



CURATED CONFERENCE REPORT

Land governance and the politics of fair transitions: Deepening the search for social justice

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1 INTRODUCTION

The starting point for the Conference and Summit was the recognition that ongoing transitions in the name of climate change and clean energy are deeply unfair in multiple ways. Climate policies and so-called green investments place huge burdens on people and spaces in the Global South as well as on areas inhabited by marginalized populations in countries of the Global North. Their rights are put under pressure, safeguards are lacking or not enforced, and the room to defend their lands, forests, pastures, and territories is constrained. The questions central to the event were how to think social justice in the face of the high levels of destruction we are currently witnessing and how to face the issue of 'extinguished' rights? Furthermore, how to strengthen solidarities and re-think justice in relation to past and future generations or along the lines of multispecies justice, which brings the moral obligation to consider the interests of those who cannot represent themselves in political deliberation.

2 CAPITALIST MODERNITY

[Morgan Ody](#), General Coordinator of La Via Campesina and a small-scale vegetable farmer in Brittany, France, traced the origins of the current crises back to 500 years of Capitalist Modernity. This system of domination was built by the European elite on four pillars: colonisation, capitalism, patriarchy, and human elite as masters over nature. Power was concentrated in the hands of the elite who took land from peasants, indigenous communities and women, turning them into labourers. But, people have always been contesting this system of power.

"Land is power" – Morgan Ody, La Via Campesina

A recent example of how this system works can be seen in Indonesia. A joint policy of land formalisation and tree growing programs has resulted in land accumulation by commercial investors, but not in increased tree planting. The outcome has been that local land owners have been enticed to sell their land, turning them into labourers with decreased income and loss of productive assets for future generations. A countermovement is emerging across villages to protect their land.

"We buy fish in the market at 8 am while people in Lambada buy it at 6 pm because they are already farm labourers. They need to wait for the daily wage payment" – Local official Lamapeng Village, Indonesia.



Figure 1: Local market Indonesia (Asrul Sidiq)

Keynote panellist Prof Bram Büscher, Chair of the Sociology of Development and Change group at Wageningen University and Research, also presents the role of the power structures who have brought about the current climate emergency. His main argument is the importance of speaking truth to power. Truth is not to be seen as absolute, but depends on context, history and positionality. He warns for the post-truth era in which algorithms, which do not care if something is true or not, increasingly influence our lives. In this post-truth era, power becomes more regressive, with discrimination by those who hold power to favour their own

interests being the norm. He argues that “the only way to push for justice is to analyse, debate, confront and challenge dominant and constantly changing power structures – over and over”. According to him, capitalist power needs to be recentred, and the new forms this power evolves into need to be understood, and then confronted with the truth.

“What new forms of power influence and structure land governance, rights to land and continue to push ecocide over eco-social justice?” – Bram Büscher, WUR

3 CLIMATE-INDUCED PRESSURE ON LAND

As framed in the introduction, climate-related elements put increased pressures on land. In numerous sessions it turned out that these pressures take many shapes and forms. In the Pacific, and to a lesser extent the Māori in New Zealand, rising sea levels threaten to permanently inundate land. In Somalia extended droughts induce migration streams to urban centres. Climate-induced land loss in Mozambique and Nepal is more sudden, caused by cyclones and excessive rainfall. Often people suffer from recurring dispossession, with few rights in locations where they have been relocated to.

“She had barely settled into her new home when the 2017 monsoon landslides hit and she lost everything, including her land and house.” – Tripti Mahaseth, Habitat for Humanity Nepal



Figure 2: Floods in Nepal, draught in Somalia, cyclone in Mozambique render land unusable (Tripti Mahaseth, IOM Somalia, Bernardo Almeida)

But pressure also relates to outside investors looking for land to promote the energy transition. Carbon colonialism drives demand for land in countries such as Kenya, Mozambique, and Colombia. Often, these investors are supported by host governments. This once again opposes local communities to capitalist and elite government powers.

Land governance plays a role in dealing with such pressures on land. Governments identify and provide land for the settlement of displaced people, as illustrated in Bosaso, Somalia. Rights of indigenous groups are enshrined in national laws. Indigenous reserves in Colombia are protected by a collective form of property that leaves these lands inalienable, unseizable and imprescriptible. The New Zealand government has the legal duty to protect the rights of the Māori population. On

the other hand, minority groups lack legal access to land, as is the case for example of the Batwa in Burundi.

The draft land law in Mozambique declares that “No land rights shall be recognised on risk areas”. Similarly, people are not allowed to live within a 150m buffer along Lake Tanganyika in Burundi. But, people do live on, and use land in risk areas. Nepali prefer their earthquake damaged houses over emergency shelters during the cold winter months. Mozambicans return to their cyclone damaged lands to rebuild their livelihoods. These people make trade-offs between risk and livelihoods. In these situations, rather than being protected by the State, the law can be used as a tool for dispossession.

Pressure on land is thus diverse: external investors, displaced people, but also the State. If land rights are to be protected in a social, just manner, a vital question is *Protection from what/whom?*

4 CHALLENGING POWER

The previous sections highlights the continuous trend of accumulation by those in power. In particular the role of government and the formal judicial systems are being questioned. Legal frameworks fall short to protect informal land rights, and even threaten these informal structures.

“the migrant settler population (informal settlements) prospers but the native population that owns the land (formal) end up getting exploited.” - Himanshu Baranwal, LandStack India

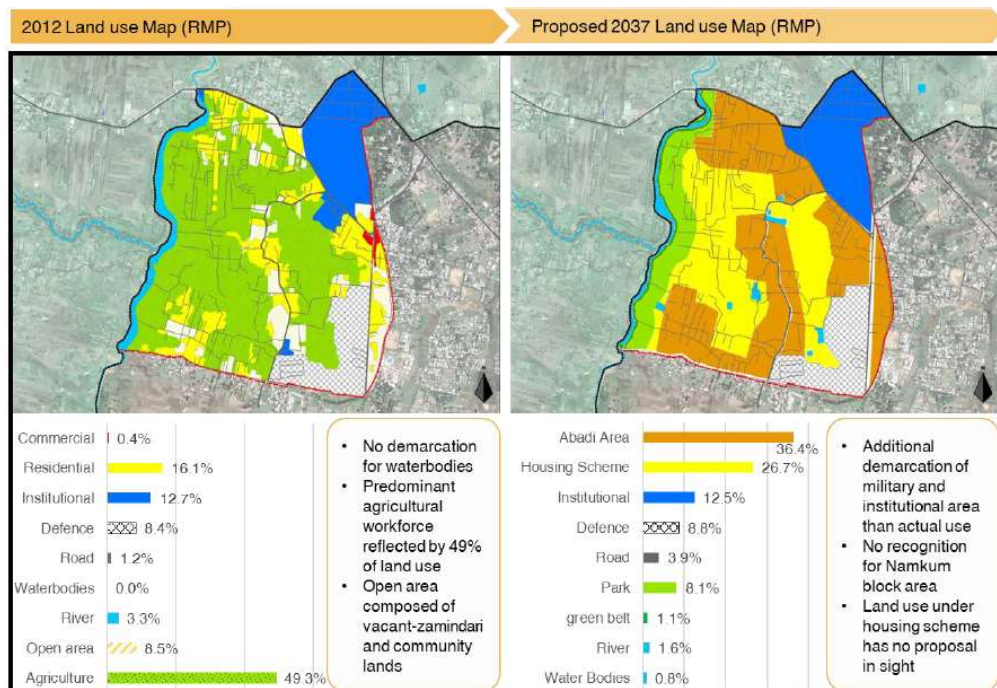


Figure 3: Land use study Khijri Basti, Ranchi, India (Himanshu Baranwal, LandStack)¹

¹ Abadi land is used for housing and buildings

Customary lands on the outskirts of the city of Ranchi, India, are formally protected from being sold. But, migrants are starting to encroach on these lands, transferring land use from agriculture to residential, destroying traditional livelihoods in the process. The Master Plan formulated by the local administration will formalise this illegal urbanisation (Figure 3), rather than acknowledging the customary rights of the indigenous communities. Research in Indonesia found that local power networks and institutional arrangements override State and traditional practices that shape policy implementation. The power and economic interests of investors, brokers, local elites and village governments shape land use changes and acquisition trajectories. Laws and processes are important to bring justice, but it is important to understand how these can also threaten the rights of vulnerable groups.

Taking account of these realities, the question arises, *who protects the informal land rights?*

5 FOCUS ON LOCAL PROCESSES

To address these challenges, numerous participants underline the importance of local processes to deepen social justice. [Keynote](#) panellist Francis Cleaver, Lancaster University, pleads for renewed attention to the institutions of collective action at a very local level. She presents the concept of ‘facilitated bricolage’ which is characterised by connections in plural governance landscapes, the role of interface bureaucrats and bricoleurs who enforce government policies but also enter into informal agreements with communities. In such a bricolage constellation, effective institutions are not static but continuously adapt, rethinking rules and regulations, and offering safe spaces to question moral ecological frameworks.

The Ecoles de Tchamba, implemented by VNGi Togo are an example of local exchange, where palaver tree sessions bring together stakeholders to shape the implementing texts of the new Land Law, using existing experience and local knowledge. Bringing local experiences is also done through research by independent researchers working closely with project partners and the donor in the LAND-at-scale programme. This programme is designed to address local demand, and adapt to local realities.



Figure 4: Ecole de Tchamba (<https://www.vng-international.nl/node/1044>)

“Demand’ is not always the same as government policy – this may be ‘democratic’ but requires careful handling.” – Christopher Tanner, Mokoro Ltd.

Others place critical remarks when it comes to local processes. Focusing on local processes risks failing to recognize politics at sub-national level. For example, migrants might lack access to local dispute resolution entities, with their rights being formulated at a higher level. Kumi Naidoo, academic and activist, in his [keynote](#) stressed the importance of access to power vs influence over power. CSO investment is still mostly channelled towards micro level interventions, where results are reached in a short time frame. Real transition requires governance change at macro level which takes longer to bring about.

Considering the concentration of power, the question is, *how much responsibility can we place on communities for land and resource management?*

6 CONCLUSION

During the conference the evolution of accumulation processes, particularly of power and assets, was a central theme. These processes have created the current climate crisis and the uneven distribution of benefits and risk. To address this, a number of recurrent terms were discussed:

- Questioning existing frameworks

To find justice and transformation, existing assumptions on social and natural orders need to be interrogated. Dominant Western thinking on the centrality of human beings and the reliance on technology to address the current crises needs to incorporate indigenous approaches not centred on growth and accumulation. Questioning moral ecological frameworks requires 'creative maladjustment' as formulated by Kumi Naidoo and openness to other ways of knowing.

- Myriad of intertwined relationships

Polarity and opposites are often presented in discussions. Examples are statutory vs customary rights, formal vs informal processes, indigenous vs technical knowledge, local vs national rules and human vs non-human interests. In reality, there is a myriad of intertwined relationships between such opposites. Assumed dichotomies thus need to be reassessed and cognitive dissonance must be resisted.

- Flexibility and adaptability

Being critical to existing ways of doing requires flexible and adaptability of people. Rules, regulations, and organisations are also not fixed. They continuously evolve and adapt to local contexts, to history, to different customs, but also to emerging insights and changing frameworks. This adaptability is required in land governance, in conflict resolution, but also donor interventions.

- Positionality

Awareness of positionality is crucial: for example when bringing actors together, in dispute resolution, in determining risk, in formulating demand for interventions, in shaping justice and truth.

This curate conference report is produced by LANDac as academic partner of the LAND-at-scale knowledge programme. For more insights from the IOS Fair Transitions / LANDac conference, visit the Land Portal ([Land governance and the politics of fair transitions: Deepening the search for social justice | Land Portal](#)). For more information on the LAND-at-scale programme, visit <https://landportal.org/community/projects/land-scale-0>.