

Comments on

EU Land Policy Guidelines.
Guidelines for support to land policy design and land reform processes
in developing countries

Scope and purpose

The guidelines aim at providing a framework for land policy in the agricultural based economies of developing countries. It discusses the elements of land reform processes including the formalization of ownership, through property rights that should give exclusive rights over the land to its users including the possibility of, legally sound, land transfers. The report emphasizes that compulsory privatization campaigns should be avoided as they often conflict with local customary right. Land policies should, therefore, tailor to location and historical specific conditions while national, regional and local institutions should be fully involved. Furthermore, it indicates that titling is not always the solution, particularly for communal rangelands in dryland areas where further partitioning of the land would seriously restrict access by multiple stakeholders. Implementation of communal ownership is difficult and requires extensive training and institutional development.

As indicated in the Preface, the purpose of the paper is “ to outline guidelines to be considered by EU donors in the design of their support for interventions in land policy and administration in developing countries. It is oriented to generalist and specialist staff, both at field and headquarters with responsibilities directly or indirectly connected with land issues in rural areas”.

We refer this statement of purpose in full because the term “for consideration” appropriately summarizes the nature of the intended contribution. The paper will be very useful as a common reference for different EU-donors, when they have to design or assess land reform related proposals. It provides a balanced view of the pros and cons of various elements. The general idea is to offer a checklist of considerations.

Checklist rather than a logical framework

The weak point of this checklist is that it does not offer a logical framework. In fact, while most of the text in part I argues that land reform is only one albeit important element of a broader development package, and that it is counterproductive to look at land reform in isolation, or to decide on anything before broad and in-depth research, it does not dare to draw the conclusion that unless conditions (a)-(z) are met, land reform proposals should be

rejected. Hence, the paper is an introduction, rather than a handbook and even less a protocol for funding decisions. Therefore, it is unfortunate that Part II gives in to the temptation of writing *general* operational guidelines when Part I has essentially argued that this is not possible.

Another aspect that is missing is a discussion of the returns on land reform projects in comparison with other uses of donor funds. For all the reasons mentioned in Part I, a democratically conducted land reform is data hungry, and demands enormous amounts of consultation, litigation and so on. Is this then an effective use of funds? Land reform is an instrument within a broader growth plus equity strategy, but not the only candidate.

Lessons learnt

The report might be complemented by a literature review on past successes and failures of land reform policies. In a nutshell, the literature indicates that the greatest successes were mostly achieved either under undemocratic conditions, such as in Thailand, Taiwan, Korea, China, see King (1977), or with substantive funding by the central government (e.g. land reform in the Netherlands). The reason is essentially that there will always be losers who should either be silenced or compensated. These losers usually are occupants of small parcels or users of common property resources. The compensation can be a financial transfer or an opportunity to migrate to a job in the city or to land elsewhere. Moreover, the land reform raises the value of land and inherently favors land owners. Sharecroppers with high debt often suffer.

Indeed, case studies in China (Economy, 1997), India (Homer-Dixon, 1999) and Indonesia (Barber, 1997) confirm that land redistribution leads to reduction of income for some groups while others are stimulated in rapacious and speculative behavior by increasing the rents of scarce land. For these reasons regional governments in Ethiopia designed a vigilant transition process of state-owned land to private ownership (EPLAUA, 2003), so as to avoid implications for equitable and secure access of natural resources, though, some argue (Rahamato, 2003) that these rights are still too restrictive and mask the intention of the government to maintain its power over the land. Another well described case study in the Machakos district, Kenya, describes how local laws of grazing land were not respected by newly imposed land legislation and created havoc between government and land users (Tiffen et al., 1994). De Janvry and Sadoulet (1989) even argued that "the game of Latin American Land Reform" has been lost, as large landowners responded to the threat of land reform by evicting tenants or converting them into wage laborers.

Land markets and migration

The report might be more explicit on the relation to migration. Securing land tenure stimulates development of land markets and encourages people to exchange marginal but

highly priced sites in densely populated areas for more productive land in less populated zones. Yet, welfare gains can be considerable when these exchanges take place between areas that traditionally maintain different ownership systems (Sonneveld and Keyzer, 2003). Land tenure also guarantees that land users can retain or lease their property during their non-attendance, thereby encouraging rural-urban migration or other off farm employment. At the same time, it also creates barriers to immigration and may promote landlord absenteeism.

Quantitative tools

The report emphasizes the complexity of interactions and the need for research, but it is remarkably silent on the type of research required and not even precise on the type of data that would be needed to assess project proposals. Clearly, the information needs are wide, embracing fields such as anthropology, sociology, household economics, agricultural economics, soil sciences, to name a few. Expanding on the needs in all these fields is clearly beyond the scope of this comment. Let us therefore limit ourselves to mentioning two types of quantitative tools that might be available but need improvement and wider adoption.

The first is the set of decision support tools for optimal land redistribution. To prevent the powerful in the village from securing the lion's share of the gains from parceling and titling, it is important to assess in advance the costs and benefits of various options for redistribution. A special difficulty in this domain is that land fragmentation has complex consequences for the farmer since it involves the time needed to visit all plots, the accessibility of individual plots for people, draught animals as well as tractors, which all shift when the distribution of plots changes. It is possible but not easy to address these problems with currently available spatial optimization techniques.

The second is related to the valuation of the land productivity. Most assessment procedures for land valuation in developing countries have a limited scope and were generally designed to deal with area extension. Some follow rule-based procedures, at best (like Argentina, where the Storie Index developed in McRae and Burnham (1981) has been applied), but mostly assessment criteria are absent or not clearly documented and all lack a sound empirical basis. These deficiencies of assessment procedures are best illustrated by the sad results of land reform processes in e.g. Indonesia where Javanese migrants were located on acid (cat clay) soils (Manshard and Morgan, 1988) and in Ethiopia where tropical diseases made resettlement areas uninhabitable (Woldemeskel, 1986). Recent developments in quantitative land evaluation procedures, jointly designed by the Centre for World Food Studies and the International Institute for Applied Systems Analysis (e.g. Albersen et al., 2000) can formalize relationships between land characteristics (soil, climate) and input levels to compare the cost-benefits at different sites. They can also capitalize on the increasing availability of spatial data on elevation, soils, climate as well as satellite images, which are particularly useful in areas where other statistics are scarce.

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Amsterdam, 02/06/04

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