal and financial assistance to victims of land grabbing. There are however many limitations for non-state actors. They

might support the set-up of a land commission, but when there's a weak state this might be hijacked again by powerful elites. They can be challenged by the state, but there's also a risk to forget the role of the state: 'there's CSOs who can do the job'. Then, there's a risk of complicity by being co-opted by neoliberal policies of institutions such as the World Bank and thereby indirectly contributing to land grab themselves.

Land governance to end poverty

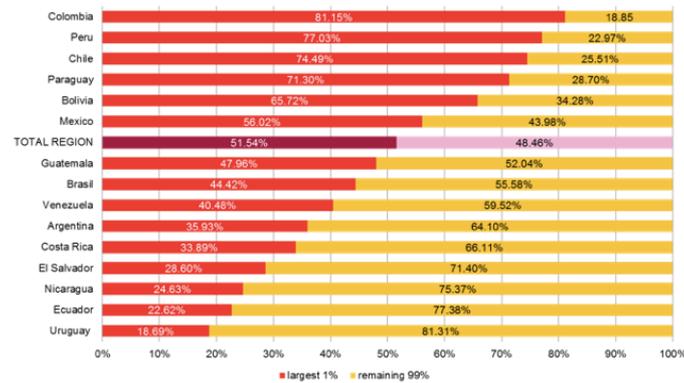
Stephanie Burgos, senior policy advisor at Oxfam America, made a clear link between land rights and poverty. Land is often the only asset of people living in poverty, and land inequality is a core component of inequality. She illustrated her point with data from the agricultural census in fifteen countries in Latin America. Oxfam found that the largest 1% of farms control more than half of productive land in the region, on average. In other words, the largest 1% of farms control more land than the remaining 99% all together. Over 82% of small farms control less than 13% of productive land. It was also found that land concentration in Latin America is much higher today than it was in the 1960s, before several countries undertook agrarian reform initiatives. Large farms have been occupying more land, while smaller farms are tending to disappear or have seen their average size reduced. While agricultural census data show that food production is with small scale farmers, they are pushed out of production due to large scale monoculture.

Many Latin American economies are based on extractives, but the profits only go into the hands of a few. It generates limited employment – much of which is low-skilled, seasonal, low paid and often under poor conditions. And the revenue generated for the State tends to be disproportionately low when compared to the profits earned.

Those who control land also control the profits that can be reaped from its exploitation. Ownership is not the only means of exerting control over land. Leases, concessions, and contract farming are seen increasingly in Latin America, enabling businesses to expand production while lowering investment and operating costs, and avoiding having to assume risks related to production, or responsibilities of land stewardship. Those who concentrate control over production are also increasingly expanding their control over infrastructure, such as transportation and storage facilities for the commodities produced. In that way, small holder farmers can never 'prove' their efficiency, as the needed infrastructure is not coming their way.

In governance therefore, she concluded, it is important not to formalize the existing distribution of land. If you start

doing land tenure, it's important first to look at inequality and its drivers, she stated.



% of land held by largest 1 % of farms in Latin America.

Source: Oxfam

Legal frameworks and land reform

In this session, different papers were presented on legal frameworks and laws. One of which was from Caroline Haywood from ClientEarth about agriculture and mining that are increasingly driving deforestation in West and Central Africa. Few forestry and land tenure laws have been updated to govern where, when, how and by whom forests may be cleared to make way for other land use investments. ClientEarth has reviewed laws and regulations in Liberia, Côte d’Ivoire, Ghana, Republic of Congo and Gabon to understand the major risks stemming from weak and incomplete laws on forest conversion in the region. Legal weaknesses increase land use conflict as different land uses and users (conservation, commercial and community) are increasingly vying for forest lands. It also leads to community land dispossession, where customary law is insufficiently recognised and protected in statute and communities are excluded from land governance decisions. Potential legal means to address these risks, are forest land rights reforms, national land use planning and equitable and inclusive public participation.

Some of the general conclusions and questions in the panel raised were:

- Political will is needed not only for the approval of laws and regulations to protect smallholder land rights, but also for the effective enforcement and application of these legal tools.
- How do we establish national legal frameworks that are effective against power of financial capital?
- The role of the law in driving inclusion.
- Laws, institutions, structural reorientation, [illegible], are all on their own not a magic bullet for ensuring transformative change, sustained political leadership should be explored, behavioural change too.

- Even when we have good laws or institutions in place how can we avoid (mis)interpretation by the most powerful actors?

The emerging nexus of conflict, private sector, and land governance

In this panel consisting of Oxfam employees, one of the main discussions was about strategies of NGOs in conflict affected settings. Should they cooperate or pressurize, or both? The both can go together, as one case illustrated where Oxfam’s publication about a palm oil plantation in Kalimantan was taken up by the media, and the company subsequently invited Oxfam to discuss how to improve the situation on the ground. However, different contexts bring different strategies. In Myanmar, it’s rarely a good idea to bring a case to the media. There, it would help to increase international leverage. There are two big pension funds that are investing in Malaysian banks engaged in palm oil in Indonesia, and it was suggested that Oxfam Netherlands could start a dialogue with these pension funds.

Pragmatic solutions were also stressed to engage with business, as companies themselves increasingly realize that if they do not adhere to certain standards, their operation might be at risk. Examples of NGOs working with Chinese companies in South Sudan were mentioned as an example where cooperation with the private sector can work very well in conflict settings. However, it was also noted that in Oxfam conflict department and the department working on the private sector are separated, which makes it difficult to see for people working with the private sector how conflict sensitivity works.

Final discussion – the role of politics

In the final discussion, different panellists looked at the main achievements in the past ten years, and the challenges ahead. What stood out, was the political dimension that was repeatedly stressed.

Looking at the main achievements and challenges, **Julian Quan** (NRI University of Greenwich and team leader of the DFID funded programme Land –Enhancing Governance for Economic Development (LEGEND)) mentioned the appreciation of land governance, human rights, sustainability, responsible business, and a genuine recognition of the risks associated with investments. There’s also a clear recognition among the private sector that the role of the state is crucial. The private sector finds it difficult to experiment with inclusive business approaches and take responsibility without government funding. However, the big problem is that the state is often absent.

BOX 4: Country focus – Mozambique



Another country focus was on Mozambique, presented during the key notes by **Alda Salamao**, director of Centro Terra Viva, environmental lawyer and PhD Candidate at Utrecht University. Mozambique used to be a shining star in terms of economic growth and lauded internationally because of its progressive land regulation. Now, that star has faded away. Despite its growth, Mozambique is one of the poorest countries in the world. 66 % of its population lives in extreme poverty, Mozambique has the lowest health security in the region, the lowest rate in terms of access to education, one of the lowest rates in terms of access to food and nutrition, and the majority of adults is not literate. Then there are severe impacts of climate change as the country is suffering from droughts and flooding at the same time.

The debates on land, therefore, should be focused on how land governance can contribute to health, better nutrition education and better governance. Mozambique is famous because of its natural gas and minerals, agriculture and increasingly for tourism, but the question is where the resources will go. For the current gas concessions in Palma in Northern Mozambique, almost all of the revenues are going to paying the government debt, while according to Salamao, these revenues should be used to enhance human capital.

Furthermore, she said there must be a link between global discourses and national strategies. The MDG's, SDG's, VGGT's: to what extent do we make the link between these standards and what's

happening on the ground? How many countries really internalized the VGGT's or designed their strategies on these priorities, she asked? She stressed the importance for prioritizing support to women as they are the ones most affected by land issues. Land tenure security for women are necessary, but not as a means to an end – they need to be secured so that women can become active actors in the development process. Finally, she stressed the need to take the academic research results to the ground.

During the discussion, she highlighted the Netherlands as a major supporter of the Mozambican land sector. If the Netherlands does not pay attention to governance issues and continues to support a group of politicians and economic elites that have hijacked government institutions and support those groups, then these donors are not doing their job. The link between international and national actors are important – and knowing who the state is when we talk about government.

In a parallel session, the **impact of liquid natural gas investments** in Northern Mozambique was discussed, where large gas reserves have been found in 2010. Large multinationals such as Anadarko, ENI, Exxon Mobil and recently Shell, explore the possibilities to build onshore and offshore Liquefied Natural Gas plants and the possible impacts of these LNG investments were discussed during the session. The audience raised critical questions if oil and gas are the 'right' development path for Mozambique, as fossil fuels are to be phased out according to the Paris agreement and as oil and gas do not have a very trustworthy track record of being beneficial to communities. According to Frits van der Wal, focal point on land governance at the Ministry of Foreign Affairs however, it was not on the Dutch to decide which development path Mozambique should take – adding that even in the Netherlands there are still struggles with communities with regard to the gas drillings.

What the Netherlands can do, however, is to promote and support the interventions that foster regional development and to invest in a kind of pre-engagement in which local communities do have a voice in the way investments should take place and could benefit the revenues its created. Van de Wal illustrated this argument by pointing to the positive regional development model of the Zambezi valley with its coal- and agricultural resources where 20 % of the revenue coming out of that area is going into the regional development fund.

Alda Salamao, director of Centro Terra Viva, environmental lawyer and PhD Candidate at Utrecht University, shared her experiences with a paralegal support programme set up by Centro Terra Viva. With this program, people without high education are trained in legal issues to provide basic legal support to their communities.

Salamao was also worried about the narrow focus on oil and gas, while Mozambique also offers opportunities for development in other sectors (e.g. in tourism). Yet, if LNG investments are happening, she said that 'champions' are needed in the private sector and from donor countries who should give the push that the gas investments are beneficial for goals such as health and education. It was concluded that this can only be done if the government makes use of participatory land use planning, works out some licensing processes (including a framework on how to deal with investments) and put some laws into effect that guarantee sustainability and a regional and integrated development process.

Quan was optimistic about the role that civil society, the land tenure community, donors, and other actors have played in taking the issue on the international agenda with SDG 1.4.2 and the Voluntary Guidelines – yet the real challenge is its implementation. Influencing the companies in countries where businesses are not responding to that agenda is essential. For example, the emerging South East Asian business seem to give less traction to responsible business. He further mentioned the importance of a recognition of community rights, the risks of formalization, the need to reconcile a landscape approach with a land governance approach and the need for public private partnerships that really touch the realities on the ground.

An Ansoms (Catholic University Leuven) observed that there has been a lot of knowledge accumulation on land acquisition and land governance. There is more view on the scale and the role of different actors. The second achievement is that land governance is no longer seen as a local issue – it has become a global debate. The third achievement is the increasing role of partnerships between academics, policy makers, state actors, donors, and the private sector. Fourth, there's progress because of the increased attention to the aspect of vulnerability and the power imbalances between different actors involved in land governance.

As a first challenge, she identified a lack in the literature regarding the historical dimension. She reminded the audience that it didn't start all start in 2008. The debate needs to be placed in a historical continuum of colonialism and state acquisition. Secondly, it needs to be placed in a complex perspective; there are more normative frameworks than only protecting the rights of vulnerable people through a state-centred approach. Thirdly, it's important to give more visibility and legitimacy to forms of resistance that radically refuse land acquisitions. 'We talk a lot about win-win solution, approaches where we try to combine the interests of different actors, but we give little legitimacy of actors who radically refuse and the way they do that – including violent resistance', she stated.

Finally, she found the land governance often very technical – while good policies, laws and practices are only useful as long as overall governance issues and power relations are also addressed. Overall, people from the South should be engaged more actively in multidisciplinary and multi-actor initiatives.

According to **Marco Lankhorst** of the International Development Law Organization, there has been too much attention to the governmental, administrative, and institutional aspects of land governance, and too little for the political dimensions - especially for the legal and human rights aspect. Where legal concerns have been

incorporated, this has been done in a very technical way and not through the lens of a political analysis.

How important this political analysis is, was illustrated with a research from Burundi where land registration programmes are ongoing. Burundi has a high level of land disputes: around 80 to 90 % of cases in civil courts are land disputes and up to 35 % crimes in criminal courts go back to land disputes that weren't solved well in the civil war. After the registration process, there was a twofold increase of disputes on the ground and a fourfold increase at the civil court. Thus, the land registration program has probably led to more violence than before – at least in the short term.

After the registration, the question was asked if people felt they had more tenure security. People still expected that their rights would be challenged even if they had a certificate. 'How can we expect that tenure security will improve in a context where people are convinced that money confirms power much more than the law? How can we expect people to have a bigger sense of tenure security in areas where only 6 % of land somehow reflects the data that is captured in the registries? How can we expect tenure security in a country that is so used to violence?', Lankhorst wondered. A consideration of the justice dimensions and rule of law is essential, he concluded. The problem is that donors have different departments and different funding instruments.

Danielle Hirsch, director of Both Ends, directed attention to the responsibility of the Netherlands, being in the top ten of the biggest land buyer in the world, a leading trader in palm oil and soy, and a global leader in the development of port infrastructure. In the Netherlands, we can influence what happens in the rest of the world. According to her, the priority should be to 'Follow the Money' – look to the activities that lead to land conflict and land grab. The last couple of years the different stakeholders have been sitting around the table and talked to each other, which was important to get an understanding of the issue. But now it's time for the next step: what will we do about it?

She said that it's important to bring the local leaders here and to tell the banks and companies what is happening in their territories. Second, the power differences around the table should get compensated for. 'It's not fair to have the multinationals sit around the table with a small NGO or community organisations: we need active governments to level out differences', she emphasized. Thirdly, the issue needs to be politicized – 'walk the corridors of power' – not only talk with the development department, but with the ministries of agriculture, trade, and finance.

'A turkey never votes for Christmas', was her final message to the audience, meaning that the people that have power

will not change unless we ourselves make disruptive action as civil society, academics, and governments. LANDac was an important example, she said, as it's not only about science but also recognizes the political role that science must play.

Eric Smaling, agronomist and ex-parliamentarian responsible for aid and trade and the portfolios of infrastructure and environment. He gave insight in how careful new environmental and spatial planning laws were designed in parliament, where all groups of people can have their say, and in what detail every square metre gets organized. The amount of attention for these topics contrasts with the portfolio of developing countries, where the views are much more general. He challenged the audience to feed the parliamentarians with knowledge in a way that allows them to quickly come to the essence of the important issues. Most parliamentarians think about land tenure in terms of cadastres and good laws, but not about the enforcements of these laws or human rights issues – let alone the spiritual meaning of land in many parts of the world.

The discussion touched upon different topics:

- **Formalization.** In the discussion, the 'right to say no' was recognized, as a response to Ansoms remarks on resistance. From the perspective of inequality and distribution, it was stated that it's important that we don't end up formalizing unequal redistribution and control over land that could reinforce a cycle of conflict. Ansoms agreed that by formalizing inequality, we might make it even worse. The protection of land rights can lead to a dynamic where land is grabbed more efficiently by giving people compensation and then transfer the land to more efficient land users. It was concluded that there's a commodification of space and a redefinition of territory in a very economical way, while an abstraction is made of the political, cultural, and social values of the land. It was further concluded that whether land tenure registration is 'good' or 'bad', really depends on the context and the way it is instrumentalized on the ground within political power structures. An analysis of these processes and structures are essential before the process of land registration starts.
- **The SDG's.** SDG 1.4.2 and the importance of monitoring was discussed repeatedly. The perception of tenure security is important, but it's complex to design surveys that measure the progress. Ansoms however saw a danger in an 'obsession' with indicators as this would make the

debate too technical. Tenure security is a complex 'messy' political matter and therefore hard to push into indicators. On the other hand, Everlyne Nairesai (UN Habitat) mentioned the importance of monitoring land governance issues in relation to the SDG's in order to be able to track progress. 'How can we influence policy makers with informal statements of what we think what went well. We need data to advocate; otherwise governments will not listen.'

- The way **stakeholder dialogues** are organized. It was mentioned that dialogues are there, but it's mostly the elite that participate that also function as 'gatekeepers', and therefore women and the poor are often not at the table, and are underrepresented in international spaces. It was concluded that there needs to be an objective in those dialogues: what are we going to achieve, what is the timeline? It's also indicated that it's important that everybody has done their research. If companies tell that they don't have any land related issues, ask them if they have done their assessments correctly.
- Reacting on the '**Follow the Money**' topic, the audience suggested it shouldn't be too difficult to do that as there is a lot of aid money going companies. However, Hirsch pointed out that it's not only about ODA as there's a relatively small proportion going directly to companies - it's also about the incoherence's of the private sector behaviour in developing countries outside of ODA flows. Smaling mentioned CSR initiatives where companies voluntarily adhere to guidelines and principles in certain sectors – but stressed we need more than that.

The biggest promise that the panellists saw was the coming together of stakeholders and the accumulation of knowledge. This knowledge is growing even more as countries that invest in developing countries and causing land grab there, now are increasingly experiencing the same dilemmas as developing countries. The conflicts surrounding gas winning in the North of the Netherlands is one such example, and in the UK and USA there are similar cases. Yet it was stated that producing papers is not enough, we need to bridge the gap between science and politics and force politicians to do something with the knowledge.

Closing remarks

Frits van der Wal and Annelies Zoomers gave the closing remarks of the conference. Van der Wal summarized the conference with different keywords such as:

empowerment, linkages, bridges, vulnerability, activism, accountability, data, absence of the state, equality, human rights, inclusiveness, decentralization, due diligence, disruptive action, dialogue and documentation, good neighbour ship.

Zoomers thanked the organizers and all participants for ‘stopping the time’ and taking two full days of reflection.

Looking back, her main conclusion was that the discussion is changing. She felt there was more optimism five years ago, as the land rights community had the impression that with the right guidelines and tools, things would be moving in the right direction. Now, taking into account all the investments in the urban settings, there is less reason for optimism. Governments and investors can be convinced to become more responsible, but there’s a whole world of architects, designers and planners who play a very important role. ‘They are different type of people as they are always looking at the bright side and only want to talk about solutions’, Zoomers said. These disciplines don’t have a lot of background information. As soon as they find out that land is not formalized, they think: let’s first formalize the land while not being aware of all the pitfalls that goes along with that. There is thus the need to educate a new group of people about land tenure.

Considering the SDG’s, Zoomers was both positive and negative. Positive, because the SDG’s are about mainstreaming of social issues, the interconnectedness of the North and South and an acknowledgment of the systemic approach and the complexity. Negative, because with the SDG’s, the Voluntary Guidelines tend to be forgotten. Comparing the SDG’s with the VGGT’s, the voluntary guidelines are much more action-oriented and rights perspective are central, while the SDG’s are more about measurements and indicators. She doubted if we were focussing on the right indicators. It’s possible to look at formalization of land tenure, but why not look at the number of people being displaced? ‘Let’s have our own indicator and do a shadow exercise year by year trying to find and collect data on displacement and evictions’, she suggested.

She saw opportunities in the Netherlands to influence companies and convince them that they should not enter into areas for investment without pre-engagement with local communities long before the plans are being enrolled. She observed that in the Netherlands such a shift is already taking place, as stakeholders are already sitting together now that Dutch companies have shown interest in the Northern part of Mozambique.

On data collection, she agreed that people need to have data on their own situation and they should be given a role

in the monitoring of processes. LANDac is developing projects in that direction and she expressed the hope that people on the ground can ‘follow the money’ themselves, in concrete places where investment concentrates.

While the research frontier has already shifted from the rural to the urban areas, Zoomers added a new dimension: land subsidence. The land debate until now assumed that the amount of land is not changing, but with land subsidence and rising sea levels, land is either changing vertically or flooded. This is happening mainly in delta areas where many people live.

Reflecting on the rural-urban debate, she noticed that there is the right to the city, but not so much a right to resources, or the right to land. In the land debate, it seems that only the people who have access or right to the land, have the right to be there. ‘It would be nice to start thinking about the right to the countryside and the right to stay.’

With hindsight, she regretted the chosen title of ‘Leaving no one Behind’. ‘Pushing nobody aside’, would be her ideal version. Even that is not enough: ‘we want people to be in the centre’. In the current debate, it’s still the investors who decide, while the people can only but agree or disagree. Instead, she proposed to follow the money and make sure it goes to those places where local people have the opportunity to formulate their plans and let the investors decide whether they want to team up or not. This would mean a reversal of the whole agenda and the big question is: is the world ready for that?



List of participants

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