

Comparing international agency perspectives of land issues: Analysis of written policy papers

Table One

Policy issue	ILC: Towards a Common Platform on Access to Land (2002)	CIDA: Importance of Urban and Rural Land Policy for Poverty Reduction (draft version for discussion, 2003)	EUROPEAN UNION: Land Policy Guidelines (November 2004)	THE WORLD BANK: Land Policies for Growth and Poverty Reduction (Executive Summary, 2002)
1. Land Reform	<p>Land reform is about changing inequitable access and tenure relationships, as well as processes that exclude poor men and women from gaining access to land and other productive resources. It should allow poor men and women to become active participants in developing policies and programmes.</p> <p>While there is no one best</p>	<p>Land reform or land tenure reform is a broad term. It refers both to the need to protect land access for poor farmers or agricultural workers who may face removal from their lands and to providing new land access to the landless or to those who have very little land.</p> <p>Land reform requires not just provision of land, but</p>	<p>Land policy reform broadly means changes to the distribution of land resources and/or forms of land tenure. It may include a distributive action.</p> <p>While processes differ widely among countries, some broad land reform trends include:</p> <ul style="list-style-type: none"> a. Correction for historical inequities or inefficiencies b. Withdrawal of state 	<p>Land reform is justified where discriminatory policies have created inequitable distribution of land. Historic efforts at land reform are mixed. The least successful reforms have been those initiated for short-term political gain, without focus on actual needs of land recipients.</p> <p>Redistribution is appropriate where there is extreme inequality and underutilization of productive land. In such a context, the case can be made</p>

	<p>approach, for the poor access to land may require redistribution. In these cases, the poor should not be expected to pay the full market value for land, but should receive assistance for their purchases. Otherwise poor households risk accumulating debt and face difficulties making the land productive, which can lead to failures of land reform initiatives.</p>	<p>also administrative support to the land transfer process. This is often a source of high costs in implementation.</p>	<p>control and establishment of individual or family property rights</p> <ul style="list-style-type: none"> c. Encouraging access to land via cash-based transactions, where these are growing more common d. Recognition of the need to provide secure land rights to women and other vulnerable groups e. Recognition and/or restitution of native titles. <p>Land redistribution is a major issue where land rights are highly polarized and access is unequal, where there is much underutilized land, or where historical injustices exist. Redistribution itself is not sufficient, and can result in a temporary decrease in productivity if not accompanied by institutional support and access to</p>	<p>both economically and politically for redistribution.</p> <p>This may take place via expropriation and compensation, or through rental markets or other policy measures. Land ceilings are generally ineffective as a redistributive tool, because of corruption and bureaucracy it creates.</p> <p>Land reform should be accompanied by access to markets and credit, and combined with other support programs.</p>
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			markets. Effectiveness of land tenure reform is closely linked to the capacity of national institutions.	
2. Formality and security of tenure	<p>Secure land and resource rights can be provided by either formal or informal institutions, so long as certain key elements are addressed: who owns the land, who have secure interests in the land, how land transactions are registered, and how conflicts are resolved.</p> <p>In some situations, the short-term nature of land use rights limits families' ability to invest in their land, and the security of land access must be improved. If land markets are being established, secure property rights are needed in order to maintain</p>	<p>Security of tenure implies a household or person has protection from involuntary removal from their land. It also implies that changes in their land tenure will only take place through legal mechanisms.</p> <p>Formal property rights are not the only way to enhance the security of tenure. Customary tenure is seen as legitimate in many parts of the world, and attempts to replace it with formal systems are often resisted.</p> <p>However, there are</p>	<p>In many developing countries there is a gap between the law and practice of land administration. This can occur when laws and procedures are not seen as fitting in with customary practices in the eyes of local people.</p> <p>Most customary systems are dynamic and do not show inefficiencies that would justify their replacement.</p> <p>Formalization should build on existing rights, i.e., provide legal recognition to customary tenure arrangements. Participatory land registration allows to record socially recognized</p>	<p>The key elements of property rights to land include: duration, ability to be demarcated, transferability, and existence of enforcement institutions. An increase in tenure security via stronger property rights will increase both economic and non-economic benefits, via access to credit and investment incentives.</p> <p>Much of the population in developing countries lives under informal tenure systems, in which their rights are insecure. Here, the challenge is to reinterpret customary norms in a way that protects the poor from abuse rights by others with greater political or economic power.</p>

	<p>the value of land, and allow for access to credit.</p> <p>Secure property rights is not a panacea for expanding access to credit in rural areas. Although they may contribute collateral-based finance, this potential often depends on distance to the nearest financial institution or urban centre, and even in these cases formal bank lending is limited where there is little demand for small, remote land parcels.</p>	<p>certain advantages of formalizing tenure, e.g., increasing access to credit. It remains a challenge to enhance customary tenure security while also introducing these elements of formal tenure.</p>	<p>rights systematically, and to test and validate claims made.</p>	<p>Where customary systems exist, it is generally more effective to recognize customary rights and institutions legally, rather than to make a premature attempt to establish formalized structures. Formal legal changes risk eliminating traditional land rights of specific groups, such as herders, or secondary land use rights.</p>
<p>3. Common property / communal tenure or mixed tenure systems</p>	<p>Landless and near-landless households often rely heavily on common property resources. In some cases, community-defined ownership provides security of resource rights; in others, formal property systems are needed.</p>		<p>In many rural areas, farming societies are based on a mix of individual and collective rights and regulations. These tenure arrangements are dynamic and evolving, and can be (but are not always) efficient. Semi-arid rangeland can be efficiently managed as common property.</p>	<p>Communal rights or group rights are most appropriate when groups have a clear sense of who are members, responsibilities are well-identified, and there is internal enforcement process.</p> <p>The opening of community land to outsiders via land transactions often creates</p>

	<p>Communities have the right to determine for themselves which system is most suitable to protect their access to common-use land and other resources.</p>		<p>Where they exist, common property systems may allow for local land management to prioritize community needs and cultural values, along with providing long-term environmental protection.</p>	<p>conflict. This likelihood can be reduced by clearly demarcating boundaries of community property, and establishing clear procedures for managing rights within that territorial space.</p> <p>Where communal tenure arrangements exist, increasing transparency and access to information can help communities make better decisions about whether to maintain or eliminate restrictions on land transactions to outsiders.</p> <p>Over time, the advantage of communal rights over individual rights decreases, because of relative benefits from individual rights that economic development creates. However, this transformation from group to individual rights is not automatic, but is related broader political and economic developments in a country.</p>
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<p>4. Women's secure access to land</p>	<p>Women and women-headed households are a growing majority of the extremely poor. In many areas, lack of access to resources, especially land rights, is a key contributing factor.</p> <p>In many countries, women carry primary responsibility for household food security. It is essential that their equal property rights be provided, including via inheritance laws and divorce practices.</p>	<p>Women's access and rights to land is increasingly reflected in laws and regulations. This should be a first step in countries where such legal protection does not exist.</p> <p>However, even where women have legal rights to land, they face obstacles to using and owning land.</p> <p>This contrast often reflects administrative processes or aspects of decision-making that exclude women's participation.</p>	<p>Equal property rights for women and men are fundamental to social and economic gender equality.</p> <p>Women's rights need to be strengthened under both formal and informal systems, with particular attention to inheritance and spousal co-ownership rights. These rights may affect the ability of women to access credit and support services.</p> <p>Legal and institutional reform must be accompanied by advocacy, public education and cultural action, for the extension of women's land rights to take root over the long term.</p>	<p>Women's access to land is important for poverty reduction. While women enjoy legal equality in most countries, administrative procedures used to award land rights often discriminate against women.</p> <p>In areas where HIV/AIDS is prevalent, women's lack of land rights increases hardships for widows and their children.</p>
<p>5. Land titling and land administration</p>	<p>Titling should only be considered in cases where community arrangements are ineffective, e.g., because of competitive</p>	<p>Land titling should be viewed through the lens of finding efficient and pragmatic ways of recognizing rights to use</p>	<p>Titling is not always necessary or sufficient to secure customary rights, or increase productivity and access to credit. In many</p>	<p>Titling should be systematic and comprehensive, but does not require a uniform system</p> <p>Ineffective land administration</p>

	<p>pressures or local conflicts. Any process that defines land borders must rely on credible surveys in which communities are directly involved.</p> <p>In cases where formal land institutions and property markets are needed, land administration should provide clear definition of rights, simple mechanisms for identifying and transferring property rights, a compilation of titles, and free access to this information.</p>	<p>land. Titling is generally the most expensive way to secure tenure. Titling initiatives will be most effective when they are cost-effective for local users, and when pre-conditions exist (e.g., cultural traditions) that are suitable to private property rights.</p> <p>Dissemination of information is a key ingredient of effective titling and effective land administration. Special efforts should be made so that poor and rural households have information on how to establish and register land use rights.</p>	<p>places, land held through customary, unwritten means is not subject to insecurity.</p> <p>When titling is carried out, benefits must outweigh costs for small-holders. If titling is carried out within an economic environment that is difficult for small-holders, it could induce distress sales and increase landlessness and land concentration in the hands of a few, leading to greater poverty and inequality.</p> <p>Titling should not be so costly to maintain that the register of titles quickly falls out of date. Access, affordability and maintenance should be focus of decision on whether and how to develop a land titling system.</p> <p>Good land administration has transparent features: e.g., provides access to public</p>	<p>– i.e., corruption, high transaction costs or low enforcement capacity – limits the benefits from secure tenure. Information and legal assistance should be provided to participants in titling initiatives, particularly where first-time title registration is taking place.</p>
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			documents, ensures publicity about claims prior to titling, and includes a process to appeal claims.	
6. Land markets (sales and rental)	<p>Land sales markets are unlikely to provide the poor and landless with the means to acquire land, at least initially. There is a strong tendency to favour market-based approaches, but they are not necessarily the preferred or most effective system in many situations.</p> <p>Poor rural households are vulnerable to economic shocks, particularly if they lack household assets. Instead of economic benefits of growth reaching poor families, they tend to become more indebted to the landed class.</p>	<p>Approaches to increase land access via market-based sales typically require “willing-buyers” and “willing-sellers,” with government loans made available to purchasers. Examples of this approach have thus far been relatively expensive, and have failed to reach the landless.</p> <p>Without information available on land available, either for sale or rental, transaction costs will be high. This both limits the efficiency of land markets and makes it less equitable for poor and rural</p>	<p>Sales markets are often inaccessible to the poor, because of their limited purchasing power, lack of market information and access to credit and financial services. This creates inefficient land markets, marked by speculation and distress sales.</p> <p>Rental markets can be more efficient by allowing for greater access and flexibility, but without redistribution of underlying rights to land – more political space likely for this alternative. When the length of contract is greater than the time needed to yield economic returns, few inefficiencies result.</p> <p>Market-based land reform</p>	<p>Where transaction costs are high and access to credit is limited, sales markets are unlikely to play much role in redistribution. Distress sales occur more frequently under these circumstances, which also reduce the efficiency and equity of land markets.</p> <p>Government intervention in land sales markets, however, may generate negative consequences that outweigh benefits.</p> <p>Where land tenure is insecure, farmers are less likely to enter into long-term rent agreements. Liberalizing rental markets, by removing unjustified restrictions on their operation, can encourage more long-term leases and increase</p>

		households, who have limited access to this information.	<p>has been tested, but its results are not conclusive: where there are shortages of land on the market, it can slow the pace of reform. Inadequate funding also limits the speed and impact with which such reforms can help poor households.</p> <p>Other market interventions may help influence the distribution of rights, including: land taxation, long-term negotiated leases for the landless, regulating sales markets to give priority to local farmers, subsidized credit for land purchases for the poor, or other ways to discourage land accumulation in the hands of the few.</p>	<p>benefits to leaseholders.</p> <p>Leasing arrangements based on fixed rents are more likely to raise productivity than sharecropping arrangements.</p>
7. Land, small-holder economies and agricultural trade	Increased access to land for poor households is not incompatible with improved national food security or increased		Secure access to land is a prerequisite for encouraging investment and improvement in land. An agricultural policy that supports family	Policy environments should encourage transactions that increase productivity and welfare. Where tenure security increases, transactions costs

	<p>production. Family farming, with its greater reliance on human labour compared to mechanization and chemical inputs, allows for a more ecological approach to agriculture and for greater attention to be given to land management.</p> <p>Subsidies to large farms are both distorting and hurt small-scale farmers and the poor. International trade practices needs to address these subsidies and other agricultural support mechanisms that distort prices for locally produced food.</p>		<p>farming and farmers' organizations, and provides them with services, can reconcile needs for growth in agricultural productivity with equity and poverty reduction.</p> <p>In the absence of trade and agricultural policies to support the small-holder sector (e.g., rural extension services), liberalization of imports may contribute to land re-concentration.</p>	<p>decrease and a sound regulatory framework exist, the poor will have greater ability to take part in trade and the growth it generates.</p> <p>While owner-operated farms are more efficient in terms of output per worker, they lack economies of scale in production that larger, mechanized farms enjoy.</p>
8. Land and conflict		<p>Land issues, if not addressed, can bring about conflict with broader social and economic consequences, e.g., in Columbia, Mexico and Zimbabwe.</p>	<p>Conflict is likely to occur where resource scarcity increases and access is reduced, where tenure rules can adjust to a changing environment, or where different tenure rules co-</p>	<p>Land conflicts can arise where scarcity increases along with population growth. Past discrimination and inequality also may contribute to struggles for land.</p>

		<p>Elements of land policy – e.g., land reform, security of tenure and land administration – can all play a role in managing conflict.</p> <p>Conflict resolution mechanisms should be built into land administration systems. These mechanisms need to be acceptable to local communities in order for them to be effective.</p>	<p>exist. This is particularly the case where customary or small-holder systems co-exist with formal law.</p> <p>Illegal appropriation of resources and forced displacement of rural households also creates conflicts.</p> <p>Addressing conflicting claims is a prerequisite for any land registration program. Dispute resolution mechanisms should be strengthened and rural people given opportunities to learn about their rights.</p> <p>Fair and just treatment of land tenure questions will often be central in post-conflict reconstruction exercises.</p>	<p>If conflict resolution mechanisms do not exist, underlying tensions can continue and generate high social and economic costs. Even “minor” conflicts reduce productivity and worsen inequities.</p> <p>Existing social institutions and informal mechanisms can help manage conflicts, with legitimacy for local communities and at low costs.</p>
9. Environmental sustainability	The real causes of resource degradation are rooted in imbalances of power,	Insecure tenure contributes to land degradation and	Land policy has a role in preventing environmental degradation and its social	

	<p>wealth, knowledge and access to resources. If poor rural households lack secure property rights, they may be compelled to adopt short-term survival strategies that can have negative environmental impacts (e.g., soil nutrient depletion). Effects of commercial activities, e.g., logging (both legal and illegal), are even more devastating.</p> <p>As arable lands deteriorate, current and future food security is put at risk. Incentives are needed to encourage the poor to invest in long-term productivity, while meeting needs of feeding growing populations. The need for an integrated, ecosystem approach to land management has been recognized in international covenants.</p>	<p>desertification, because without secure rights land users have little incentives to preserve land.</p> <p>Providing long-term user rights to degraded land, along with requirements to undertake rehabilitation, can assist in reversing degradation and desertification.</p>	<p>and economic costs. Clear and protected rights, effective rules defining access and regulating use of land, water and other resources are essential for long-term environmental sustainability.</p> <p>Joint and participatory management of protected areas, including shared benefits and use rights, is proving helpful in balancing environmental protection with community needs.</p>	
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10. Land, culture and indigenous peoples	<p>For indigenous peoples, the right to land and territorial security is closely linked to cultural identity and physical well-being, not only social and economic development. Rights to land for indigenous peoples are a basic precondition for their participation in democratic governance and sustainable development.</p>		<p>Most indigenous groups have culturally distinctive land tenure systems based on collective rights. Mechanisms for securing indigenous peoples' rights to land are important to their cultural survival.</p>	<p>Stronger rights for indigenous peoples can be justified on the basis of human rights considerations, even where they do not create an immediate efficiency gain.</p>
11. Participation, democracy and governance	<p>The effectiveness of formal land systems depends on strengthening processes through which the rural poor gain power in local and national governance. This includes building the capacity of community organizations and supporting collective action around land and other resources.</p>		<p>Land tenure reflects the distribution of power within a society. Democratic states need to guarantee the rights of all citizens, even the poorest. This may mean developing innovative legal frameworks and institutions to ensure that poor farmers and other vulnerable groups can access the law and have their rights recognized.</p> <p>Corruption is a common problem within land administration. Institutions</p>	<p>Broad and egalitarian asset ownership strengthens the political voice of the poor and reduces their exclusion from political processes. This can increase the transparency of public institutions.</p> <p>Where land policy limits the opportunity of the government bureaucracy to appropriate economic rent, corruption will be reduced and governance improved.</p>

			<p>and processes should be designed to minimize the risks that powers will be abused, e.g., by providing for system of checks and balances.</p> <p>While access to land is not recognized as a human right itself, it may be considered as a means to achieve other fundamental human rights, as defined by international agreements. Land rights can only be secured where women and the poor enjoy basic civic and political rights.</p>	
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Table Two

Policy issue	DGCID GOVERNMENT OF FRANCE: Land Tenure Issues in West African Rural Development (2000)	DFID: Land Policy Consultation Document (draft version, 2002)	GTZ: Land Tenure in Development Cooperation (Executive Summary, 1998)	UN ECONOMIC COMMISSION FOR AFRICA: Land Tenure Systems and Sustainable Development in Southern Africa (2003)
1. Land Reform	<p>Land tenure refers not only to possession of rights, but also to the control of rules and procedures that govern rights. Land tenure or lack of secure tenure reflects existing inequalities, and overlaps with exclusion from social and economic processes.</p> <p>Land reform initiatives are therefore embedded in the socio-economic and political context in which they take place.</p>	<p>Land reform is central to poverty reduction, given that land is a fundamental livelihood asset. Land reforms are most successful when part of broader processes for agrarian change and rural development, and building the capacity of public institutions. Otherwise, it remains a challenge for poor households to benefit from more secure land rights and more equitable land distribution.</p> <p>Redistributive land reform has succeeded in some contexts and failed in others. It is often politically</p>	<p>Past efforts at redistributive land reform have been mixed, with successes in East Asia but failures in Latin America. Market-led land reforms have not yet proven a solution for providing access to land for the majority of people who need it.</p> <p>There are significant implementation challenges to land reform, foremost the power of groups that oppose reform. Land reform also requires sufficient finance, harmonization of relevant laws and regulations, competent implementing</p>	<p>Land reform depends on the official processing of rights. In order for poor and women to benefit they must have access to and understand land tenure systems and institutions. Otherwise, land reform could increase tenure insecurity among vulnerable or marginalized groups. Land literacy and other information campaigns can play a key role.</p> <p>Land tenure reforms are also demanding in terms of administration, skills and resources needed. Local officials and administrators have little real exposure to policy documents and new</p>

		<p>contentious and requires strong political commitment and management. Support services and adequate infrastructure are also needed for success.</p> <p>There are policy options besides expropriation that can encourage redistribution, e.g., land ceilings and land taxes. Negotiated land reform, in which peoples' organizations participate directly, is another alternative.</p>	<p>agencies, and commitment to reversing corruption. Addressing these implementation challenges is the key to any land reform initiative.</p>	<p>laws or regulations, or effective training on these by technically competent facilitators.</p> <p>Thus far, land reform has focused on changing laws and rules but very little on building capacity. Implementation is challenging and requires institutional capacity to be strengthened, and some degree of institutional reorganization.</p>
<p>2. Formality and security of tenure</p>	<p>Where formal and customary tenure exist side-by-side, some form of convergence must take place in order to reconcile differing positions vis-à-vis rural development. This can take place through “clarification” i.e., changes in practice made through collective negotiation and consensus solutions, or</p>	<p>Customary tenure allows for some forms of land transactions and supports mix of primary, secondary and tertiary rights. These include a mix of individual and community rights.</p> <p>Where customary and formal tenure exist side-by-side, often formal titles do</p>	<p>Tenurial security derives from certainty in law or rule of law, and from meaningful participation in a land tenure system – both must exist for there to be tenure security.</p> <p>Often countries face a challenge of respecting or retaining customary land</p>	<p>Customary tenure generally provides low-cost access for most of rural population, though it can also create disadvantages for some (e.g., women, ethnic minorities). Farmers can enjoy long-term user rights within customary systems, and customary tenure has shown ability to adapt to changes in formal</p>

	<p>through legal protection, i.e., the fusion of local customary systems and national legal codes.</p>	<p>not provide for the range of user rights that exist under customary systems.</p> <p>Decentralizing land rights management to local, traditional authorities can strengthen customary tenure and rights. There must also be attention, though, to building the capacity of these authorities so that power is not abused and the rights of poor community members are protected.</p>	<p>tenure principles, while adapting national policy to changes in the social, economic and environmental context.</p>	<p>land markets and new technology, often at lower costs than state-administered land administration systems.</p> <p>Tenure insecurity, however, can result from overlapping land rights and exploitation by customary leaders or government officials. In some cases, minority groups and hunter-gatherers lack any form of tenure security.</p> <p>Support to positive elements of customary tenure, and encouragement to reform negative or discriminatory elements, is relevant approach. Because of their authority, involvement of customary leaders is essential.</p>
<p>3. Common property / communal tenure</p>	<p>As pressure for land increases, traditional land institutions and authorities</p>	<p>Many poor households depend on common property resources for their</p>		<p>Common land that is held customarily may face threat of conversion to public land.</p>

<p>or mixed tenure systems</p>	<p>are less likely to consider different social groups equitably, leading to disputes within communities.</p>	<p>livelihoods. When their user rights are not considered by land and natural resource policies, conflicts occur and their rights are jeopardized.</p> <p>Community resource management should be strengthened so that the rights of all community members are protected.</p>		<p>Reforms are underway in some countries to register customarily held common lands with community titles, to minimize this risk, and to allow the community to enter into forms of land transactions if desired.</p> <p>Where common property or community land exists, reform to community institutions (e.g., village land committees) can help encourage more fair and democratic land allocation within the community, and ensure that land transactions do not only benefit traditional elites.</p>
<p>4. Women's secure access to land</p>		<p>Land rights are central to gender equality. Ensuring women's access to land requires reform to both formal (legal) and informal (customary) systems. Where women's rights are enshrined in law, they</p>	<p>While landlessness among women is increasing, women's legal status in land tenure institutions is still often inferior to men's (e.g., in land registration, court systems, etc).</p>	<p>Women's land rights are limited, even though they perform most of the agricultural work in the region. Men need to understand the important links between women's access and food security in</p>

		<p>might still be denied by customary practice.</p> <p>Inheritance is a key factor in women's access to land. If women must access land through their husband's rights, their own access is not secure. This is even more so in regions where HIV/AIDS is prevalent.</p>	<p>Women are also more vulnerable to structural economic changes. Rural women generally have few alternatives to earn income if they lose their land.</p>	<p>order to decrease resistance to women's land right.</p> <p>Patriarchal customary law is the main obstacle to women's land rights and land access. Women are allowed secondary rights via marriages, but if their marriage ends they lose their land. Cultural practices also limit women's access to community land committees.</p> <p>While formal laws are increasingly non-discriminatory, lack of harmonization (e.g., between marriage or inheritance laws and land laws) can create formal barriers to women accessing and controlling land.</p> <p>Where women do have secure rights, they still face difficulty to own or control land because of socio-economic constraints, e.g., illiteracy, lack of capital or</p>
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				<p>access to credit, or little access to training.</p> <p>HIV/AIDS epidemic creates need to protect the land rights of widows and orphans – often land returns to father’s families rather than staying with wife or children.</p>
<p>5. Land titling and land administration</p>		<p>Titling is often been slow and expensive, and few titling initiatives have succeeded in developing countries. In Africa, individual titles have not captured the range of multiple land uses that are fundamental to livelihoods.</p> <p>A challenge is to ensure that customary rights are not lost. There needs to be more recognition of pre-existing tenure arrangements, particularly where primary and secondary rights overlap.</p>	<p>While benefits of land registration are well known, its risks or shortcomings are not. These include difficulty reaching rural populations, limited access for women and high maintenance costs. There is a need to combine formal and informal approaches, particularly to reduce costs.</p> <p>Registration on its own does not lead to greater output, if support services and technology is not also available.</p>	

		<p>It can be difficult for poor households to access titles administratively. In the worst cases, abuse of power leads to titles that ignore or override traditional claims.</p> <p>While titles can help to access credit, they provide little help in isolated areas and areas where land markets do not function.</p>	<p>Land registration is needed most urgently in densely populated areas, and where land markets are active.</p>	
<p>6. Land markets (sales and rental)</p>	<p>Commercialization of land is occurring in most areas where there is heavy competition for land resources, e.g., where irrigation exists. If land tenure transfer is not previously recognized in these areas, a period of adaptation at minimum is needed. Monetization of land transactions may initially foster unproductive speculation.</p>	<p>Land purchase schemes may start a gradual shift of land but ownership, but are often criticized for not benefiting the poor, who face structural barriers in accessing the market.</p> <p>Where land markets exist, access to information is needed for the poor to participate. Adapting informal markets and transactions is an alternative approach to</p>	<p>Functioning land markets - - in which sales, leases and mortgages can occur – help to encourage innovation in the agrarian sector and improve its efficiency. Often, though, small-holders and women lack access to information about their legal rights and other market information and thus do not benefit.</p> <p>Heavy restrictions on land markets may only lead to</p>	

		<p>establishing formal markets.</p>	<p>growth of “grey markets,” which increase risk and transaction costs.</p> <p>Regulation of markets can help ensure that agricultural land remains in the hands of farmers, and is not purchased by speculators or held by absentee landlords.</p> <p>Institution building is a key element for increasing efficiency of markets, including evaluation and audits of existing land market institutions.</p>	
<p>7. Land, small-holder economies and agricultural trade</p>	<p>Commercialization of land is increasingly observed in areas where there is heavy competition and agrarian systems based on seasonal cultivation.</p>	<p>While developing countries need trade and investment, allocating land for commercial use risks displacing small-holders. Participatory decision-making is needed to ensure that small-scale farmers are not affected adversely by trade policies or infrastructure projects.</p>	<p>Small-holders can use land make a living, but are often constrained by lack of support institutions and access to new technology.</p> <p>In agrarian societies, income distribution is largely determined by size of landholdings, leaving small-holders dependent on</p>	

			the rich and vulnerable to exploitation.	
8. Land and conflict	<p>Tenurial conflict is often the result of rights and claims superimposed on each other, particularly when there are conflicting uses for the resources being claimed. Diversity of local tenure systems also contribute to conflict – the greater the diversity, the more likely conflict arises.</p>	<p>Land and resource conflicts are growing worse around the world. Often they are linked to broader political conflict, and contribute to wider violence.</p> <p>Institutions for resolving land disputes should be transparent, and reflect customary practices.</p>	<p>Land conflict occurs practically on a daily basis. This undermines efforts to encourage sustainable and efficient land use, and reduce poverty. Land reforms, by indirectly redistributing power, can prompt opposition and even spark new conflicts.</p> <p>Because of the high external costs of land conflicts, there is a great need to develop methods to address them.</p> <p>Both formal and informal conflict resolution mechanisms should be strengthened. Recognizing informal approaches (e.g., ADR or customary mediation practices) should be</p>	<p>Failure to manage natural resources effectively and equitably contributes to conflict at all levels. Many of Africa’s larger conflicts are related to natural resources; many other low-level resource conflicts also exist.</p> <p>Addressing the wealth and power aspects of natural resources can help to mitigate conflicts.</p>

			encouraged while also allowing for flexibility in institutional responses to conflicts.	
9. Environmental sustainability			<p>Unplanned changes to land tenure systems are accelerating environmental degradation, particularly erosion and deforestation. Poor farmers desperate for land cannot practice sustainable land use. Expansion of farming into pastoral areas is breaking down traditional pastoral land tenure and land management, worsening environmental problems.</p> <p>Commercial interests, particularly logging, also contribute to resource depletion and conflict among communities, states and companies.</p> <p>Land and water are linked, as irrigation problems increases water demand</p>	<p>Southern Africa loses 400 million tons of soil annually. Soil erosion and deforestation are pressing environmental problems, creating external costs via decreased agricultural productivity and loss of natural resources for future generations.</p> <p>Land pressure and tenure insecurity, where both present, can lead to increased land degradation, particularly where customary tenure exists. However, this is not necessarily caused by insecure tenure – lack of understanding of conservation practices, unsustainable agricultural practices or lack of labour are more often key factors.</p>

			and conflicts over water rights.	
10. Land, culture and indigenous peoples		Land administration institutions need to understand indigenous land management systems.	Indigenous knowledge, including that on land use, is often undervalued and should be brought into policy process. Tribal landmarks, ancestral sites, and indigenous site and place names should be understood and recognized.	Indigenous peoples and minority groups, such as hunter-gatherers, particularly face tenure insecurity. In many cases, rights to hunt and gather are not recognized under either customary or statutory law, and hunting grounds are being fenced in. Indigenous peoples and hunter-gatherers in the region have become targets for displacement and eviction from their traditional lands.
11. Participation, democracy and governance		Often control of land is linked to political patronage and corruption. Where land administration is complex or does not function, bureaucratic rent-seeking can occur at the expense of the poor.		Poverty and land degradation result from political decisions and systems concerning the distribution of resource wealth and citizens' rights. Strengthening rural peoples' representative institutions, such as legislatures and civil

				<p>society organizations, is necessary for effective land and resource policy.</p> <p>Citizens and their associations need guarantees of civil liberties in order to realize their environmental rights. Citizen participation in oversight and monitoring can increase compliance with laws and regulations, and ensure fair distribution of environmental costs and benefits.</p>
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Table Three

Policy issue	UNDP: Attacking Poverty while Improving the Environment (Poverty and Environment Initiative, 1999)	INTER-AMERICAN DEVELOPMENT BANK: Rural Poverty Reduction strategy paper (1998); Strategy for Agricultural Development in Latin America and the Caribbean (1999)	SIDA: Improving Income among the Rural Poor (2004), Rural Development Position Paper (1999).	USAID: Nature, Wealth and Power: Emerging Pracgtice for Revitalizing Rural Africa discussion paper (2002).
1. Land Reform	<p>Where land distribution is highly unequal, land reform can be one policy option. It is most needed where the predominance of large estates or private landholdings deters growth and poverty reduction. However, it is a politically difficult option because of need to redistribute land assets away from wealthier and more powerful farmers.</p> <p>Other options include regulatory reform, e.g., allowing long-term leases and contracts, or providing</p>	<p>For small-scale farmers with agricultural potential, land policy reform can include titling and registration, promotion of leading and grazing rights, and access to rural finance and markets entry.</p> <p>For the landless and about one-third of small-holders (region-wide), access to assets is too limited to become productive farmers. For these groups – about 45 percent of all rural poor – where no possibility exists to obtain</p>	<p>Some situations call for consideration of redistribution of land and other natural resources to provide the rural poor with a production base. This can include state and/or private land. Market-based approaches are being developed to try to decrease the political difficulties involved with land redistribution.</p>	

	<p>formal tenure rights to squatters on public land. These steps can help the poor to seek technical assistance, credit and other support services, and have incentives for conservation.</p> <p>Co-management of land is also an option. This provides local people with specific benefits in return for involvement in decision-making, and for taking on responsibilities for conservation. The state may continue a regulatory role and assume control over resources that provide direct public value. This approach relies on strong local capacity to manage land resources.</p>	<p>land, the alternatives to become free from poverty must lie outside of the agricultural sector.</p>		
<p>2. Formality and security of tenure</p>	<p>Customary law includes both a system of rights and technical knowledge on natural resource</p>	<p>A legal framework that provides security of land ownership is necessary for land markets to function,</p>	<p>Tenure insecurity can lead to loss of land and resource access, exacerbating poverty. It also</p>	<p>Customary resource tenure systems function well where the land/labour ratio is high. As pressure increases on</p>

	<p>management. While not always equitable, it can serve as a starting point to negotiate better rights for the poor. In many cases, the poor already have resource rights, but these are not protected.</p> <p>Customary law is location-specific and depends on negotiated solutions, making it difficult to convert into forms recognized by the state. Where such attempts take place, there needs to be attention to the rights of women and poor groups, so these are not lost in the formalization process.</p>	<p>and for small-holders to improve their agricultural output and incomes.</p>	<p>discourages farmers from investing in productivity and adopting a market-orientation.</p>	<p>land, though, tenure systems that rely on allocation by political leadership can create tenure insecurity. Any tenure system must protect against illegal land seizure.</p> <p>As farmers increase investments in their lands, the importance of secure, long-term tenure increases. Some traditional tenure systems respond well to this need; others do not. Location and local culture plays an important role in the ability to adapt to such transitions.</p> <p>Clearly defined and agreed-upon limits, both in space and time, are necessary. Formalizing these limits, though, creates transaction costs that may outweigh their benefits.</p>
<p>3. Common property / communal tenure</p>	<p>Granting formal rights to groups involves establishing or strengthening local</p>		<p>Access to common property resources is necessary for the rural poor</p>	<p>Common property as well as individual farmland must be considered in land tenure</p>

<p>or mixed tenure systems</p>	<p>peoples' organizations. Laws and regulations may also need revision to allow for multi-user rights.</p> <p>Changes to allow for common property management have been a key element to successes in Africa with land reclamation, resource management and conservation.</p>		<p>for their control over basic livelihood needs. However, access to common property, especially forest resources, is being reduced.</p> <p>Community control over common property can increase food security in marginal areas, and help discourage over-exploitation of these natural resources. Communal rights, not only individual property rights, can provide tenure security and should be an essential element to increasing communities' market participation.</p>	<p>policy – both common property and private property and important contributors to environmental status.</p> <p>Common property can require different approaches to management structure, technologies and user than private farmland. Clear and democratic management systems, which are seen as legitimate by users, are particularly important.</p> <p>Recognizing communal rights can allow community activities to increase household income and meet conservation goals. A key element is to strengthen community management, including identifying interested community members, defining and giving structure to the community management process, and agreeing on a plan for resource management and distribution</p>
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<p>4. Women's secure access to land</p>	<p>Any program to assign land rights should pay attention to barriers to women gaining rights, both in design and implementation.</p>	<p>Women have historically lacked equitable access to land, credit and support services, even though they are among the heaviest users of natural resources. Some progress has been made, but discrimination still exists.</p>	<p>In many parts of Sub-Saharan Africa, women are largely responsible for farming work, but generally men have legal rights of land ownership and access to credit and support services.</p> <p>Secure land tenure for women, including property and inheritance rights (e.g., formal titling and registration), is key for their access to production and decision-making processes, as well as markets. Access to credit and other support services is also needed.</p>	<p>of benefits.</p> <p>Women's participation and empowerment is a key in successful natural resource management. Land-related user groups should be sure to include women; there is a high-return on investment in women's user groups.</p>
<p>5. Land titling and land administration</p>		<p>Titling and registration of holdings is an important means to increase the agricultural production and income for the poorest groups. The costs of these programs, including the</p>		<p>Data collection should be linked to decision-making – there should be a policy rationale for what data land inventories maintain. This information should be publicly accessible, to allow</p>

		<p>need to keep information up-to-date, will be partly offset by new investment in cash crops, improved access to credit, and more environmentally sustainable practices.</p>		<p>for monitoring policy implementation (e.g., forest or other land-use concessions).</p> <p>Administrative procedures should be understood by the people who use them, i.e., local people and their organizations.</p>
<p>6. Land markets (sales and rental)</p>	<p>Markets may lead to an efficient allocation of resources in the short-run, but are not always environmentally friendly or supportive of poor people. Particularly in isolated areas, the development of natural resource markets can over-exploit resources, e.g., coastal resources in Southeast Asia where commercial shrimp farming has expanded.</p>	<p>Where land transactions are informal, land markets are segmented based on farm size and social status. Policies to stimulate land markets and increase their transparency, e.g., land taxes based on potential productivity, or titling and cadastre development.</p> <p>Land banks and other state support can help small farmers to access land. As this state intervention may also affect land prices, land fund programs should be</p>		

		<p>well targeted, beginning with small-scale pilot initiatives.</p> <p>Land taxes in particular can discourage land speculation, and lower land prices so that small producers can have greater access.</p> <p>Leasing is also an important means to increase access by small-holders, and to allow land to be used in accordance with its productive capacity.</p> <p>Land markets can be made more effective by eliminating restrictions on selling or leasing land. However, the development of land markets is a necessary but not sufficient step toward improved equity and greater efficiency. Other necessary structural</p>		
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		changes should be identified.		
7. Land, small-holder economies and agricultural trade	<p>Changes to niche agricultural export markets can increase risks for the poor, especially where crop diversification is lost. Moving to cash crops is inappropriate for the very poor, if they rely on their land for basic food needs.</p> <p>Large-scale farmers, particularly those involved in state-sponsored agricultural schemes, often receive subsidized inputs (e.g., water). This reduces potential public investment for the poor, as well as efficiency.</p>	<p>In Latin America, the rural poor are often located in areas where agricultural potential is low to begin with, such as semi-arid zones.</p> <p>Agricultural trade liberalization has had a particularly negative effect on small producers, who are less able to compete in global markets. Removal of price subsidies and the withdrawal of state intervention in agricultural markets should be moderated over time, and accompanied by support programs to small-holders, to ease their transition.</p>	<p>The viability of small-sale agriculture, already threatened by drops in global prices and subsidies in wealthy countries, is even more at risk where land is scarce. Population pressure can lead to fragmentation into many small-holdings, and cause expansion onto marginal and unproductive land.</p> <p>New farming techniques can help in the short-run, but in the long-run there needs to be other viable alternatives to small-scale farming. A challenge is that other sectors are unlikely to expand rapidly enough to provide employment to the rural poor, in lieu of farming.</p>	<p>As individuals, farmers are at a disadvantage in negotiating with market intermediaries. Providing market information to farmers and assisting cooperatives to increase their competitiveness can help improve the market position of small-holders.</p>

8. Land and conflict				Inclusive land-use planning is a potential conflict prevention tool.
9. Environmental sustainability	<p>Poverty does not inevitably lead to environmental degradation. In many cases, it is the non-poor – including state and private companies – that create damage through land-clearing, water appropriation and other unsustainable practices. This degradation, however, disproportionately affects the poor.</p> <p>Within many poor communities there exists indigenous technical knowledge for natural resource management. If recognized, this can form a basis for balancing environmental protection with poverty reduction.</p> <p>Sometimes private interests force the poor onto marginal</p>	<p>Poor farmers generally do not have the inputs or technology needed to undertake conservation. Many lack secure access to the land they work, and thus lack incentives to protect land, water and other natural resources.</p> <p>Expansion onto new land, which has increased regional food production in the past decades, has also had negative environmental consequences. Further expansion of the agricultural frontier risks greater erosion and other forms of land degradation.</p>	<p>The right to use natural resources, especially land, is a key requirement for sustainable development. Secure tenure can partly increase sustainable land use, especially of common property resources. Secure tenure to user groups in forests and fishery areas has proven successful in increasing sustainable management and reducing land and resource degradation.</p> <p>Population pressure may force poor farmers to sacrifice sustainability for immediate needs, even though they have self-interest in conservation. Improving production per unit of land and providing market incentives for</p>	<p>Population growth does not necessarily lead to environmental degradation – governance and resource management, and how users are organized, has a greater effect.</p> <p>The line between agriculture and natural resource management is not distinct – there is much overlap between the two. NRM can contribute to more efficient and effective use of agricultural inputs, which in turn provides environmental benefits to forests and other natural resources.</p>

	<p>lands, where land use practices can damage already degraded lands. But there are also many examples of poor people taking care of the environment and investing in environmental improvements. Increased tenure security can encourage this environmental protection.</p> <p>Reforestation and pasture improvement in drylands areas is considered to have both high institutional and technical costs.</p> <p>In drylands areas, the impact of urban water use on water accessibility in rural areas needs to be given attention.</p>		<p>conservation can contribute to more sustainable land and natural resource use, e.g., by limiting expansion onto unsuitable land.</p>	
<p>10. Land, culture and indigenous peoples</p>		<p>Indigenous peoples have historically lacked equitable access to land, credit and support services, even though they are among the heaviest users</p>	<p>There should be careful analysis and explicit consideration of indigenous land and resource tenure regimes when considering policy</p>	

		of natural resources. Some progress has been made, but discrimination still exists.	options.	
11. Participation, democracy and governance	<p>To ensure that their land rights are respected, it is important to protect the poor from institutional abuses (e.g., corruption, bureaucratic indifference). This requires developing democratic systems of governance from the local level upwards.</p> <p>Representative institutions are particularly needed for monitoring actions and enforcement of resource rights, e.g., via citizen oversight bodies or resource management boards.</p>		Devolution of common property management to local communities and user groups can increase local influence in decision-making more broadly, and provide incentives for collective action. This participation is a fundamental part of empowering the poor.	Access and control over land and natural resources is a key governance issue for rural people, which democratic institutions must address.