



# LAND 2015 2018

## TRENDS IN LAND GOVERNANCE

Lorenzo Cotula, Ward Anseeuw and Giulia Baldinelli

INTERNATIONAL  
**LAND**  
COALITION

**ii**ed



## LIST OF CONTRIBUTORS

This paper has been co-authored by Lorenzo Cotula (IIED), Ward Anseeuw (ILC), and Giulia Baldinelli (ILC). The following ILC members and initiatives have contributed (in alphabetical order):

### ILC MEMBERS:

- **ALRD**, Bangladesh
- **CAAAP**, Peru
- **CARRD**, Filipinas
- **CDAS Sabiá**, Brasil
- **CEPES**, Peru
- **CINEP**, Colombia
- **CISEPA-PUCP**, Peru
- **FES**, India
- **FUNDAPAZ**, Argentina
- **FUNDE**, El Salvador
- **IPDRS**, Bolivia
- **Lentamente Società Cooperativa Agricola**, Italia
- **Instituto Nitlapan, Universidad Centroamericana**, Nicaragua
- **OUOT-UNAH**, Honduras
- **SCOPE**, Pakistan
- **SIF**, Madagascar
- **SIPAE**, Ecuador
- **WGWLO**, India

### ILC INITIATIVES:

- NES Cameroon
- NES Nepal
- The Rangelands Initiative, Kenya, Uganda, Tanzania, Ethiopia, Senegal, South Sudan, Burkina Faso, Cameroon, Mongolia, India, Kyrgyzstan, Kazakhstan, Tajikistan

# LAND 2015-2018

## TRENDS IN LAND GOVERNANCE

All over the world, mega-trends reshaping the global economy over recent decades have been exerting new and rapidly intensifying pressures on land. The challenges created by these changes – ranging from climate change, demographic growth, and urbanisation to a shift towards meat-rich diets – have generated renewed interest in the governance of land and land-related resources. In response to the challenges, recent years have seen the development and implementation of legal, regulatory, and guiding frameworks to strengthen land governance at both national and international levels. These range from legislative measures such as reforming land laws – for example, in Malawi and Mali – to actions to operationalise international soft law instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) and, in Africa, the African Union's Framework and Guidelines on Land Policy. Alongside these regulatory mechanisms, new approaches are being developed to monitor the way that land is governed. The Sustainable Development Goals (SDGs), established in 2015, include targets related to land governance, and the diverse methodologies that emerged from their negotiation include innovative approaches such as the Dashboard for people-centred land monitoring developed by the International Land Coalition (ILC). These developments hold out the promise that the availability of better data can lead to a greater degree of evidence-based decision-making, and to more transparent and democratic land governance.

This rapidly evolving context – from pressing challenges to new land governance instruments – justifies the need for practitioners to closely track and discuss developments as they unfold. This report is the first in a new series that ILC has launched to support such a dialogue. These reports, to be released at ILC's Global Land Forum (GLF) every three years, will take stock of trends in land governance, policy, and practice, paying special attention to how these developments affect ILC's 10 commitments for people-centred land governance.<sup>1</sup>

This report aims to inform discussions at the GLF 2018, to be held in Bandung, Indonesia on 21–27 September, and reviews trends since the previous GLF in Dakar in May 2015. It draws on 21 submissions from 18 ILC members and three ILC initiatives, covering a total of 30 countries across different continents. The submissions were made in response to an open call issued by the ILC Secretariat in March 2018. The idea was to offer ILC members and initiatives a vehicle through which to articulate the main issues they face in order to feed into discussions at the GLF. The authors have deliberately kept any substantive additions based on their own personal analysis and the broader literature to a minimum.

<sup>1</sup> See [www.landcoalition.org](http://www.landcoalition.org)

Although the submissions included commentaries on a rich diversity of land governance issues, the limitations of this exercise need to be acknowledged. The number of responses received is small both in absolute terms, and relative to the ILC membership. It does not necessarily reflect a representative sample, and the result is not a comprehensive overview of global trends. Nonetheless, the submissions did provide insights about some of the issues that the members who responded are grappling with. The GLF will provide space to debate issues that were not identified in the submissions, as well as exploring in more depth those that did come up.

Ten main trends emerge from the contributions and are presented in the following two sections: five detailing the progress made with regards to land governance, and five representing obstacles still to overcome in the pursuit of land governance that is people-centred. The final section draws some conclusions and reflects on ways forward.

## Land governance: a time of significant progress...

### 1. FROM ASPIRATIONAL FRAMEWORKS TO LAND POLICY REFORM AT NATIONAL, REGIONAL, AND GLOBAL LEVELS

Between 2015 and 2018, **international land frameworks have increasingly been used as a basis for land policy scrutiny and reform.** This has led to steps forward at the regional, national, and local levels and in both policy and practice. A case in point is the rolling out of the Framework and Guidelines on Land Policy in Africa, which has helped AU Member States to develop or review their land policies and to implement and evaluate these policies (ALPC 2018).

The submissions provided several examples of these developments, varying considerably in their nature and scope – from new national constitutions that, for the first time, entrench rights for the landless,<sup>2</sup> to national legislation that covers wide-ranging policy areas, and to support for the collective registration of community, indigenous, or pastoral lands.

In Colombia, for example, the signing of the peace deal in 2016 has promoted a land governance reform process to address the complex set of issues arising in the country's post-conflict context. Among these issues, a submission from an ILC member in Colombia highlighted land access and the formalisation of individual and collective titles; land monitoring through a general survey; the setting up of a multi-purpose cadastre; planning through environmental zoning; the creation of an agrarian jurisdiction for resolving land-related conflicts; and the establishment

<sup>2</sup> National Engagement Strategy (NES) Nepal.

of what are known as “Development Programmes with a Territorial Focus” in 170 municipalities in 16 sub-regions. According to the submission of Colombia, these elements were considered to have laid an important foundation for the further restructuring of land-related institutional and regulatory frameworks.<sup>3</sup> The extent to which such advances in policy and practice live up to expectations naturally varies, and in most cases it is too early to tell what their ultimate outcome might be. But the submissions provide helpful elements for reflection on the nature of developments and the actors and processes that have made them possible, as well as their current and likely future implications for land governance. While in most cases analyses converged strongly, in some the submissions reflected different perspectives. The following sections discuss a few prominent themes that emerged in the respondents’ initial reflections.

## 2. PUBLIC POLICY ENGAGEMENT AND PUBLIC MOBILISATION

Notable developments in the realm of practice include public mobilisations in policy processes at all levels. These developments can be seen both in instrumental terms, as a means to achieve more equitable laws, policies, and practices, and as a vehicle to catalyse public engagement with land issues and ultimately more democratic, bottom-up land governance systems.

Reference is made to numerous initiatives such as the ILC National Engagement Strategies (NES), stakeholder engagement in the VGGT framework, and various local and national multi-stakeholder land governance platforms<sup>4</sup>. Beyond these formalised spaces for stakeholder engagement, **several submissions also emphasised the role that public mobilisation or advocacy can play in changing policy and practice, and even in paving the way for more formalised avenues of engagement.** For example, some submissions referred to mobilisation combined with legal actions led by indigenous peoples and peasants in Latin America;<sup>5</sup> civil society participation in land law reforms in Africa;<sup>6</sup> and the role of public interest litigation and the mobilisation of national judiciaries where legal systems and political space allow.

Respondents reported that public engagement and mobilisation achieved some positive results. In Madagascar, for example, government institutions have reportedly become more receptive to critiques and proposals from civil society, and they have taken on board many of its recommendations in the development of the second phase of reform of the national land policy.<sup>7</sup> In addition, the country’s Constitutional Court was reported to have, in effect, advanced the position argued

3 CINEP, Colombia.  
4 NES Cameroon; SIF, Madagascar; IPDRS, Bolivia; SIPAE, Ecuador; CINEP, Colombia.  
5 IPDRS, Bolivia; SIPAE, Ecuador.  
6 SIF, Madagascar.  
7 SIF, Madagascar.

by civil society when it struck down as unconstitutional various provisions in a bill on registered property that had been passed by parliament in 2017.<sup>8</sup>

## 3. FROM LAND TO TERRITORY: FROM NEW POLICY STRATEGIES TO PROTECTING COMMUNITY LAND RIGHTS

Several submissions documented progress made towards securing the collective land holdings of indigenous and local communities. Some of these advances were conceptual, involving the reframing of key terms used in discourse around land. This includes a greater emphasis on “territory”, as illustrated by local territorial development or indigenous peoples’ ancestral territories. This notion is contrasted with the narrower concept of “land.

**The idea of territory recognises the cultural, social, and spiritual dimensions of land, rather than merely its productive or economic value,** and includes other resources on which a local community may depend. It represents a more encompassing concept that is closely tied to notions of identity and self-determination. Though this evolution is particularly discernible in Latin America,<sup>9</sup> it is part of a wider struggle that also links to the campaign by international peasant movements for a United Nations declaration on the rights of peasants and other people working in rural areas.<sup>10</sup>

The submissions highlighted some of the practical implications of this ongoing shift to “territory”. One relates to territorial approaches to public policy, including greater autonomy and accountability in policy processes at the sub-national level, achieved by devolving powers to local institutions. In Ecuador, such territorial approaches were reported to have strengthened linkages between mutually reinforcing advances affecting land governance on the one hand and the role and functioning of local governments on the other. One submission specifically mentioned the case of the municipality of Cayambe, where the administration reportedly recognised the outcome of community-level processes to resolve land disputes.<sup>11</sup>

The submissions also reinforced the relevance of collective arrangements for securing rights to land and resources, vis-à-vis the privileged place traditionally accorded to individual land titling. They highlighted how developments in policy and practice can reflect the co-existence of, and possibly tensions between, different approaches – some oriented towards individual titling and the creation of rural land markets, others more geared towards developing new ways to secure collective rights.

8 SIF, Madagascar.  
9 Centro de Desenvolvimento Agroecológico Sabiá, Brazil; IPDRS, Bolivia; SIPAE, Ecuador; CAAAP, Peru; CISEPA-PUCP, Peru; CINEP, Colombia.  
10 Open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas.  
<https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/WGRuralAreasIndex.aspx>  
11 SIPAE, Ecuador.

In Peru, for example, approaches to securing land rights are centred on formal registration and a rural land cadastre run by the state administration on the one hand and, on the other, a bottom-up process of claims by indigenous peoples supported by civil society.<sup>12</sup> Reference was made to the experience of the Awajún people, who are implementing a strategy for the integrated development of their territory conceived in terms of a right to their indigenous concept of “a fulfilled life” (Tajimat Pujut in the Awajún language, vida plena in Spanish).<sup>13</sup>

Various approaches to securing collective lands and resources have developed to resolve disputes involving pastoral lands. In East and West Africa, reconciling pastoralists' need for livestock mobility and ensuring peaceful co-existence between herding and farming have long been a key challenge. One submission described growing experience with the development and implementation of “pastoral” legislation that seeks to address these issues, as well as to improve land use planning and promote dialogue among different land users.<sup>14</sup>

Although pastoralism in Africa raises very different issues from those facing indigenous peoples in Latin America, these and other initiatives to secure land and territorial rights have several key factors in common, including an emphasis on the collective nature of resource management and a holistic approach that considers land not in isolation but in terms of its relationships with other natural resources.

#### 4. THE ROLE OF NEW AND DIGITAL TECHNOLOGIES

Several respondents touched on the growing role of new and digital technologies in land governance, putting forward different views on the opportunities and challenges that this presents. These new technologies are now being applied and used more commonly, expanding opportunities for people to access data and knowledge – but also raising questions about the varying ability of different actors to access innovation and about the relationship between technology and wider governance frameworks.

A submission from Pakistan provided a particularly vivid example of the potential of new technology.<sup>15</sup> The submission reflected on how public authorities in the Punjab province of Pakistan had introduced a digital system of land registration to replace the previous error- and corruption-prone system where clerks documented land records by hand. The submission also reported some of the achievements of this initiative: a new Land Records Management and Information System run by professional staff in 144 modern land record centres across the province's 36 districts; the digitisation of 10 million pages of old land records for over 55 million landowners across Punjab; and the accessibility of the digitised title information

12 PUCP, Peru.  
13 CAAAP, Peru.  
14 Rangelands Initiative, global.  
15 SCOPE, Pakistan.

online.<sup>16</sup> The time needed to complete a transaction has reportedly fallen from two months to just 50 minutes, and the reform was seen to have boosted land values and empowered women and poor farmers whose land rights had not been adequately protected under the old system.<sup>17</sup>

Overall, the submissions suggest that technology can be part of the solution, but only when it is deployed in parallel with actions to strengthen governance systems by clearly defining roles and responsibilities within public administration and in relations between citizen and state. As such, concerns were raised that digitisation could exacerbate underlying weaknesses in land governance. In Honduras, one digitisation project was reportedly marred by a lack of clarity on the rules governing the application of relevant national legislation, and it appears to have undermined land management in some areas due to the difficulties of clearly identifying state lands.<sup>18</sup>

#### 5. TOWARDS MORE SUSTAINABLE PRODUCTION SYSTEMS?

Besides land rights, a few submissions also touched on land use and production systems. For example, some highlighted the place of organic farming and other farming models linked to agroecology – not just as a reaction to the negative environmental and socio-economic impacts associated with industrial monoculture<sup>19</sup> but also, more generally, as a way to promote more sustainable farm practices in the context of increasing pressures on the planet.<sup>20</sup> In the submissions, this attention to **ecological integrity goes hand in hand with concerns about promoting farming models that respect the social fabric of rural areas** and that shift patterns in food production towards increasing rural people's voice and economic opportunities.<sup>21</sup> The ecological dimensions tie in closely with an advocacy drive to promote respect for land rights, in particular those of small-scale rural producers and collective land holdings, as well as with instruments and measures that monitor land structures and dynamics (including the concentration of landholdings and/or their control).

16 SCOPE, Pakistan.  
17 SCOPE, Pakistan.  
18 ODOT-UNAH, Honduras.  
19 FUNDE, El Salvador; Fundapaz, Argentina.  
20 Lentamente Società Cooperativa Agricola, Italy.  
21 CEPES, Peru.



## ...but still a long way to go, in a context of increasing pressures on land, justice, and equality

### 6. INCREASING PRESSURES ON LAND

Notwithstanding the progress made with regards to land governance, numerous challenges remain, some are pre-existing and even accentuated, while others have arisen more recently. These trends are related to the growing pressures on land that continues to pose serious challenges in diverse contexts, even though the “global land rush” that peaked in 2007–2011 has now slowed down. Several submissions noted this trend.<sup>22</sup> They showed that **land grabbing remains an important concern for ILC members, with a fuller consideration of the wider range of economic activities that drive pressures on land framing earlier concerns about the land footprint of large-scale agribusiness plantations.**

The submissions echo evidence from empirical research. This evidence suggests that, at the global level, the pace of large-scale land deals for agribusiness plantations in low- and middle-income countries has slowed in terms of both the number of deals and the scale of the land areas affected (Nolte et al., 2016; Cotula and Berger, 2017). This trend was part of a wider slowdown in natural resource investments, including in petroleum and mining, resulting from lower commodity prices (Cotula and Berger, 2017). However, the evidence also suggests that the squeeze on land and resources is being felt more acutely in many places, as new deals continue to be concluded and many existing deals enter the implementation phase (Nolte et al., 2016; Cotula and Berger, 2017).

Looking beyond the role of transnational corporations, some submissions pointed out how local actors and national processes are driving land acquisitions for natural resource investments. Several submissions also singled out specific large-scale projects, for example in Nicaragua and Panama.<sup>23</sup> Other submissions emphasised how national strategies to promote economic growth are driving land acquisitions for industrial use. This trend was illustrated by several cases from Asia, particularly India<sup>24</sup> and Bangladesh.<sup>25</sup> In Bangladesh, for example, large land acquisitions were reported to have occurred in connection with the creation of special economic zones and the construction of infrastructure to improve connectivity for international trade.<sup>26</sup>

22 ALRD, Bangladesh; Centro de Desenvolvimento Agroecológico Sabiá, Brazil; CEPES, Peru; CINEP, Colombia; Fundapaz, Argentina; FUNDE, El Salvador; IPDRS, Bolivia; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; SIPAE, Ecuador.  
23 Instituto Nitlapan, Universidad Centroamericana, Nicaragua.  
24 WGWLO, India.  
25 ALRD, Bangladesh.  
26 ALRD, Bangladesh.

Beyond large-scale investments, several submissions also highlighted the role of urbanisation and the increasing pressures on rural land from land use conversion. Urbanisation not only entails the expansion of big cities but also the concentration of people into smaller towns, where schools and health services, water, and communications are more readily available. It is often associated with the spread of unregulated land markets and land speculators.<sup>27</sup>

These processes are driving greater competition for – and conflict over – land. New questions are being asked about the values that rural people attach to land, landscape, and small-scale farming in this changing context.<sup>28</sup> The ways that land disputes are playing out affect different land users in different ways. In some countries, for example, pastoral communities have been hit by an increasing number of land conflicts, the loss and fragmentation of grazing land, barriers to mobility, and the breakdown of customary institutions. Such factors have fuelled conflict in areas where farming and herding overlap – in parts of East and West Africa, for example.<sup>29</sup>

Similarly, the continued expansion of agri-business continues to squeeze the rights that indigenous peoples and farming communities claim to the land they depend upon for their livelihoods and social identity.<sup>30</sup> ILC members have also raised concerns about the exacerbation of poverty and dependency associated with large-scale investment projects. This trend was reported to have severely affected collective property rights over the land and natural resources of indigenous and farming communities.<sup>31</sup>

### 7. AGRICULTURAL COMMERCIALISATION, CHANGING RURAL LANDSCAPES, AND SHIFTS IN THE VALUE CHAIN

Beyond direct land acquisitions for large-scale projects, more diffuse processes are also at play, which are having a profound impact on small-scale rural producers and ultimately on their relations to land. Evolutions in agriculture are indicative of this trend. As the cultivation, processing, and distribution of crops for sale in local to global markets becomes increasingly commercialised, smallholders are being integrated into value chains on terms that vary widely and are often contested.

Depending on the terms and the situation, inclusive business approaches could present opportunities for small-scale farmers to increase their productivity and access new markets (Burnod and Colin (eds), 2012; Prowse, 2012; Chamberlain and Anseeuw, 2018). But certain submissions pointed out that, in some areas,

27 NES Nepal.  
28 Fundapaz, Argentina.  
29 Rangelands Initiative, global.  
30 Centro de Desenvolvimento Agroecológico Sabiá, Brazil; CEPES, Peru; IPDRS, Bolivia; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; CAAAP, Peru; CISEPA-PUCP, Peru; SIPAE, Ecuador; OUOT-UNAH, Honduras.  
31 OUOT-UNAH, Honduras.

the expansion of agribusinesses is increasing the squeeze on small-scale rural producers, who are losing out in the competition for access to land, water, and other productive resources, particularly when public policies are skewed in favour of big businesses.

A submission from Argentina, for example, underscored how growing numbers of agribusinesses are expanding beyond their traditional focus on crop production to become service providers – a process known as “tertiarisation”. The consolidation and expansion of export-oriented Argentinean agribusinesses has fostered the emergence of new production models and farm management systems where land is merely an input that must be paid for in much the same way as any other rented means of production, such as machinery. In these arrangements, the agricultural production process is highly fragmented, as landholders outsource different stages (e.g. sowing and harvesting) to specialised agribusiness service providers. This enables landowners to reduce or eliminate the fixed costs of paying for their own machinery and workforce, helping them to simplify management while maximising returns.<sup>32</sup>

These changes were reported to have increased competitive pressures on small-scale rural producers. Indeed, a submission from Italy pointed out that the industrialisation and globalisation of agriculture, which has resulted in the tighter alignment of supply chains and has promoted the emergence of fewer, larger farms and agribusinesses, was leading to the demise of many smaller farms.<sup>33</sup> This was deemed to have led to “desertification” of the social fabric and labour market across vast tracts of land, especially in areas far away from urban centres

Changing labour–land relationships are strongly embedded in this evolution and will certainly need to be re-contextualised in this new era of workforce and employment patterns as well as labour migration. Related to this, **respondents also raised concerns about how contemporary developments in commercial agriculture might re-energise older patterns of exploitation.** In the south of Italy, for example, agribusinesses were reported to have reinvented the so-called caporalato – a traditional system in which labourers, now mostly migrants from Africa and the Middle East, are enlisted to work for very low wages in poor conditions.<sup>34</sup> While these developments reflect profound socio-economic transformations beyond land governance alone, they do have both direct and indirect impacts on land relations. The ways in which land is conceived of – and used – are evolving, and so is the question of who has access to it, and on what terms.

32 Fundapaz, Argentina.

33 Lentamente Società Cooperativa Agricola, Italy.

34 Lentamente Società Cooperativa Agricola, Italy.

## 8. SOCIAL DIFFERENTIATION, INCREASING INEQUALITIES, AND GENDERED DIMENSIONS

It is widely recognised that developments in agriculture, extractive industries, infrastructure, and manufacturing create differentiated impacts for different groups, including along gender lines but also in relation to income, age, social status, and other factors. Several submissions highlighted these differentiation processes, although some did so only indirectly.

A submission from India, for example, highlighted concerns about women’s access to land in the context of increasing demand for land for industrial purposes. Although Indian law gives women the same rights as men to decide what to do with any land they inherit, women were still reported to have come under pressure to sell their title deeds to buyers from inside their family (brothers) and outside it (including in-laws), as women (both married and unmarried) are still not considered to have a voice.<sup>35</sup> Other submissions paid particular attention to social differentiation based on ethnicity. For example, ILC members in Latin America suggested that mining and dam projects have disproportionately affected communities of indigenous and Afro-American descent – undermining their ancestral land and resource rights and exacerbating their poverty.<sup>36</sup>

These issues link to wider concerns about growing inequality in land relations, including inequality based on gender, age, wealth, socio-economic status, and ethnicity. A submission from Bangladesh pointed to rising rates of inequality and landlessness, with repercussions for resilience to climate change and other macro trends,<sup>37</sup> and similar issues were raised in a submission from Nepal.<sup>38</sup> Although the complex linkages between land and wider inequalities are yet to be properly understood, **these submissions highlight that land inequalities may well become a bigger concern in the years to come**, partly linked to the possible long-term impacts of ongoing political, socio-economic, and environmental shifts and to more encompassing equality-related agendas in both research and advocacy (e.g. Oxfam, 2018).

## 9. “AGRARIAN REFORM IN REVERSE”: HOW PUBLIC POLICIES DRIVE PRESSURES

Several submissions identified national law or policy reforms favouring large-scale commercial operations as key factors driving increased pressures on land and resources.<sup>39</sup> This is not a new occurrence: **activists have long identified the**

35 WGWLO, India.

36 OUOT-UNAH, Honduras.

37 ALRD, Bangladesh.

38 NES Nepal.

39 SIPAE, Ecuador; Instituto Nitlapan, Universidad Centroamericana, Nicaragua; IPDRS, Bolivia; FUNDE, El Salvador; CINEP, Colombia; CEPES, Peru; Centro de Desenvolvimento Agroecológico Sabiá, Brazil; ALRD, Bangladesh; CARRD, Philippines.

**problem of governments favouring agribusiness at the expense of small-small farmers as “agrarian reform in reverse”** (GRAIN, 2015). Nevertheless, the submissions provided fresh insight into the diverse forms that this trend can take in different parts of the world.

Submissions from Latin America argued that a number of governments had acted as passive bystanders when “land grabbers” had begun to appropriate land, and that some were even active accomplices, passing laws or adopting policies in their favour<sup>40</sup>, or undermining the claims of indigenous peoples to their territories.<sup>41</sup> Meanwhile, some governments have dropped plans to reform land distribution from their agendas,<sup>42</sup> or have taken steps to ease restrictions on foreign investment in land.

In Ecuador, for example, respondents reported that a recently approved land law would eliminate restrictions on foreign businesses buying land. Other legislation – the Law on Ancestral Lands and Territories – aims to free up “under-exploited” land for commercial development. ILC members argue that the government’s drive to maximise commercial production for national and international markets is taking place at the expense of indigenous peoples.<sup>43</sup>

Submissions also raised concerns about the loss of momentum for land reform in parts of Asia. In the Philippines, for instance, the government is advancing a process of constitutional reform designed to establish a new federal system that will devolve some central government functions to states. One submission raised concerns that this could jeopardise an ongoing programme of agrarian reform, because local political elites who own vast tracts of land have little incentive to participate in redistribution to small-scale farmers.<sup>44</sup>

In Africa, inadequate legal frameworks or the non-implementation or non-respect of some of the more progressive frameworks were reported to have made land grabbing easier. In Cameroon, the regulatory framework on land tenure has not undergone any fundamental overhaul for many years, and it was held to be unresponsive to the needs of rural people, particularly women and indigenous peoples. Although the government initiated a land reform process in 2011 aimed at improving the policy environment, large-scale domestic and international investors have been able to exploit loopholes in the existing legal framework, leading to land-related conflict.<sup>45</sup>

Despite these challenges, there is also new momentum behind some agrarian reform programmes, and opposing trends can co-exist in the same country. New regulations adopted by the government in Peru illustrate this apparent paradox. On

40 FUNDE, El Salvador.  
41 CAAAP, Peru.  
42 FUNDE, El Salvador.  
43 SIPAE, Ecuador.  
44 CARRD, Philippines.  
45 NES Cameroon.

the one hand, new legislation has made it easier for large businesses in agriculture, forestry, mining, and the extractive industries to acquire land through expropriation, easements, or direct grants – the direct outgrowth of a land liberalisation process implemented under successive governments since 2011. On the other hand, the same period has seen the adoption of laws and policies in favour of family farming – the National Family Farming Strategy and the Family Farming Promotion Law. Even so, a submission from an ILC member argued that Peru’s core policy thrust is to support large businesses dedicated mainly to the export of produce such as asparagus, melons, and other crops.<sup>46</sup>

## **10. WEAKENED INSTITUTIONS, CORRUPTION, AND REPRESSION – EXACERBATED IN FRAGILE SITUATIONS**

Several submissions referred to the shrinking space for land activism. It is worth recalling that **2015–2018 has been a particularly tragic time in terms of killings of land rights defenders** (see, for example, Global Witness, 2016), and ILC has been closely monitoring this problem (e.g. ILC, 2018). Two submissions from Central America underscored the role of the state and the private sector in prosecuting and imprisoning community leaders and land rights and environmental defenders. One of these submissions described a particularly egregious case: the 2016 murder of the environmental activist and indigenous leader Berta Cáceres in Honduras.<sup>47</sup>

Such flagrant cases of repression involving assassinations and physical violence lie at one end of a wider spectrum of intimidation that also spans spurious lawsuits and low-intensity harassment, all of which are narrowing space for dissent and can undermine the strength and cohesion of social movements. **One submission raised concerns that continuous repression was dividing and weakening the peasant and indigenous movement in Latin America.**<sup>48</sup>

The submissions also referred to the weakening of land-related institutions, at least in some contexts. One ILC member pointed to inadequate capacities in governance bodies, particularly at the local level, and gaps in administrative and regulatory mechanisms, partly related to a wider erosion of local institutional frameworks, organisations, and practices.<sup>49</sup> Weak local institutions create space for abuses and unlawful practices, as illustrated by the “mafia” practices reported in Nepal’s real estate sector,<sup>50</sup> which compound an overall context of impunity.<sup>51</sup>

Further, the submissions highlighted the additional complexities that can exist in countries that are exposed to high risks of natural disaster, or are facing conflict and post-conflict situations, where addressing land issues can be a key consideration

46 CEPES, Peru.  
47 FUNDE, El Salvador; OUOT-UNAH, Honduras.  
48 IPDRS, Bolivia.  
49 FES, India.  
50 NES Nepal.  
51 FUNDE, El Salvador.



for stakeholders working towards a sustainable peace.<sup>52</sup> Respondents also raised concerns about the implications of climate change and the associated increased risk of natural disasters, and how changes in land governance might affect the resilience of vulnerable communities.<sup>53</sup>

## WAYS FORWARD

This document presents the perspectives and experiences that ILC members and initiatives shared as part of a consultation conducted in the run-up to the GLF 2018. The analysis does not provide a comprehensive review of global trends in land governance, but it does highlight some of the progress made and the challenges that ILC members and initiatives are grappling with in their work. The results of this bottom-up perspective correspond with many of the findings from empirical research. However, they also provide a distinctive emphasis that reflects the day-to-day preoccupations of ILC members and initiatives who are confronting land issues at first-hand.

The diversity of themes and trends arising in different geographical areas is a reminder of the importance of acknowledging context-specific factors, as an antidote to the temptations of oversimplification and grand narratives. In Latin America, a number of respondents focused on the rights of indigenous peoples, or on the ways in which agribusiness is diversifying from pure production into service businesses – the process of “tertiarisation”. In South Asia, there was a distinctive emphasis on the pressures on land stemming from special economic zones.

A number of themes that land governance practitioners might consider important received only limited attention in the submissions or were not addressed at all. For example, the complex issues of gender and social differentiation were only briefly touched upon. Questions around the way in which “customary” land tenure systems have been changing in response to integration into commercial relations (Chimhowu, 2018), and how evolving international legal frameworks are reconfiguring land relations from local to global levels (Cotula, 2016; Cordes et al., 2016), were also barely mentioned. The fuller range of complex relations between land governance and climate change, as well as between land governance and labour and migration patterns, also deserves much greater scrutiny.

This being said, and as one of the submissions noted, **we are witnessing a period of rapid and far-reaching change in agriculture.**<sup>54</sup> **This is also a time of significant change in land governance more generally**, which is affected by factors outside agriculture – from extractive industries to large-scale infrastructure and government initiatives to develop manufacturing, as well as land policy, legislation, and tools that

52 CINEP, Colombia.

53 ALRD, Bangladesh; CAAAP, Peru.

54 Lentamente Società Cooperativa Agricola, Italy.

support secure tenure rights for individuals and collectives.

Emerging clearly from the different submissions were the contradictions inherent in recent trends regarding land governance, where major advances co-exist with deepening concerns. This is illustrated in particular by the fact that **the many advances made on inclusive multi-stakeholder platforms and policy engagement are being overshadowed by state-sponsored repression**, which makes it harder – sometimes dangerous – for activists to engage.

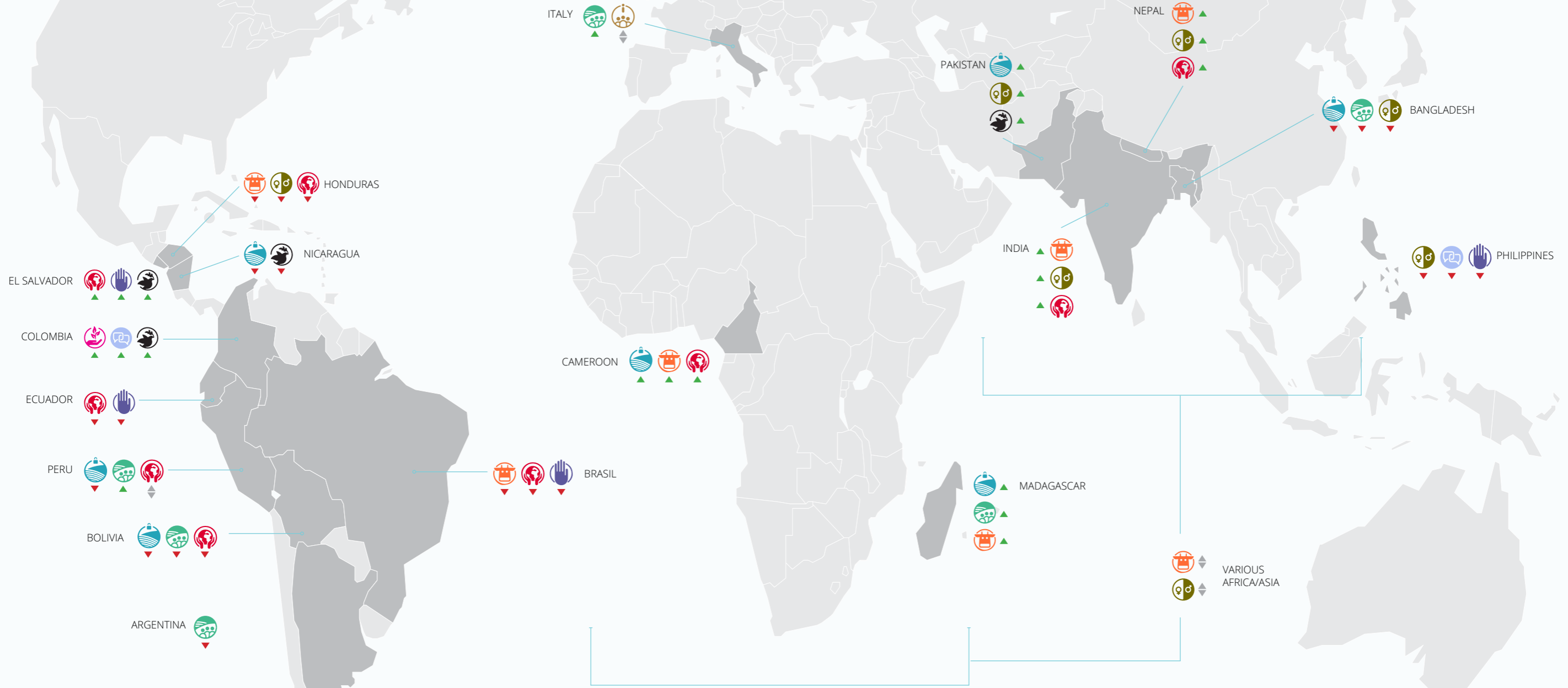
Particularly difficult challenges arise where policies promote opposing trends and, for example, put large-scale and smallholder farming into competition with one another, or facilitate transitions towards commercial developments without due regard for small-scale farmers or indigenous peoples. While several respondents reported that their governments seemed more willing to listen to advocacy perspectives, there is much still to discuss as to what makes these opportunities for influence more likely to occur, and what strategies can be used to realise their full potential.

Finally, the submissions provided first-hand illustrations of the actions ILC members and initiatives are taking to promote more equitable and sustainable land governance. For these efforts to realise their full potential, **still more needs to be done to overcome power imbalances, from an economic perspective as well as from a socio-political one.** Not only should opportunities for policy engagement be expanded, but democratic movements need to be empowered, through capacity development, innovation, and access to data.

Engagement strategies will inevitably have to be tailored to specific contexts, but there is significant scope to share lessons at the international level. Several submissions elucidated the roles that ILC members can and do play not only in advancing land governance in their own countries but also in sharing lessons from both successes and failures.

The GLF provides an opportunity for ILC members to discuss these and other issues. It also provides a space for debating a question that ultimately unites all ILC members, no matter where they are working or the specific challenges they face. Developments in international policy arenas – including the VGGT and efforts to advance their implementation, and the SDGs – present new opportunities for organisations, communities, and social movements to advocate for systemic land governance reform. The question of how these international frameworks can best be harnessed to advance the implementation of ILC’s 10 commitments on people-centred land governance will be at the heart of these debates.

# TRENDS IN LAND GOVERNANCE 2015-2018 BY ILC COMMITMENTS FOR PEOPLE-CENTRED LAND GOVERNANCE



▲ POSITIVE    ◆ NEUTRAL    ▼ NEGATIVE

## ILC COMMITMENTS

- SECURE TENURE RIGHTS, STRONG SMALL-SCALE FARMING SYSTEMS, DIVERSE TENURE SYSTEMS, EQUAL LAND RIGHTS FOR WOMEN,
- SECURE TERRITORIAL RIGHTS FOR INDIGENOUS PEOPLE, LOCALLY MANAGED ECOSYSTEMS, INCLUSIVE DECISION-MAKING
- TRANSPARENT AND ACCESSIBLE INFORMATION, EFFECTIVE ACTIONS AGAINST LAND GRABBING, PROTECTION FOR LAND RIGHTS DEFENDERS

As per contributions to this paper

## REFERENCES:

- ALPC (2018) *Tracking Progress In Land Policy Formulation And Implementation In Africa* (Addis Ababa, ALPC), <https://www.uneca.org/publications/tracking-progress-land-policy-formulation-and-implementation-africa>
- Burnod, Perrine and Colin, Jean-Philippe (2012) *Grands Investissements Agricoles et Inclusion des Petits Producteurs: Leçons d'Expériences dans 7 Pays du Sud* (Rome, FAO), <http://www.fao.org/3/a-aq004f.pdf>
- Chamberlain, Wytke O. and Anseeuw, Ward (2018) *Inclusive Businesses and Land Reform: Corporatization or Transformation?*, 7(1) Land 2018, 7(1), 18
- Chimhowu, Amos (2018) *The 'new' African customary land tenure. Characteristic, features and policy implications of a new paradigm*, Land Use Policy (2018)
- Cordes, Kaitlin Y., Johnson, Lise y Szoke-Burke, Sam (2016) *Land Deal Dilemmas: Grievances, Human Rights, and Investor Protections* (New York, Columbia Center on Sustainable Investment), <http://ccsi.columbia.edu/2016/03/10/land-deal-dilemmasgrievances-human-rights-and-investor-protections>
- Cotula, Lorenzo (2016) *Land Grabbing and International Investment Law: Toward a Global Reconfiguration of Property?*, Yearbook on International Investment Law & Policy, pp. 177-214, <http://pubs.iied.org/G04091/>
- Cotula, Lorenzo and Berger, Thierry (2017) *Trends in Global Land Use Investment: Implications for Legal Empowerment* (London, IIED), <http://pubs.iied.org/12606IIED/>
- Global Witness (2016) *On Dangerous Ground - 2015's Deadly Environment: The Killing and Criminalization of Land and Environmental Defenders Worldwide* (London, Global Witness), [www.globalwitness.org/en/reports/dangerous-ground/](http://www.globalwitness.org/en/reports/dangerous-ground/)
- GRAIN (2015) *Asia's Agrarian Reform in Reverse: Laws Taking Land Out of Small Farmers' Hands*, <https://www.grain.org/article/entries/5195-asia-s-agrarian-reform-in-reverse-laws-taking-land-out-of-small-farmers-hands>
- ILC (2018) *Guatemala: seven land defenders murdered in one month* <http://www.landcoalition.org/en/regions/latin-america-caribbean/news/guatemala-update-sevenland-defenders-murdered-one-month>
- Nolte, Kerstin, Chamberlain, Wytke and Giger, Markus (2016) *International Land Deals for Agriculture. Fresh insights from the Land Matrix: Analytical Report II* (Bern / Montpellier / Hamburg / Pretoria: Centre for Development and Environment, University of Bern; Centre de coopération internationale en recherche agronomique pour le développement; German Institute of Global and Area Studies; University of Pretoria; Bern Open Publishing)
- Oxfam International (2018) *Reward work, not wealth*, <https://www.oxfam.org/en/research/reward-work-not-wealth>
- Prowse, Martin (2012) *Contract Farming in Developing Countries: A Review* (Paris, Agence Française de Développement), <http://portal.research.lu.se/portal/files/5824557/5218915.pdf>

