

REACTION OF CRCD / LANDNET-TOGO^(*) ON THE EU LAND POLICY GUIDELINES

() CRCD (Concerted Research Centre on Development) is an Association, which carries out, since 2000, activities of applied research on development topics (mainly land issues). It is member of the LandNet West Africa initiative. Contact: P.O. box 80677 Lome, Togo, Fax: +228 - 225 13 59, E-mail: landnet_tg@yahoo.com, koffi.alinon@mpl.ird.fr*

General observations:

The release of this framework-document happens in a favourable period as land policies and tenure issues (in Africa) are currently focusing attention of decision makers, donor agencies, researchers and civil society (reference inter alia to the World Bank's PRR). The positive point of the EU document is that new theoretical and practical approaches based on local rules, are duly mentioned and – at some extent – have influenced the operational guidelines. The document is then particularly rich

It however embraces so many principles for land policy design and announces several contradictory prerequisites that it seems difficult to find within the document a clear view on the merge ideological option, the EU is intending to adopt vis-à-vis the resolution of land issues. I am saying this because such a background document is rarely neutral or innocent. Maybe by classifying the elements targeted to be included in land reform programmes, the authors will give an indication on the EU vision. This may be useful for operational activities because all alternatives suggested could not be implemented in the same time and on the ground floor people need to start with limited action which can create a “virtue circle”.

The bibliography do not reflect the variety of sources which obviously inspired the authors. EU is not “reinventing the wheel” in the land tenure domain, why not quoting therefore major research findings that operated conceptual changes in African land tenure understanding? The same remark is also valid for referenced country experiences which all lack bibliographic precisions.

Specific remarks:

PART ONE

Paragraph 3.1.1

“Direct and secure access to land provides an essential basis for survival and growth.”

The existence of a direct link between the access right and the user is not the major problem. Observations prove that indirect access could confer some stability and is most of time step in gaining full access for landless peoples. This is the case of what are commonly known as “**derived rights**”, “**secondary rights**” or “**delegated rights**”. See the works of :

- Lavigne Delville, P, Toulmin, C, Colin, J.P, Chauveau, J.P, 2001, Securing secondary rights to land in West Africa, London, IIED, Issue Paper 107, P. 4. (available online at http://www.iied.org/docs/drylands/dry_ip107eng.pdf)

- Edja, H, 2000, Droits délégués d'accès à la terre et aux ressources naturelles dans le sud du Bénin, GRTE/IIED, 99 p.

Paragraph 4.6

In the regional comparison table, it is mentioned in the African majors issues and trends column : “Very low % of land subject to title”.

It is important to precise that this observation is related to **rural lands**

Paragraph 6.3.2 entitled “Role of the EU”

I suggest that the following commitment could be included:

“Favouring a fair macro-economic situation in international affairs which can establish a positive atmosphere for successful land reforms for e.g. reduce incentives for Western agriculture, stop encouraging market-driven cash crops monoculture; all situations that are systematically “killing” the small peasantry in developing world.”

PART TWO

Paragraph 2 entitled “Policy, legislation and institutional framework”

I suggest to include also in the check-list the need of assessing the “Regional and Sub-regional Contexts” governing land tenure issues.

Paragraph 4.2 entitled "Financial sustainability”

It is important to have in this section a question that can assess the country banking system pro reactivity to tenure issues. I then suggest the following question:

“Do the banks accept the land title as collateral for lending? What type of lending is involved in such operation: short-term crop financing, longer-term investment?”