What Critics Say Against Agrarian Reform

Access to Land is a Human Rights obligation

Agrarian reform is central to the fulfillment by States of their obligation to ensure the right to adequate food for land-seeking marginalized groups. Indeed, States that fail to implement reform policies violate the right of these vulnerable groups to adequate food as they often have no alternative sources of adequate income. Agrarian reform is thus a human rights obligation that requires expeditious steps from governments to strengthen these people’s access and utilization of productive resources and means to ensure their livelihood.

Arguments against Agrarian Reform

A number of arguments have been used to weaken agrarian reform policies or to contest the whole idea of agrarian reform. It is worthwhile to discuss these arguments and to see how they relate to agrarian reform as a human rights obligation:

Source


E-mail: windfuhr@fian.org
"Investing in larger agricultural units would promote long-term development and have trickle-down benefits for the poor."

This argument is neither true, like many examples show (countries and regions that undertook agrarian reform, like South Korea and Taiwan, developed much faster), nor valid generally (national conditions vary tremendously). It is also apparent that even in countries that have a booming economy, poverty is growing fast and the situation of poor people or groups is deteriorating (as illustrated by many UNCTAD reports from the last few years). The human rights approach requires the orientation of policies towards guaranteeing and implementing the rights of most vulnerable groups immediately, an approach which is all too often forgotten in development logic.

"Other land tenure arrangements would do just as well."

The neoliberal paradigm being promoted by International Financial Institutions (IFIs) has given rise to a number of trends in land tenure transformation. In many countries, the privatization of collective reformed sectors (e.g., Mexico) or of old communal lands is being pushed (e.g., Bolivia, Peru, many African countries). In several cases, a dismantling of State farm collectives can be observed (e.g., Eastern Europe, Vietnam). These new policies are challenging the ability of States to implement their human rights obligations in two ways:

- Firstly, they undermine the existing access of small farmers and other marginalized groups to productive resources, often with alarming results. In Mexico, thousands and thousands of small farmers have had to leave the land because of the policy of privatizing old “ejido land” and because of a liberal trading regime, which is putting small farmers in direct competition with highly subsidized corn producers in the USA.

- Secondly the new proposed model of a “market-based agrarian reform,” with elements like reliance on land markets, the closure of old agrarian reform institutions, etc., which is now being offered as an alternative to traditional agrarian reform policies, is not cheaper as...
promised, but only functions when the State is heavily involved. There is also an increasing risk that poor farmers will be left with a high debt burden after buying a small plot of land. When this policy is introduced as a replacement for all other forms of agrarian reform policies, the few cases of modest advance in land reform (e.g., the Philippines, South Africa) will come to an end, too.

"Modern agriculture, based on large-scale farms, is indispensable to ensuring food security."

Firstly, the argument does not reflect adequately the causes of hunger and malnutrition. People are not hungry or chronically malnourished because of too little food being produced. Although this can happen in situations of acute famine, linked to droughts or civil wars, the huge majority of people are hungry because they either do not produce food for themselves or they do not have enough income to buy it. Increasing the yields of big farms and plantations may increase the surplus, but it will not decrease the number of hungry people.

Secondly, it is a myth that small farmers are less productive than large producers using the latest agricultural technology. If small farmers have access to good framework conditions, such as affordable credit, good seeds and other agricultural inputs, and access to marketing facilities, and if they are not overtaxed by the government, as happens in many countries, their yields per hectare are often much higher than the yields in mechanized, modern agriculture. Moreover, there is no natural law which provides that only large farms can produce enough food. In fact, increasing concentration in the land tenure structures in rural areas would create more landless poor people, and therefore greater hunger.

Thirdly, all those who favor an agricultural model based on large-scale and productive modern agriculture also fail to give an answer to what will happen to those people who lose their access to land and become marginalized. Clearly, the old economic hope prevails that in the long run, enough growth can be created by modern agriculture to lead to faster general economic growth, which presumably would eventually benefit the poor. However, the implementation of a fundamental human right, like the right to adequate food, cannot be postponed to the long-term future. The fundamental right to be free from hunger requires States to act immediately.

"Trade can foster food security."

For years, the World Bank has been promoting its strategy of trade-based food security. Its main argument is that if countries specialize in the production of the export products they can get the most returns for, countries in general become richer and can buy cheap imports. This
argument may be correct in theory, but does not reflect many countries’ social realities. If people do not have economic access to productive resources, they would not earn enough to buy imported food.

It is true that the implementation of agrarian reform measures often requires a lot of resources — most especially, political will. This argument, however, cannot be used to challenge agrarian reform as a human rights obligation. States are obliged to use the maximum of available resources and should move as expeditiously as possible to achieve the full realization of the right to adequate food. Most countries have more than enough resources to implement agrarian reform. Moreover, the Covenant on Economic, Social and Cultural Rights mentions the need to seek international cooperation, if national resources are scarce. What the States should do is prove that they have conducted the policies necessary to implement the right to adequate food, and that they are achieving positive results over time. Human Rights are not asking for the impossible, but require the use of available resources in a way that helps vulnerable groups see their rights implemented.

“Agrarian reform unduly limits States’ policy options.”

Agrarian reform can be implemented by different means, different policy options or measures. The human rights obligation requires States to pursue policies which guarantee access to productive resources. Governments must implement these policies by using the maximum of available resources and must move as expeditiously as possible towards the full implementation. It is the result that counts, not the prescription of certain specific policy measures.

Agrarian Reform must be Sustainable

Agrarian reform, from a human rights perspective, requires more than just the distribution of land. Beneficiaries need a set of conditions which determine whether they can make use of the land given and become self-reliant or whether they would just build up debts and run into
severe economic problems later on. It has often been argued that small-farmer recipients of agrarian reform are bound to fail economically because their units are too small. Here, the answer is: If the framework conditions offer a favorable environment, small farmers can become very productive and successful. Demanding these conditions does not mean asking for a huge amount of agricultural subsidies. These conditions are framework conditions, which all forms of economic activities need as normal support from the State. Without infrastructure, investment in education (training) and research, and access to credit, no business would survive.

Non-implementation of agrarian reform is in many cases also a reason for an environmentally unsustainable land tenure pattern. Small farmers could be forced to crop on marginal lands like on hills or in dry areas because the ownership of good and fertile lands is highly concentrated. Production in these marginal areas can lead to soil erosion or desertification. In other countries, implementation of agrarian reform is avoided by resettling landless peasants in areas not viable for long-term agricultural production. Furthermore, small farmers are often blamed for environmental degradation processes. This is unreasonable since the reason for their use of the lands, which are hardly suitable for agricultural production, is the non-implementation of agrarian reform measures. Land distribution must therefore be done in a manner which avoids environmental damage. If implemented well, agrarian reform can be supportive of an environmentally sound development.

Agrarian reform is a central element of every strategy to combat poverty. It provides people with access to productive resources, allowing them to have adequate access to food in dignity.
While many past land reforms were instituted based on a variety of principles (including “welfare” and “charity”), there is now increasing awareness, recognition and acceptance of the different evolving principles and concepts of “land and property rights”. Unlike other assets, land (including natural resources) is a finite resource. Hence, entitlements to land must embrace social functions and social rights that go beyond individual rights to “private property”. Rights-based approaches pursued under agrarian reform, include:

✦ “Land to the tiller” or “tiller rights.” Entitlement to land is based on labor and productivity, to reform past tenurial arrangements that have alienated workers from their produce and productive resources.
Historical rights; prior rights. This approach recognizes and seeks to correct the historical injustices committed against particular communities, especially indigenous peoples, that may date back to past colonial periods when indigenous communities were disenfranchised of their lands. (See box)

“First farmer” rights. This concept of “first farmer” rights (as opposed to “farmers first”, which is consistent with a charity or welfare approach) emerged among civil society organizations (CSOs) in the 1990s in the context of global debates on biodiversity. It recognizes the role of indigenous peoples and traditional farmers as plant genetic resource conservators and first breeders through their indigenous knowledge and farming systems. If the new global regime allows intellectual property rights (IPRs) to be given to corporations, then more so, “first farmers” must be allowed to exercise rights over their intellectual property, which includes their habitats and immediate working and living environments.

Cultural rights. This refers to the rights of communities to pursue their own customs, beliefs and practices of choice. Certain cultures and belief systems are closely linked/integrated with particular habitats, territories or homelands.

“Land to the landless.” This was a public slogan and policy that became popular in the 1950s to 1980s, and called for greater equity especially in the allocation and redistribution of lands under the public domain.

User rights. This is recognition of the fact that many rural households depend on the commons for their food, livelihood and survival. It has also been recognized that many user
practices are sustainable, and that some may even contribute to the regeneration of the resource itself (e.g., gathering, pasturing at controlled levels).

**Equal rights.** Equality before the law is a basic principle enshrined in all national Constitutions. Hence, this equality principle must be highlighted especially in two cases: ensuring the equal rights of women to land and assets, and ensuring equal access to common property resources.

**Secondary access rights.** It is increasingly recognized that particular populations have “secondary access rights” to particular lands and resources. Examples include the rights of pastoralists to grazing lands and rights-of-way, as well as the right of fisherfolk to have free and unrestricted access to the coastlines to ensure their source of livelihood.

**The “right to food”; the right to decent livelihoods; the right to habitat and shelter.** As necessary extensions of basic human rights, these have been raised in the various UN Summits convened in the 1990s.
People often think of property rights in a narrow sense as ownership — the right to completely and exclusively control a resource. But property rights are better understood as overlapping “bundles” of rights. There are many combinations of such rights, but they can often be grouped as:

- **Use rights** — such as the right to access the resource (for example, to walk across a field), withdraw from a resource (pick wild plants), or exploit a resource for economic benefit; and

- **Control or decision-making rights** — such as the rights to management (plant a crop), exclusion (prevent others from accessing the field), and alienation (rent out, sell or give away the rights).
These rights may also be conditioned by the amount, timing, and other aspects of resource use and management. Several individuals or groups may have different kinds of rights over the same resource. For example, all members of a community may be allowed to bathe in a river or collect drinking water, but only certain farmers may be permitted to draw water to irrigate a field or to decide how to distribute that water in the dry season. At the same time, the State may claim ultimate “ownership” of the water, including the right to reassign it to others. Even on land declared as State forest land, individuals from a community may have the right to collect medicinal plants or fallen branches for firewood (use), local groups may have the right to plant trees (management) and guard them (exclusion), but the State may retain the right to approve any felling of trees and to collect revenue from users.

**Legal Pluralism: Many Sources of Rights**

To recognize property rights in practice, we need to look beyond State-issued titles to the resource. As illustrated in Figure 1, there are multiple sources of property rights, including:

- International treaties and law;
- State (or statutory) law;
- Religious law and accepted religious practices;
- Customary law, which may be formal written custom or living interpretations of custom;
- Project (or donor) law, including project or program regulations; and
- Organizational law, such as rules made by user groups.

The coexistence of these laws does not mean that all laws are equal, or equally powerful. Each is only as strong as the institution that stands behind it. Often, State law is more powerful and used by government officials, for example, to declare and enforce forests as State property. Statutory law is also used by powerful outsiders, such as logging companies with concessions in customary lands, to claim resources in ways that are not locally recognized as legitimate. On the other hand, actions of local communities, such as petitioning, demonstrations, and road-blocks, are ways of claiming locally recognized rights as well as seeking recognition of their rights by the State.
In some cases, State law, although important, is not as relevant as the village, ethnic community, or user group in determining property rights on the ground. For example, State laws on inheritance are often ignored in favor of religious laws or local custom. Research has shown that State titling programs do not always provide stronger security than customary rights and may even be a source of insecurity for women and households with less information or fewer connections to obtain government land registration.

While legal pluralism can create uncertainty because rival claimants can use a large legal repertoire to claim a resource, multiple legal frameworks also provide flexibility for people to maneuver in their use of natural resources.

**Property Rights as Flexible and Dynamic Systems**

Often, the more variable the resource, the more flexible are the property rights that develop over it. Water rights are particularly fluid, changing by season and year, depending on the availability of the resource and demands for water. Similarly, many customary rangeland management systems negotiate access rights depending on factors like weather and the social relations between the groups. This flexibility provides a measure of security in times of drought or other disasters, by creating reciprocal expectations of resource sharing between groups.

Another source of change in property rights comes from the interaction between types of law. The different legal frameworks do not exist in isolation, but influence each other. Changes in State law can influence local custom, but changes in customary practices can also lead to changes in State law.

For State law to be effective on the ground effective implementation is required. Legal literacy programs may be needed to inform the public — and even government officials — about changes in the laws.
How exactly these different legal orders influence each other depends on power relationships between the “bearers” of different laws. Power relationships also determine the distribution of rights and whether people can effectively claim their rights. Actual rights on natural resources are therefore a product of locality, history, changes in resource condition and use, ecology, and social relationships and are subject to negotiation. Thus, in practice, property rights are not cast in stone or in title deeds, but negotiated.

Property Rights, Responsibilities and Devolution Programs

Effective resource management entails balancing benefit entitlements and responsibilities that come with property rights. After failing to effectively manage natural resource systems centrally, many governments are now undertaking decentralization and devolution programs to transfer responsibility for resource management to local governments and user groups. Unfortunately, many such programs emphasize the transfer of responsibilities without transferring the corresponding rights. As a result, user groups may lack the incentive, and even the authority, to manage the resource.

When devolution programs do transfer rights over resources to a user group or local government, that institution becomes the gatekeeper determining individuals’ rights over the resource. Effective voice in those organizations becomes essential to exercising any decision-making rights over the resource. This situation can be especially problematic for women when formal rules limit membership to the “head of household”, or where social norms make it unacceptable for women to speak up in public. Because strengthening the control rights of some means restricting the use rights of others, those who are not members of the group in question may have less access to the resource.

Thus, while effective transfers of rights and responsibilities from centralized government agencies to local organizations can lead to more sustainable resource management, authorities must give due attention to the equity outcomes, especially noting who loses access to resources.

Implications

Although property rights have a powerful influence on human welfare and natural resource management, this key institution is complex. Property rights do change over time, but legisla-
tive reform alone is unlikely to change the manifestation of property rights on the ground. Rather, change occurs through the social and power relations and negotiations between different groups, which may appeal to a variety of legal bases for claiming property rights. Instead of looking for simple “solutions” to property rights issues, it is more useful to try to understand the complexity. This approach involves looking at the claims and the bases of the claims made by individuals, groups, or government entities to different bundles of rights over the resource; and at the different types of laws that pertain to the use or management of the resource. Security of tenure is important, but so is flexibility to respond to changing conditions that affect resource use and property rights.
Many of the poor in the developing world are landless, but most of them have some access to land. These “landed poor” remain poor not simply because their holdings are small, but also because their land rights are weak and insecure. The uncertainty they experience undermines their incentives to make long-term investments in their land or use it sustainably. Their land has limited economic value because it cannot be legally transferred. The land users’ weak tenure also limits their political empowerment. To the extent that land users must rely on the goodwill of authorities or landlords for continued access to the land that supports them, their political participation is inhibited by the threats of those who hold power over them.

Source


Email:
jwbruce@worldbank.org
Guidelines to Strengthening Property Rights

The landed poor labor under different conditions, but some general guidelines can help direct efforts to strengthen property rights.

Trust land users with stronger property rights. It may be argued that if land users are not ready, they will abuse the land, and hence need supervision. But experience has shown that owners, responding to the incentives implicit in ownership, produce better land husbandry than paternalistic schemes, which soon sour and often become corrupt.

Legislate for stronger property rights. The State must provide a robust legal framework of rights for land users. Although in weak States the law often has little impact on the ground, an adequate legal framework is a first and essential step.

Recognize that improved property rights has different meanings in different contexts. Improved property rights may mean co-ownership of land for husbands and wives; empowerment of tenants to buy out their landlords; provision of unconditional, inheritable land rights to settlers; or State recognition that customary, community-based rights stand on a par with land rights created by national statute.

Adopt local definitions of tenure security when appropriate. Adequate tenure security does not necessarily mean ownership in the Western sense. The question should always be: What do rural people need? Modest increases in tenure security can be transformative. Though some systems need greater transparency and accountability, many customary or community-based tenure systems can provide adequate tenure security.

Always ask, “Security of tenure for whom?” Consider which beneficiary is most likely to use the land effectively. Titles are commonly awarded to male household heads, but others may be more likely to undertake investments in the land.

Protect common property rights. The poor often depend disproportionately on common property resources. Some resources used in common, such as wetlands, forests, and pastures, may be secured only by strengthening community property rights. Tenure

WHO ARE THE LANDED POOR?

The landed poor may be:
• tenants by caste or ethnicity, without bargaining power;
• farmers under a system of leasehold from the State or a collective;
• land reform beneficiaries whose landholdings have never been legally regularized;
• users of forestlands that have occupied and cultivated the forest for generations;
• landholders under customary tenure systems unrecognized by the State; and
• women in societies where land passes from generation to generation in the male line and who only have access to land as daughters and wives.
security is not only about individual property rights, but also about legitimate common property and State rights in some categories of land.

- **Provide for adequate proof of property rights.** In urban and peri-urban contexts and where rural land is highly valued, adequate proof may entail formal surveys, titling, and registration of holdings. Elsewhere, where land rights are of lower value and transferred largely within the community, adequate proof may involve demarcating community boundaries and empowering local communities to maintain simple but reliable records of individual and family landholdings and transactions.

- **Educate people about their rights to land.** Government agencies, non-governmental organizations (NGOs), and the private sector, through campaigns and media initiatives, can all help educate people about their land rights. Rights not understood will not be defended, and rights must be defended every day or they will be lost to the powerful.

- **Establish adequate dispute settlement mechanisms.** Rights that cannot be defended against challenges provide no incentives and no security. Adequate mechanisms to settle disputes include adjudication or alternative dispute resolution, in courts or alternative fora, and must be accessible and affordable.

### Institutionalizing Property Rights Reforms

The measures identified here will not be achieved overnight. For most countries it takes 10 years to put successful tenure reform programs in place and another 20 to implement them satisfactorily. There are numerous pitfalls to be avoided in the process.

- **Be politically astute.** Whatever “experts” may see as the advantages of strengthening property rights, politicians often respond to other signals: new revenues from property taxes on rapidly appreciating land values, new political constituencies developed by empowering the previously neglected with property rights, or accommodation of the market-dominant classes by making land a commodity for raising capital. Painful compromises among divergent interests and objectives are needed to achieve reform.

- **Embody new property rights in law.** Changes in the political economies of nations can cause legal reform to be forgotten and reforms processed administratively, without firm legal basis. This approach only invites challenges to new rights later, once the reform is achieved and the political impetus behind it wanes.
- *Exploit possibilities for legal change.* All avenues, from national legislation to judicial reform, through court decision to community-based reform of customs, can be effective on the ground.

- *Constraints in capacity and finance can undermine implementation.* Strengthened property rights systems are costly and often require substantial State or community investment in systems for survey, adjudication and titling, for registration of transactions and inheritances, and for dispute resolution. Many a property rights reform has stalled for lack of financial support.

- *Mobilize NGOs in the reform process.* Organizations of the marginalized poor can voice their sectoral demands and press for reforms. Such organizations have skills in areas like rights education and dispute settlement that are vital to implementing reforms.

- *Be careful in replacing inadequate property rights systems.* Where an existing system of property rights is judged inadequate, one must be careful in replacing it, particularly where it is culturally embedded. Attempts at reform of customary systems that do not succeed in changing behavior can create confusion and conflict between claims based on custom and others based on national law.

- *Aim for equitable strengthening of property rights.* The rights of all stakeholders should be considered together. Reforms to strengthen the property rights of one individual or group, especially in customary tenure contexts, should not inadvertently weaken the property rights of others.

- *Be alert for unintended consequences.* Even well-conceived reforms can be hijacked by the powerful. A classic case is the appropriation of common areas by the powerful as land titling approaches, depriving the poor of a resource upon which they rely. Vulnerable groups are often unrepresented in local implementation authorities; hence mechanisms
must be built into the implementation process to ensure their participation in reform processes and reform benefits. Enactment of reforms of tenancy systems can, if enforcement is weak, lead to the expulsion of tenants from their holdings by angry landlords.

醒目 Acknowledge that new property rights alone are insufficient. Property rights reforms, particularly those seeking to strengthen the marketability of land rights, may be unable to achieve their goal when credit markets are badly distorted and the credit supply system is in its infancy.

Strengthening the property rights of the poor is a complex effort. The landed poor are a heterogeneous group who hold rights to their landed assets in diverse and complicated ways. Efforts to increase the security of their tenure need to be sensitive to the specific circumstances that characterize each case, the existing legal conditions, the strength or weakness of available financial and property registration systems, the needs of each group of stakeholders, and the possibilities of unintended consequences. Common property rights must also be protected.
Institutions of collective action and systems of property rights shape how people use natural resources, and these patterns of use in turn affect the outcomes of people’s agricultural production systems. Together, mechanisms of collective action and property rights define the incentives people face for undertaking sustainable and productive management strategies, and they affect the level and distribution of benefits from natural resources. The linkages between property rights, collective action, and natural resource management have important implications for technology adoption, economic growth, food security, poverty reduction, and environmental sustainability. Yet despite their importance in people’s lives, property rights and collective action are often undervalued, and when they are recognized, often misunderstood.
What are Property Rights and Collective Action?

Collective action is often considered narrowly in terms of formal organizations, and property rights only in terms of formal titles issued by the government. Instead, collective action can be defined as voluntary action taken by a group to achieve common interests. Members can act directly on their own or through an organization. In the context of natural resource management, even deciding on and observing rules for use or nonuse of a resource can be considered collective action, and it can be instituted through common property regimes or through coordinated activities across individual farms.

Property rights can be defined as “the capacity to call upon the collective to stand behind one’s claim to a benefit stream” (Bromley 1991). Rights do not necessarily imply full ownership and the sole authority to use and dispose of a resource; different individuals, families, groups, or even the State often hold overlapping use and decision-making rights. To be secure, rights should be of sufficient duration to allow one to reap the rewards of investment and should be backed by an effective, socially sanctioned enforcement institution. This institution is not always the government; communities or other institutions may provide the backing.

Links to Sustainability of Natural Resource Management and Agricultural Systems

*Figure 1* illustrates how property rights and collective action affect the application of agricultural technologies and natural resource management practices. Conventional on-farm technologies like improved, high-yielding crop varieties (HYVs) have a short, usually seasonal, time horizon and a small spatial scale, often a single plot. They can be adopted by a single farmer — even by a tenant. Other technologies may require longer time horizons between their adoption and their payoff. In those situations, farmers need secure tenure (property rights) to
have the incentive and authority to adopt. For example, tenants are often not allowed to plant trees or lack incentives to do terracing. Moving from on-farm technologies to those that operate at larger spatial scales implies a greater need for collective action to make the technology work. Integrated pest management (IPM), for example, must be coordinated across farms.

Most natural resource management practices have both long term and large spatial scales. Both property rights and collective action are therefore crucial for the management of forests, rangelands, fisheries, watersheds or irrigation systems that serve more than a single farm. In some cases, the scale of the resource to be managed may go beyond what can be done by voluntary collective action by a community. Federations of user groups may sometimes be able to manage larger resources, but often the State or even international bodies become critically important partners. In these cases, co-management between the community and government, rather than government management alone, often leads to better outcomes.

Property rights and collective action also affect natural resource management and agricultural production systems in interaction with other factors such as information, wealth, risk, labor, and marketing. Collective action and networks among community members can facilitate access to information and even allow farmers to participate in technology development. Ownership of assets can serve as collateral for obtaining credit. Microfinance programs have shown that action through groups can also provide access to credit, with social bonds providing collateral. Rights over common property resources frequently function as a buffer against risk, especially environmental events and loss of other livelihoods. Similarly, collective action enables risk sharing and inspires mechanisms for collective self-help. Collective action and reciprocity arrangements offer ways to overcome labor shortages, especially for practices that require intense labor effort in concentrated periods.

Property rights and collective action are also interdependent. This is particularly clear in the case of common property regimes, where holding rights in common reinforces collective action among members, and collective action is needed to manage the resource. Maintaining property rights can require collective action, especially in the case of landscape-level resources and where outsiders challenge local claims.
Links to Poverty Reduction

Property rights and collective action affect people’s livelihoods. The most vulnerable and marginalized rural groups often lack access to resources (that is, they have no or insecure property rights) and find participation in collective action too costly because of lack of time and resources. Enhancing rights to even relatively small homestead plots can increase food security by allowing women to grow gardens, and rights to common property often provide insurance for the poor. Tenure security provides key assets for poverty reduction, allowing the poor to help themselves by growing food, investing in more productive activities, or using property as collateral for credit. Collective action can increase food security through mutual insurance.

Both property rights and collective action are empowerment tools. Poor people often have difficulty making their voices heard. Interventions to strengthen their property rights or to help them participate in collective activities improve their bargaining positions. Security of rights and the capacity to manage local common resources allow people to make decisions while taking the future into consideration. This longer-term approach generally translates into more environmentally sustainable management practices and a healthier resource base for future generations.

Implications for Policy and Practice

Many countries are now adopting policies to devolve the management of forests, fisheries, irrigation, watersheds, or rangelands to local communities or to develop some form of co-management between the State and communities. In addition, community-driven development initiatives are helping local organizations to set priorities for local public service spending and to provide services such as schools and health centers. For these programs to succeed, effective collective action within communities is essential.

Successful collective action does not always emerge, especially where traditional management institutions (like tribes on rangelands) have been weakened by migration or excessive State intervention. Government agencies need to change how they work with communities, becoming more conscious in their efforts to strengthen local management institutions and allowing more local decision-making without imposing external rules.

Devolution programs that transfer management responsibility for natural resources from government agencies to farmers often fail to transfer corresponding rights. Yet rights over the resource are needed to provide groups with the incentives to conserve and even invest in the resources. Without recognized decision-making rights, the groups lack the authority to manage the resource or to stop members or outsiders from breaking the rules. Recognized property rights not only reinforce collective action that is needed for collective management, but also provide security for individuals and households.
Many other government and nongovernmental organizations involved in community development are addressing collective action issues, whether through revolving credit or livestock schemes, agricultural extension groups, or domestic water supply. There is a wealth of practical experience on ways to organize or strengthen collective action. Researchers have documented factors that affect collective action, but their findings are often based on a few successful case studies. Much more needs to be learned about what approaches do and do not foster collective action that continues beyond the project intervention, as well as about how externally induced organizations interact with indigenous institutions for collective action. As collective action grows, local groups are forming federations up to the national level to address their problems at appropriate levels and to gain a voice in policy decisions, including critical issues of rights to resources.

**REFERENCE**

Editor's Note: In pursuit of a rights-based approach to agrarian reform, the following are four basic international covenants that support ethnic minority people in their quest for acceptance of their unique way of life. Pastoralists, for example, are oftentimes forced to change their way of life to adopt to what is politically acceptable to the majority.

It is widely recognized that it is not enough merely to ensure that there is no discrimination against minorities. Measures must be put in place to promote and protect their rights, particularly those necessary for minorities to preserve their identity and culture.

One of the conventions that has the most progressive articles relating specifically to land and land use by minority peoples is the ILO Convention No. 169 of 1989 Concerning Indigenous and Tribal Peoples in Independent Countries. (The Convention has been ratified by Norway, Mexico, Colombia, Bolivia, Costa Rica, Paraguay, Peru, Honduras, Denmark, Guatemala, the Netherlands, Ecuador and Fiji. Meanwhile, a number of other governments have submitted the Convention to their respective legislatures or have expressed interest in ratifying it.)

Source


Email: Uganda Land Alliance <ula@africaonline.co.ug>
The convention applies to *tribal peoples* in independent countries whose social, cultural and economic conditions distinguish them from other sectors in the community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations. It also applies to *indigenous peoples* in independent countries, that is, peoples descended from the inhabitants of the country at the time of colonization or during the establishment of the present boundaries.

Article 2 of the Convention “places upon governments the responsibility for developing coordinated and systematic action to protect the rights and guarantee respect for the integrity of the peoples concerned. This must be done with the participation of these peoples.”

The Convention empowers indigenous people to give free and informed consent before they can be relocated.

In cases where this consent cannot be obtained, any such relocation shall only take place following appropriate procedures established by national law or regulations (*Article 16*). The bottom line is that the people must be effectively represented and their opinions heard publicly before a relocation is implemented.

The people shall have the right to return to their traditional lands whenever the grounds for relocation cease to exist. In the event that this return is not possible, these people shall be provided in all possible cases with “lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide their present needs and future development.”

If the people concerned express a preference for compensation in money or in kind, it shall be done under appropriate guarantees.
Other Covenants

**International Covenant on Economic, Social and Cultural Rights (ICESCR)**

The ICESCR is one of the two binding documents that form the international bill of rights. Several countries have signed and ratified the covenant.

Specifically, Article 2 obliges States to put in place policies and techniques to achieve steady economic, social and cultural development and to ensure that the rights in the convention are exercised without discrimination. Some rights that accrue to individual members of pastoral communities include the right to just and favorable conditions of work and the right to take part in the cultural life of their community.

**International Covenant on Civil and Political Rights (ICCPR)**

Article 27 of ICCPR guarantees members of ethnic, religious or linguistic minorities “the right in community with other members of their group to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

States that have ratified the ICCPR are expected to ensure that all individuals within their jurisdiction enjoy their rights. In relation to minorities, this mandate may require specific corrective action. (General Comment 18 of the Human Rights Committee, HRI/GEN/1 of 4th September 1992).

States are required to submit periodic reports indicating measures taken for ensuring the enjoyment of rights guaranteed, including those of their minority populations.

**The UN Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (1992)**

This is inspired by Article 27 of the International Covenant on Civil and Political Rights. It is the only UN document that specifically addresses the special

HUMAN RIGHTS AND FREEDOM

The most basic international human rights laws include the Charter of the United Nations and the Universal Declaration of Human Rights. These documents are premised on the principle of nondiscrimination which underlies most human rights regime.

The UN Declaration of 1948 is a common standard for all people and all nations to ensure that every individual and every organ of society shall strive to promote and respect human rights and freedom.

The most direct provision that deals with resource ownership is Article 17 of the Declaration which entitles everyone to own property or in association with others and that no one shall be arbitrarily deprived of his or her property.

Among the rights that are guaranteed to minorities on the basis of nondiscrimination are:

- Freedom of movement within and across borders;
- Right to nationality;
- Right to own property;
- Right to participate in governance of one’s country;
- Right to social security;
- Right to work, freedom to choose employment, just and favorable conditions of work and protection against unemployment;
- Right to standard of living adequate for health and well-being of any individual and his or her family; and
- Right to participate in cultural life of his or her community.
rights of minorities. It emphasizes the importance of the promotion and protection of these rights to the social and political stability of the States in which the minorities live.

The rights granted under this Declaration include the following:

- **Article 1** offers protection by States of the existence of minorities, their national or ethnic, cultural and religious and cultural identity;
- **Article 2.1** provides for the right of minorities to enjoy their own culture without interference from anyone or any form of discrimination. This is more explicit than Article 27 of ICCPR in requiring positive actions from States;
- **Article 2.2** provides for the right to participate in cultural, religious, social and economic and public life;
- **Article 2.3** provides for the right of minorities to participate in decisions which affect them at regional and international levels;
- **Article 3** provides for the freedom of minorities to exercise their rights individually and in community with other members of the group without discrimination;
- **Article 5.1** obliges governments to deliberately plan for the interests of the minority and to allocate resources to meet the specific interest areas of the minorities. It also holds States accountable for promoting the interests of the minorities.

With this Declaration, the UN Working Group on minorities was established to examine ways and means to protect the rights of the minorities. The working group provides a framework where NGOs, members of minority groups or associations, academics, governments and international agencies may meet to discuss issues and attempt to seek solutions to the problems. NGOs and minority rights activists are expected to promote these rights at local and national forums.

Minority rights activists can write shadow reports to be submitted to the different UN committees. NGOs should intensify their information-gathering and research efforts on minority people. Armed with well-researched information and data, NGOs can effectively represent the minority groups in regional and international fora.
MINORITY AND PASTORALIST LEGISLATIONS IN ETHIOPIA AND TANZANIA

**Ethiopia** has by far the most progressive legal provisions with regard to the rights of pastoralists than any other African country. Its government has initiated a Sustainable Development and Poverty Reduction Program to ensure proper land use. The policy stipulates that a farmer who wishes to make a livelihood from farming is entitled to a plot of land free of charge. The farmer not only has a user’s rights, but he/she can rent it out to a third party.

Article 40 (3) of Ethiopia’s 1994 Constitution stipulates that land is a common property of the nation, nationalities and the people of Ethiopia and shall not be subject to sale or to other means of exchange. Article 40 (5) provides for land ownership for pastoralists. They have the right to free land for cultivation and grazing as well as the right not to be displaced from their land. The implementation of this provision shall be determined by law.

**Tanzania** passed a National Land Policy in 1995 giving limited rights to minorities. Under Chapter 7 on Land Management and Use, it said: “Security of tenure for pastoral land areas will be guaranteed by appropriate measures including gazetting to protect grazing land from encroachment.” The chapter goes further to provide guidelines for issuance of certificates to protect common property regime and restoration of pastoral lands.

Tanzania’s Wildlife Policy recognizes the need to empower local communities by giving them wildlife user rights and management opportunities and responsibilities. But the current policy does not adequately recognize the nomadic nature of many communities living within or near wildlife areas and Tanzania’s protected estate.
The Bonn Statement on Access to Land was prepared by representatives of civil society organizations, as well as government and other non-governmental sectors at the International Conference on “Access to Land: Innovative Agrarian Reforms for Sustainability” held on 19-23 March 2001 in Bonn, Germany. The conference was organized by the German Federal Ministry for Economic Cooperation and Development (BMZ), the German Agency for Technical Cooperation (GTZ), Deutsche Welthungerhilfe e.V. (DWHH), and Arbeiskreis Armutsbekämpfung (AKA).

The Bonn Statement on Access to Land embodies its drafters’ conviction that land and agrarian reforms have been neglected despite being a vital step to finding peaceful solutions to the problems of global hunger, rural poverty and resource conflicts. It then sets out certain fundamental principles that should guide all sectors, particularly governments and intergovernmental institutions, in undertaking resource reform efforts. Among these principles are the central role that States should play in promoting agrarian reform; agrarian reform as an integral process to promoting land access, tenurial rights and sustainable development; equal rights for women in terms of access, control and legal entitlements to land; the shared responsibility of industrialized countries for the sustainability of agricultural development in developing countries; and the insufficiency of market assisted land reform policies especially in highly unequal societies, and thus cannot replace redistributive agrarian reforms.

Who We Are

We, 125 representatives of civil society, popular movements, women organizations, governments and international agencies from 20 countries concerned with issues of rural poverty, land and resource rights, have come together in Bonn, Germany, from March 19 to 23 of 2001 to collectively discuss and express our concerns on issues regarding Access to Land.

Expressing Our Basic Concerns

We have examined the different experiences and perspectives on agrarian reform and land struggles in nine countries from Asia, Africa, Latin America and Eastern Europe in order to
promote public awareness on the need for land and agrarian reforms as a vital step in seeking peaceful solutions to persistent global hunger, rural poverty and resource conflicts.

We are particularly concerned that rhetoric has not been matched by action. This is despite international commitments made at the World Food Summit, the UN Millennium Summit and other intergovernmental conferences to halve the number of poor and hungry people in the world by 2015. Trends show that the ranks of the poor and dispossessed remain persistently high, and that in a globalizing world the gap between rich and poor continues to widen. Today, over 800 million women, children and men still suffer from chronic hunger, extreme poverty, increasing risk and vulnerability. The majority of these poor are in rural areas where they are denied access to land and resources. This denial aggravates social exclusion, increases imbalances of power and leads to a destruction of self-esteem and identity. This situation is compounded by the continuing dispossession of communities of their natural environments, homes and livelihoods.

The situation can however be changed because we have the means. We need to recognize that the well-being of people and the realization of their rights are central to our concerns.

**In light of the above:**

1. There is a need to recognize that States have a central role in promoting Agrarian Reform programmes, and that such public policies must be formulated and implemented in a clear and transparent manner, actively promoting the rights of popular organizations, indigenous communities, peasants and women to fully participate in the agrarian reform process;

2. Agrarian reforms must be made an integral part of broader rural development strategies, recognizing that these are part of wider processes of national development and not solely safety-net or social welfare or compensatory policies that isolate and marginalize. Such integrated strategies must be supported by maximum available resources;

3. Once there is a national decision to implement land and agrarian reform, the process of decentralizing should guarantee the involvement and participation of popular organizations, social movements and local governments in a way that does not reinforce the power of local landed elites;

4. Agrarian reforms must ensure that sustainable land use and the viability of production systems is taken into account;
It is critical to conceive of agrarian reform not only as a means of redistributing land, but as an integral process for providing access, tenurial rights and sustainable use of natural resources such as forests, water, seeds, genetic resources, land, and biodiversity;

Where agrarian reforms involve the relocation of people, resettlement must be voluntary and undertaken in a socially non-disruptive manner and with compensation where necessary;

Governments must respect, protect and fulfil their human rights obligations in relation to civil, cultural, political and socioeconomic rights. Access to productive resources, including land, through agrarian reform is an important part of such obligations;

Governments and intergovernmental organizations must guarantee access to legal instruments for recourse in land disputes and strengthen extra-juridical mediation for the resolution of land conflicts;

There is a need to support the formation and strengthening of institutions that undertake land reform and land management;

There is a need to recognize that programs like cadastrals, land registration and land administration are not designed to replace agrarian reform. These, however, may be important tools in strengthening legal security for all; and if used, must be able to reflect both primary land rights as well as the overlapping and secondary rights of others, such as pastoralists;

Governments must directly involve local populations and institutions, social organizations, and popular movements in the debate and application of policies, and that such groupings must be central to the active management of natural resources;

Ensure and promote the equal rights of women in terms of access, control and legal entitlement to land;
To recognize and respect the customary rights of indigenous people and peasant communities, as well as national and cultural minorities;

Involve all stakeholders, including women, peasants and indigenous people, in the process of formulating sustainable rural development policy and agrarian reform legislation and programs;

Taking into account the political changes globally over the past two decades, governments must review, renew and undertake the commitments made 22 years ago at the World Conference on Agrarian Reform and Rural Development (WCARRD) and other more recent international events such as the World Food Summit, the ILO 169 agreement, and conventions relating to biodiversity and desertification;

Rural development, and especially agrarian reform, must be a priority of bilateral and multilateral development cooperation, and such development cooperation must be negotiated within a democratic and participatory framework;

Agricultural policies that promote dumping, penalize production and trade of developing countries, strangulate rural development and impoverish rural people, must be discouraged. Industrialized countries need to take greater responsibility for the sustainability of agricultural development in developing countries;

The international community and national governments must recognize that Market-Assisted Land Reform policies (including mechanisms such as land banks and land funds) are insufficient instruments in the context of highly unequal societies and thus cannot replace redistributive agrarian reforms which expropriate, within the framework of the law, land from large landowners and redistributes such land to the poor and landless;

There is a need to promote special programs of agrarian reform in countries which have suffered or are suffering from violent conflicts or war resulting in displacement of communities. In many of these cases, agrarian reforms are the path to peace;
There is a need to increase the transparency of project implementation through involving local populations and ensuring that such local populations have control over these processes;

There is a need to promote the organization of marginalized groups to ensure their participation in rural development and agrarian reform;

Civil society organizations must facilitate and provide avenues for expressions of popular will through advocacy, mediation, building the capacity of peoples organizations, developing effective and efficient models of agrarian reform and rural development, and fulfilling their watchdog role; and

There is a need to support greater exchanges of information and knowledge on land access issues. Such exchanges should go beyond the current sharing of technical information so as to build public awareness and solidarity, share experiences and lessons, and allow choices.
Common Property Rights in Bhutan: Towards Gross National Happiness

Bhutan, located in South Asia, has been a rural subsistence economy since the 1950s. Without much road network, and with large parts of the country still found in remote, inhospitable areas, Bhutan has retained as much as 72 per cent of its forest cover. Its rich natural resource base therefore sustained its population, which has traditionally been dependent on community property resources (CPRs) for their livelihood.

Since the 1960s, however, Bhutan has rapidly developed and started participating in the global economy. This has subjected the land to various arrangements. Accessible areas were developed into cash crop economies, with potatoes, apples, oranges, cardamom and chili becoming the major sources of income for the people. In remote areas deemed unsuitable for mainstream development, Bhutan has begun to explore the possibility of tapping markets for niche products, such as non-wood forest resources, plants with medicinal value, essential oils, and others. These development efforts are based largely on a central development concept known as the Middle Path.

Source

E-mail: francis@snv.org.bt
francislek51@yahoo.co.uk
traj_gurung@moa.gov.bt
dophud@hotmail.com
“An individual’s quest for happiness is the most precious endeavor. It follows then that society’s ideal of governance and polity should promote this endeavor. The founders of Bhutan dedicated the particular system of government in Bhutan to promoting certain visions of enlightenment and happiness of the citizens. The country itself was perceived as a kind of mandala, a place where man could transform their infrastructure, polity and social organizations to create gross national happiness.”

— H. E. Lyonpo Jigmi Thinley, Chair of the Council of Ministers, Royal Government of Bhutan

The ‘Middle Path’ as a Central Development Concept

The Middle Path aims to maximize what the Bhutanese people refer to as “Gross National Happiness.” It is a concept of development that puts the individual at the center of all development efforts and regards economic growth merely as a means to achieving a higher end. It recognizes the need to develop the economy and to progress technically, medically and scientifically, but seeks to maintain the country’s rich cultural heritage, its traditional values and the natural resource base. This concept, along with the principle that the preservation of the Bhutanese ecosystem is essential to achieving sustainable development, largely influenced the National Assembly’s decision in 1973 to maintain at least 60 per cent forest cover for Bhutan for all time.

Factors Affecting Sustainable Use of CPRs

Under changing economic circumstances, the concern for the sustainable use and management of CPRs has prompted the development of a mix of local and government-initiated systems. Factors such as the intrusion of non-villagers to partake of the CPRs, user rights, new trading systems and a possible government role in sustainable management are considered.

Traditional Systems or Locally Agreed Arrangements

Centuries of tradition, as well as religious and local beliefs, have done much to preserve Bhutan’s natural resource base. In most communities, locally agreed community rules (e.g., harvest periods), community monitoring systems, and leadership or management committees help control and maintain the use and outflow of resources within tolerable limits. However, in areas where traditional systems have already fallen into disuse, problems of resource abuse appear imminent.

Communal vs. Private User Rights

Communal user rights coexist with private user rights in some areas in Bhutan (See Table 1). In most cases, however, it has been observed that CPRs are better managed at the private rather than communal level. This can partly be explained by the fact that the overexploitation
Table 1. OVERVIEW OF CPR ARRANGEMENTS IN BHUTAN

<table>
<thead>
<tr>
<th>Rules</th>
<th>Local Management</th>
<th>Government–Initiated</th>
</tr>
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<tbody>
<tr>
<td>Rotation system</td>
<td>Bamboo (Sephu), irrigation water (Lingmetey chu), between private and common tsamdrog (Gedu, Laya)</td>
<td>—</td>
</tr>
<tr>
<td>Distribution system</td>
<td>Irrigation water</td>
<td>—</td>
</tr>
<tr>
<td>Communal use of portion of income/fine</td>
<td>Religious ceremony (or riindo) for the well being of the community (e.g. chirata, matsutake)</td>
<td>—</td>
</tr>
<tr>
<td>Share private resources</td>
<td>Communal using private tsamdrog (Laya)</td>
<td>—</td>
</tr>
<tr>
<td>Communal renting from absentee landlord</td>
<td>Communal pasture (Radi)</td>
<td>—</td>
</tr>
<tr>
<td>Flexibility if conditions change (e.g. scarcity, higher demand)</td>
<td>Water rights changing in function of labor condition (although most traditional water sharing rules are not changing)</td>
<td>—</td>
</tr>
<tr>
<td>Fixed opening and closing date for harvesting</td>
<td>Decided by committee or local forest regulator (or lepja) (e.g. chirata)</td>
<td>Decided by agencies + endorsement by village leaders (tsokpa’s) (e.g. matsutake)</td>
</tr>
<tr>
<td>Boundary</td>
<td>Cane and bamboo before 1969 (Wangdi and Punakha)</td>
<td>Matsutake, community forestry</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Local forest regulator (or lepja)</td>
<td>Forest guards</td>
</tr>
<tr>
<td>Fines system</td>
<td>Payment is made to the village elders or committee</td>
<td>Payment to government agency</td>
</tr>
<tr>
<td>Accountability of users</td>
<td>Accountable to fellow villagers</td>
<td>Accountable to agencies</td>
</tr>
<tr>
<td>Equal rights for every member</td>
<td>Chirata harvesting</td>
<td>Tang farm</td>
</tr>
<tr>
<td>Strong leadership/committee</td>
<td>Local leaders</td>
<td>Manager and community board of directors e.g. community farm at Wobtang; collector committees (ishokpa) (e.g. matsutake)</td>
</tr>
<tr>
<td>Control of outsider free-riders</td>
<td>Matsutake (Geynekha)</td>
<td>Possible, if official accepted management plan (e.g. community forestry)</td>
</tr>
<tr>
<td>Expert advice</td>
<td>—</td>
<td>Matsutake, community forestry</td>
</tr>
<tr>
<td>Identity card and registration for trained harvesters</td>
<td>—</td>
<td>Matsutake</td>
</tr>
</tbody>
</table>
Common Property Rights in Bhutan: Towards Gross National Happiness

ANGOC & ILC

of resources in communal user rights places can more readily be justified by the greater number of people partaking of CPRs there than in private ones. Hence, the wisdom of putting most CPRs under private management in the future is still being seriously considered.

### Commercialization

The commercialization of CPRs has brought about the following types of management interventions:

**Taxation.** The growing demand for forest goods induces outsiders to harvest from CPRs within the jurisdiction of communities/villages. One of the ways that have been tried to turn this predicament to the communities’ advantage is to require outsiders to pay taxes or to secure licenses or permits for using the CPRs. Unfortunately, however, the villagers have often been unable to regulate the indiscriminate harvesting by outsiders of their resources.

**Purchase by Traders.** This system gives the villagers incentive to harvest the CPRs which are then sold to traders, who in turn bring the goods to market. This system motivates the villagers to participate more actively in CPR management because it provides additional livelihood possibilities. Quality standards set by the middlemen become a deterrent to overharvesting or underharvesting. However, this setup requires strong local leadership enforcement and efficient government facilitation.

**Government Facilitation of CPR Use.** The Bhutan government has made a breakthrough in the management of certain CPRs, such as the *matsutake* mushrooms. By training and licensing

<table>
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<tr>
<th>Rules</th>
<th>Local Management</th>
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<tbody>
<tr>
<td>Minimum size of product</td>
<td>—</td>
<td><em>Matsutake</em></td>
</tr>
<tr>
<td>Training</td>
<td>—</td>
<td>Sustainable harvesting techniques, ecological rules and quality control, postharvest (e.g. <em>matsutake</em>)</td>
</tr>
<tr>
<td>Legal rules and regulations</td>
<td>—</td>
<td>Social forestry rules</td>
</tr>
<tr>
<td>Permit system</td>
<td>—</td>
<td>Social forestry rules</td>
</tr>
<tr>
<td>Subsidy from agencies</td>
<td>—</td>
<td>Wobtang farm, irrigation, community forestry</td>
</tr>
<tr>
<td>Free labor contributions</td>
<td>—</td>
<td>Wobtang farm</td>
</tr>
<tr>
<td>Compulsory membership</td>
<td>—</td>
<td>Wobtang farm</td>
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matsutake mushroom collectors, Bhutan has been able to ensure the sustainable management of the resource through technological and technical intervention. A local forest officer has also been appointed to implement the local management system.

Similar approaches are being tried out in national parks under Bhutan’s Integrated Conservation Development Programs. An example of this is the community of Tama where a plan and boundaries for sustainable management and harvesting of cane and bamboo are agreed upon, in exchange for exclusivity rights for the community.

**Legal Status of CPRs**

Since 1969 all non-privately owned land has been nationalized and declared as forest reserve. This measure enabled Bhutan to avoid massive deforestation and gave birth to a policy of sustainable timber harvesting by means of Forest Management Units. This policy has maintained a 72 per cent forest cover for Bhutan. However, by encouraging open-access to resources, it has also made previous locally defined and managed harvesting areas irrelevant. Local forest watchers have also been replaced by government forest guards. Hence, with the construction of the road network, along with the open permit system, outsiders have been able to tap more resources.

**Ecological Factors**

Ecological factors, such as the level of scarcity of certain CPRs, influence the behavior of users. Scarcity can be a good incentive for cooperation among the community. However, there seems to be an optimum level of scarcity which stimulates users to come up with common rules for managing the resources. Where ecological relationships are complex, however, government agencies can play an important role in increasing the awareness of the people regarding the issues.
Agrarian reform is primarily about changing relationships. First, it aims to change land tenure relationships. Second, it aims to change the current culture of exclusion so that the poor gain access to credit, technology, markets, and other productive services. Third, it aims for the poor to become active participants in the development of government policies and programs affecting their communities and livelihood.

While social relationships are complex and therefore do not lend themselves to formulas, the use of a mathematical analogy can illustrate the components of the process that need to be incorporated into agrarian reform planning, as follows:

$$\text{Agrarian Reform} = \frac{(\text{Land Tenure} + \text{Support Services}) \times \text{People’s Participation}}{\text{Landed Interests} + \text{Bureaucratic Inertia}}$$

Source


E-mail: b.moore@ifad.org
coalition@ifad.org
The history of agrarian reform has shown that civil society movements that lack institutional and public support are no more effective than government-led reforms that do not have the backing of civil society.

The lessons from the past teach us that social change must precede technological and economic transformation. And the record of official development assistance emphasizes that sustainability requires that people be empowered to be the agents of their own development.

Accordingly, people cannot be empowered if they do not participate in the decisions that affect them. At the same time, participation is meaningless if it does not result in improved access to productive resources.

For some time, it has been widely recognized that new forms of partnership between civil society, governments and international organizations are necessary. Information must be shared to promote dialogue among affected groups and to contribute to consensus building. Joint pilot projects that can point to new ways of working and better targeting of existing resources to the poor are also needed.

**New Partnership**

At the 1995 Conference on Hunger and Poverty, sponsored by the International Fund for Agriculture Development, a diverse group of stakeholders, including intergovernmental organizations, civil society organizations, non-government organizations, government officials, bilateral agencies and international financial institutions called for urgent action to revive agrarian reform on national and international agendas.

They committed themselves to form a Coalition of equals that would unite their common concerns into one agenda to help improve access of the poor to productive assets. The composition reflects the Coalition’s goal of bringing civil society experience to a central point for policy formulation and demonstration programs.

In 2003, the group formerly known as the Popular Coalition to Eradicate Hunger and Poverty, transformed itself into the **International Land Coalition**.

The Land Coalition aims to build strategic and innovative alliances between diverse development organizations, giving particular emphasis on the role of civil society in securing access to
land and water and by increasing their direct participation in decision-making from the local to international level.

Agrarian reform is about people. For the Land Coalition, it is about fostering the social relationships by which the rural poor are empowered with the resources to develop sustainable livelihoods.

GLOBAL NETWORKING OF CIVIL SOCIETY ORGANIZATIONS

With the advent of free trade and globalization, boundaries of nation States are collapsing and a new world order has emerged. It is not only multinational corporations that are undertaking mergers and integration, civil society organizations, social movements and victim groups are also consolidating. It is now easier for victims to ask for international solidarity to pressure States that are not observing international human rights laws.

Under this reality, a rights-based approach to land movements is needed to help strengthen land reform programs in various countries as networks of organizations working on land issues can pressure governments to craft required legislations as well as fully implement existing laws.

International pressure can also work for speedy redistribution of land as well as better land management. Civil society organizations can share information with each other, support their causes, sit in protest against injustices and appeal to their respective governments for immediate resolution of issues. (Source: Vidya Bhushan Rawat)
The realization that secure land rights can break the cycle of poverty and natural resource degradation is not new. As early as 1979, when world leaders signed on to commitments at the World Conference on Agrarian Reform and Rural Development (WCARRD), it was assumed that governments everywhere understood this important connection. In subsequent international gatherings, such as the Earth Summit in Rio in 1992 and the World Food Summit in Rome in 1996, the conviction that secure property/resource rights is inextricably linked to food security, sustainable resource management, poverty eradication, and peace and security, was publicly reaffirmed. Governments, international agencies and civil society have made it part of their agenda — with varying degrees of sincerity and therefore success — to improve access by the rural poor to land as well as to productive resources like technology, credit, inputs and markets.

Secure access rights give the poor both opportunity and incentive to invest on the long-term productivity of land, particularly by adopting sustainable land management practices. They also

Sources


Email: b.moore@ifad.org, coalition@ifad.org


Email: pdap@mydestiny.net
become more inclined to preserve the land and related assets during periods of agricultural stress.

**Long-Term Benefits versus the Lure of the Quick Buck**

When their tenure is insecure or inadequate, farmers have no incentive to make investments for the longer term since someone else is more likely to reap the benefits of their hard work. Hence, instead of giving back to the soil what they take from it, farmers are inclined to milk it for all its worth. The resulting degradation of the land, soils, and water resources not only threatens the livelihood of millions of farmers but, just as alarmingly, puts future food security at risk. This holds true not just among the landless or near-landless, but also for tenants who for one reason or another feel that their tenure is uncertain, and for those holding short-term use rights.

Doubters would argue that secure resource rights do not necessarily lead to sustainable land management. Nonetheless, the evidence shows that where tenure is secure, there is a lower incidence of human-induced desertification; farmers are less likely to take over lands that are unsuitable for cultivation, or overgraze rangelands; groundwater is used more circumspectly and fallow periods are observed; and deforestation is minimized as people are less likely to move upland.

Undoubtedly, secure access to land and control over its management provide a powerful incentive for the sustainable management of natural resources.

**The Progression from Secure Land Tenure to Enterprise Development: An Illustrative Case**

Also, there is widespread acknowledgment that secure land or property rights among the rural poor can promote broad-based growth and help expand the rural economy. Certainly, where the poor are able to access and use their lands to secure credit and other financial services, more livelihood options could open up for them.

However, beyond collateral-based financing, secure property rights offers a wide scope of opportunities for poverty reduction. An illustrative case from the Philippines has shown that,
given the right support at the right time, farmers with secure access to land naturally move on towards developing local enterprises.

In 1998 the Philippine Development Assistance Programme (PDAP) started a four-year program called Promoting Participation in Sustainable Enterprise, or PPSE. PPSE’s objective was to alleviate poverty in the Philippines through increased participation of the rural poor in sustainable enterprises. Its target groups were recent beneficiaries of the government’s agrarian reform program, and former tenant farmers or farm workers in plantations or haciendas. With the right mix of interventions, primarily the provision of credit and training in enterprise development, PDAP had assumed that the beneficiary communities would be able to start and sustain income-enhancing microenterprises. The hope was that eventually these microenterprises would develop to the point where farmers can participate meaningfully in industry-level trades, and thereby contribute to alleviating rural poverty.

Figure 1. PPSE ASSESSMENT & PLANNING FRAMEWORK
Five years later, the Program can take credit for a number of microenterprises in almost all of the sites. However, the development of these enterprises was at best uneven. Some had begun to turn a profit, while others were just starting to get off the ground. In a few sites, no enterprise had thrived.

PDAP realized belatedly that the process of developing enterprises among poor communities follows a progression with a logic and momentum all its own.

“Securing Land Tenure” of the participating communities was the necessary first step. Once land was awarded to them, either by virtue of a Certificate of Land Ownership Award, the transition to “Agricultural Productivity” marks the point where the farmer beneficiaries, who have started to reap the benefits of owning their land and are reasonably secure that their family eats three meals a day, and there’s enough money left over to send the children to school, could be persuaded to grow other crops or try new farming systems.

Given enough training in alternative farming systems, and some kind of guarantee that there would be a market for their products, beneficiary households adopted “Sustainable Agriculture and Crop Diversification”.

The “Development of Microenterprises” proved in most cases to be a short step away, given enough capital, organizational capacity to run an enterprise, and the availability and diversity of on-site raw materials.

The PPSE experience showed that enterprise growth in the countryside is a multistage process. Communities start by addressing their concerns for survival. Once this hurdle is overcome, they could be persuaded to take on risks, like experimenting with new farming systems or growing other crops. If they perceive the benefits to outweigh the risks, they would subsequently be inclined to take on more of the risks involved in enterprise development. However, it all starts with the indispensable step of securing the poor’s access to land.

This case should provide compelling evidence that agrarian reform is necessary to broad-based growth and development in rural areas.
In communities throughout the world, people work together to provide goods and services that their governments do not provide. They build and maintain local parks, feeder roads, religious buildings and community halls; they operate volunteer fire control groups and establish rules for local natural resource management. Sometimes local groups share responsibilities for maintaining public services, such as schools and health clinics, with their local or central governments.

Not all communities, however, provide the optimal level of local public goods. Evidence shows that not only are some public goods provided more often than others, but also that some communities mobilize themselves more easily to provide them.
Why are some public goods “easier” to provide than others?

Even within the same community, people cooperate to provide certain public goods but not others. It is possible to explore this variability by asking, “How can an individual’s benefits change depending on the number of people who actually contributed to a specific activity?” Five potential incentive structures may help explain the variability, although the number of actual possibilities is much greater.

Five Incentive Structures

In the first case, every individual is better off contributing to the public good even if no others contribute. In this case, the role of the group might only be to share information and coordinate activities. Such an incentive structure might occur when there are large increasing returns to contributions in the provision of a public good. Certain pest control measures might have this structure; if each individual controls pests on his or her own farm, overall pest prevalence may drop to zero, so everyone realizes large benefits. Unfortunately, such a fortuitous incentive structure does not occur often.

In the second case, the individual may be better off contributing to the public good if no one else does, but when others contribute the individual would prefer to “free ride,” or contribute nothing. As in the first case, the primary role of the group is to coordinate actions among members. Coordination is particularly important if the good must be repeatedly provided and members can take turns in providing the good. Herd mobility is such an example: each herder would prefer to stay at home and avoid the costs of mobility but would move if others remained at home. Coordinating herd movements can lead to a socially optimal pattern of herd mobility.

In a third incentive structure, the individual might prefer to contribute to the public good if all others do but would not if no one else does. In this case, the role of the group is to assure each member that others will not free ride. Given the incentive structure, this case is likely to be more costly to manage than simply coordinating movements. Investments in community infrastructure sometimes have this structure, particularly when investments are discrete decisions, such as construction of a building or bridge.
In the fourth example, the individual may prefer not to contribute if no one else does and also prefer to free ride if everyone else contributes — even though all members would be better off if each one contributed his or her own share. This situation is likely to occur when returns to contributions increase but at a decreasing rate: for example, certain soil erosion control measures. Such an incentive structure may also result when returns are highly variable, as they are, for example, for investments in agroforestry techniques in regions with high climatic variability. Managing this type of incentive structure is likely to be the most costly.

Finally, it may be the case that it would be best, under existing conditions, not to provide the public good at all. In other words, social returns to a certain public good may simply be too low for it to be in the interest of the community members to provide that good.

The provision of certain public goods may also affect the returns to other public goods. For instance, returns to investments in soil erosion control measures undertaken on common pastures may depend on collective action in managing use rates of those pastures. Returns to improving roads and bridges may be higher where successful pest control leads to higher marketable crop surpluses.

Finally, actions in one community may affect returns to activities elsewhere, such that groups operating across communities may be far more successful than more localized ones. Pests, fires, and water easily cross community lines and therefore require many communities to cooperate. Of course, externalities that affect large segments of the population are precisely those that give rise to government involvement. Real and effective partnerships between government agencies and community groups can manage these externalities more successfully.

Why are some communities more successful than others in providing public goods?

Although the incentive structure determines in part how difficult it will be to undertake any particular collective activity, there are also characteristics of the group that determine the cost of doing so. Any factor that enhances a group’s ability to identify common goals,
work together, and negotiate in good faith will enhance cooperative capacity and thus reduce the costs of undertaking collective action.

- Trust among members was one of the first factors to be identified. A history of successful collective action also improves chances of continuing success in an expanded set of activities, creating a virtuous circle.

- Social, economic, and cultural heterogeneity have long been thought to reduce cooperative capacity because such diversity makes it difficult to find mutually beneficial arrangements. Sociocultural diversity may also improve cooperative capacity, however, by widening the possible set of cooperative arrangements and avoiding institutional inertia.

- Recognition and support from external agencies, such as the government, enhances the authority of the group to engage in collective action.

- More participatory forums for setting the collective action agenda and implementing activities, transparency and accountability mechanisms, and credible and fair conflict resolution mechanisms all contribute to success in collective action.

- Other factors may affect both cooperative capacity and individual incentives. For instance, increases in group size may increase individual incentives to free ride. On the other hand, having more members can initially defray the costs per member. As membership continues to increase, cooperation becomes more costly owing to higher negotiation, monitoring and enforcement costs. Unequal distribution of wealth and opportunities to work outside of the community also affect cooperative capacity and incentives.

**Implications for Policymakers**

Where externalities are relatively localized, community members may be better able to provide public goods because they are more knowledgeable about local conditions than are outsiders. As policymakers determine how best to aid communities in their quest to provide public goods, it is important that they carefully consider both individual incentives to provide particular public goods and the factors affecting communities’ capacity to cooperate.

Where policymakers are making decisions on devolving responsibility for specific public goods to the community, they must undertake a realistic assessment of individual incentives.
to engage in collective action. This means assessing the underlying technological characteristics, gauging the uncertainty, or the variability, of the benefits to be realized, and determining the extent to which other public (or even private) goods and services affect the potential returns from the particular activity. The appropriate organizational structure, procedural rules for making and enforcing agreements, and determination of fines or rewards will also differ depending on the incentive structure, and projects and policies must take this into account.

Finally, there are certain situations where institutions above the local level need to operate. Under these conditions, local groups and local and national government agencies need to coordinate and cooperate through “co-management,” or nested arrangements. The burden should not fall on communities alone.