

Redistributive Land Reforms in Asia



Various types of redistributive land reforms have been legislated and/or implemented across the Asian region – with the intention of creating access to land for the poor, providing security of tenure, and promoting greater equity in landholdings. Past *State-led* interventions in Asia have included one or a combination of the following common features:

Source

Antonio B. Quizon, Asian NGO Perspectives on Agrarian Reform and Access to Land. *ANGOC Policy Discussion Paper*. August 2005.

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Land ceilings

The State imposes a maximum limit, or “ceiling” on the size of agricultural landholding that an individual or family can own or possess. Lands above this ceiling are either confiscated or compulsorily purchased by the State for free redistribution or resale. Land ceilings were a common feature in many past agrarian reform programs, especially in South Asia.

Land expropriation and redistribution of private lands

Private lands are either confiscated or compulsorily purchased by the State for free redistribution or resale. Lands may be distributed either to individual families, or collectively — to communities, cooperatives or production collectives.

<p>Reform of tenancy and land-lease arrangements</p> <hr/>	<p>This is also often called “<i>tenancy reform</i>” whereby the State fixes, or imposes ceilings on the leasehold rents or sharing arrangements between landowner and tenant. In some countries (Philippines), sharecropping arrangements are transformed into leasehold, or “fixed rental” arrangements. It also includes granting tenants security of tenure on the land.</p> <hr/>
<p>Agrarian reform settlements & resettlement</p> <hr/>	<p>The State opens up new lands, usually by clearing classified forest lands for agricultural expansion. In some cases, the State creates new settlements in degraded or marginal lands, or in new agricultural frontier areas. Examples of this approach were the transmigration program in Indonesia (1950s-’90s), the homestead program in the Philippines (1950s-’60s), and the expansion of rubber and palm oil plantations in Peninsular Malaysia (1970s-’80s) under schemes implemented by the Federal Land Development Authority (FELDA) and the Federal Land Consolidation and Rehabilitation Authority (FELCRA).</p> <hr/>
<p>Recognition of customary land and resource rights</p> <hr/>	<p>To varying degrees, the State grants formal recognition to the customary land rights especially of indigenous peoples communities and tribes. These rights may range from “harvesting and user rights,” to ancestral domain land titles. There are also varying degrees to which customary law is applied on the use and management of the land and resources. Land rights are usually held “in common” (as collective rights or property).</p> <hr/>
<p>Long-term user-rights</p> <hr/>	<p>The State gives legal recognition to long-term <i>in situ</i> tenurial security and user rights either to individual families or to communities over forestlands or common resources. This recognition is often premised on the expectation that user groups will practice resource conservation and sustainable management, if they hold tenure over such resources. There has been a marked increase in community-based natural resource management (CBNRM) schemes since the 1990s.</p> <hr/>
<p>Formalization of ownership and/or tenure</p> <hr/>	<p>The State formalizes the <i>de facto</i> land ownership or tenurial rights of longtime settlers or users. This is necessary in a large number of cases where both land and occupants remain undocumented.</p> <hr/>
<p>Redistribution of public lands</p>	<p>The State redistributes existing government lands, or else reclassifies and alienates State lands for redistribution to the landless.</p>

Meanwhile, other State-led land tenure schemes are more evolutionary, rather than redistributive. Under *evolutionary* schemes, the State plays a less active role, and institutes policy interventions to induce changes or to improve efficiency in land ownership and access that are expected to occur over long periods of time. These types of interventions include:

Reform of civil laws,
such as on
inheritance rights

Progressive
taxation schemes

“Market-assisted
land reform”

The reform of civil laws includes ensuring equal rights for women, on issues such as inheritance and control of conjugal properties. The Civil Laws of a country also define the extent to which State laws recognize the effectivity and validity of existing customary or religious laws related to property (entitlement, control and disposition).

Taxation schemes are enacted either as an incentive or disincentive to particular types of land ownership or land use. An “idle land tax”, for instance, may act as a disincentive to land speculation, or a “land conversion tax” may deter the conversion of agricultural lands to other purposes.

This approach was conceptualized, and is actively being promoted by the World Bank. It promotes land sales under the principle of “willing buyer, willing seller”. The role of the State is to promote land markets, through efficient land administration and creation of “land banks”.

CSO-led Agrarian Reform Initiatives

Asia has been home to numerous political and social movements, as well as of community-based initiatives on agrarian reform. Varied social movements as well as anti-colonial and anti-dictatorship struggles have mobilized public pressure to catalyze State-led land reforms and programs since the 1940s. Over recent years, other CSO movements have likewise brought attention to issues of land rights and access for disadvantaged sectors – by addressing the “bundle of rights” associated with land issues. In particular, these have been CSO movements working on issues of women’s equal rights, indigenous people’s rights, and community-based natural resources management (CBNRM).

In cases where reform legislations already exist, CSOs have been at the forefront of agrarian reform implementation as a countervailing force to the status quo. At policy level, CSOs have served as “public watchdogs” for monitoring program implementation and consistency in public policy. At field level, CSOs have initiated work focused on: community and sectoral organizing, land rights education, legal assistance, case documentation, and provision of support services to enable poor communities to make productive use of their newly-acquired lands.

One unique CSO-led approach in the past has been the “land donation” movement in India, known as the *Bhoodan* and *Gramdhan* movements. Acharya Vinoba Bhave, a Gandhian follower, initiated this reform by walking across the country and asking landowners to donate a piece of land. Eventually, the movement collected about two million acres, consisting mainly of marginal lands, for redistribution to the landless poor, especially among the *Dalits* (scheduled castes).

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This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) angoc@angoc.ngo.ph and the International Land Coalition (ILC) coalition@ifad.org.

Agrarian Reform Programs in Selected Asian Countries: *An Overview*



Agrarian reform legislations, policies and programs in Asia were the direct result of *occupation forces* (Japan, Taiwan in the 1950s); *revolutionary governments* (China, 1950s), *military dictatorships seeking popular support* (Philippines, 1972), *popular movements and public pressure* (Philippines, 1988) or *responses to breakdowns in centralized planning systems* (Cambodia after 1995). However, the mere presence of policies does not always lead to effective implementation.

Source

Antonio B. Quizon, Asian NGO Perspectives on Agrarian Reform and Access to Land, *ANGOC Policy Discussion Paper*. August 2005.

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The following is a brief summary of past land/agrarian reforms in the different Asian countries and regions based on *three broad categories of agrarian systems*:

Dominant Agrarian Structures	Countries & Regions
<p>Type 1: Industrialized economies:</p> <p>Most of these countries and regions have implemented land reforms in the post-World War II period, mainly under totalitarian regimes or by occupation forces. These areas have since undergone agricultural modernization and rural industrialization, with a lesser segment of the population currently involved in agriculture.</p>	<p>Japan, Taiwan, South Korea, and until recently, China</p>
<p>Type 2: Emerging market economies:</p> <p>These are countries where collectivization of agriculture was earlier introduced under “communist” revolutionary governments. Collective farms were later broken up into family farms or else usufruct rights given to farming families. There is a fairly equitable distribution of resources and a large segment of the population is involved in production. These countries are gradually being opened to market forces.</p>	<p>China, Vietnam, Cambodia, North Korea, and Central Asian Republics</p>
<p>Type 3: Feudal and traditional agricultural economies:</p> <p>These are countries where traditional patterns exist with a feudal or semi-feudal character, with lands held by absentee owners or corporations. Past land reforms have been left largely unimplemented, except for a few (Philippines, Kerala, and West Bengal in India). A large portion of the population is involved in production, mostly subsistence agriculture, on small, family-size farms. These countries are increasingly exposed to market forces and modernization.</p>	<p>All countries of South Asia (India, Bangladesh, Pakistan, Nepal and Sri Lanka) and most countries of Southeast Asia (Indonesia, Philippines, Myanmar)</p>

Type 1: Land Reforms in Japan, South Korea and Taiwan

Japan

The land reform program of Japan imposed a ceiling on land holdings of one hectare. The landowners were compensated in cash and development bonds. In the course of the reform the actual tillers were given full ownership rights for the holdings they had previously cultivated and received a subsidized mortgage. Labor productivity increased annually by five per cent and land productivity by four per cent between 1954 and 1968. Key factors for the success of the reform were an existing well-developed extension service, land records and an efficient bureaucracy.



South Korea



A critical factor for the success of the land reform in South Korea has been the equally thorough development and support to local village government to assume the land administration function. Thus, the country has been able to maintain a local dynamic for continuous agricultural and rural development. In the course of the reform 65 per cent of the agricultural land was redistributed. A ceiling on all individual holdings was set at three hectares of good cropland and land in excess of this ceiling was distributed in units of one hectare to former tenants. This low ceiling enabled nearly 76 per cent of the total agricultural households to own land for the first time.

Under the impact of the reform, agriculture achieved an annual growth rate of almost four per cent.

Taiwan

In Taiwan, the land reform was imposed by the Nationalist Government, which had just been exiled from the mainland. The new government thus had no ties, nor any obligation toward the local indigenous landowners. Also important were accurate land tenure data and a non-indigenous bureaucracy. Land ownership ceilings were fixed at one hectare. The former landowners were compensated in industrial bonds, which they invested in the urban-industrial zone. Between 1953 and 1960, the annual production and consumption of inputs was of 23 per cent and 11 per cent, respectively.



Type 2: Agrarian Reforms and Tenurial Changes in China, Vietnam and Cambodia

China

The “people’s commune” system was introduced in the 1950s by the revolutionary government, and this led to overall equity in land distribution. However, in 1978 the Central Committee of the Communist Party of China approved the “*Decision on some issues for speeding up agricultural development*” which laid the foundation for another comprehensive agrarian reform program. The reform was carried out gradually. First, the introduction of the household contract responsibility system which gave the farming family usufruct rights over the land it cultivated; second, the abolition of the organizational system of the People’s Commune which had proved to be of low efficiency; and third, the development of new rural

economic organizations. The results of the reform have been impressive. Between 1978 and 1989 the value of gross agricultural output increased by 88.3 per cent with an average annual growth of 13.5 per cent. At the same time, the per capita net income of farmers rose from 134 to 601 *yuan*, representing an annual increase of 13.5 per cent. This increase in income was partly due to price factors, but 74 per cent resulted from the strong incentives the reform gave to individual farmers. Furthermore, the increased income led to investments in nonagricultural activities, the establishment of small rural enterprises and the creation of nonfarm employment. As a result of the overall economic growth in rural areas, the number of rural poor fell from 260 million or 33 per cent of the rural population in 1978 to 89 million or 11 per cent in 1984. A report released by the Operation for Economic Cooperation and Development (OECD) in September 2002, makes the point that while poverty in rural China has been reduced over the past 20 years and incomes have grown — with an estimated upswing in 2002 of 4.2 per cent, the gap between rural and urban incomes has widened. In 1985, rural incomes were 54 per cent of the level of their urban counterparts; in 2003, they were less than one-third.



Vietnam

Vietnam experienced similar productivity gains from breaking up large collective farms into tiny family units. Laws were enacted in 1981 and 1987 aimed at improving agricultural productivity through increased incentives of individual farmers and recognized land use rights of individual households. These reforms have resulted in an impressive growth of agricultural output, transforming Vietnam from a food-deficit country into a food-surplus country. Rice production increased from 12 million tons in 1981 to 22 million tons in 1992. In addition, there has been a significant increase in the areas under industrial/commercial crops including rubber, coffee, tea, coconut, fruits and vegetables, while the area under crops such as cassava and sweet potatoes has declined.



Cambodia

Unstable and rapid land tenure changes in Cambodia are related with historical antecedents. Previously, land belonged to the State in theory, but actually belonged to the tiller in practice. Much of the land remained unsurveyed, and formal registration coexisted with traditional forms of ownership. In 1975, the Khmer Rouge regime abolished all private property, and all land belonged to the State. After the Khmer Rouge regime collapsed in 1979, the Vietnamese-backed People's Republic of Kampuchea upheld collective property rights and created collective work groups called *krom samaki* — consisting of 12 to 15 families with an allocation of 15 to 25 hectares. In 1989, the Constitution was amended, providing for owner-

ship rights for residential land and possession rights for agricultural land. In 1992, The Basic Land Law was promulgated, reflecting a further shift in government policy from a centrally planned, to a free market economy. However, many officials took advantage of the confusion in ownership to amass large tracts of land. Powerful groups confiscated common property resources; land-grabbing and land concentration increased.

An inventory of land disputes in Cambodia, arising just between 1987 and 2000 shows that there have been 687 recorded cases, involving 37,500 families and affecting 78,990 hectares. Most disputes are reported from the richest agricultural areas, reasonably reflecting population densities. Most frequently, the land was taken by assertion of superior title, abuse of power, fraud and use of violence. Over 80 per cent of those accused of taking other peoples' land are in positions of power — government officials, military officials, and businessmen. In March 1999, the Cambodian government set up a National Land Dispute Settlement Commission. Subsequently, Land Dispute Settlement Commissions were established in every Province and Municipality. (A typical case involved about 50 families in dispute over approximately 75 hectares of rain-fed rice land that they had farmed for 10 years or more against someone in a powerful position with some kind of official sanction to evict the current occupants.) However, central government and its agents significantly contribute to the level of land disputes, making it difficult, if not impossible, for provincial authorities to be able to resolve these cases. Landlessness among farmers is on the rise because of the combined effects of the market economy and the wholesale privatization of previously common resources such as forests and wetlands. Recent studies also show that distress sales among farmers are increasing.



Type 3: Agrarian Reforms in South and Southeast Asia

South Asia

Governments in Bangladesh, India and Nepal have formulated various land legislations since the 1950s to the 1990s. Although their political contexts vary, land-related reform policies in South Asia had many common patterns. They included: (1) attempts at providing greater tenurial rights to sharecroppers, (2) regulating sharecropping and tenancy arrangements; (3) establishing minimum wage for agricultural labor and *benami* (proxy) transactions; (4) abolition of the *Zamindari* system, which operated through multiple layers of rent-seeking intermediaries between the *Zamindars* (landlords) and the actual cultivators; (5) redistributing *khas* (State-controlled) lands; and (6) imposing ceilings on land ownership and then distributing the surplus lands among the landless and poor households. In general, many of these reforms failed because of several factors, including: land ceilings were set too high (among the highest was 17 hectares per household in Nepal, when the average farm size was less than one hectare); and heavy influence of the landowning elite in State administrations, and their ability to

maintain a strong patron-client relationship at local level. Overall, land reforms have had limited impact in South Asia. In India, barely 1.2 per cent of cultivated land was redistributed in the past 50 years (from 1950 to 2000), according to a 2002 Assessment of Rural Poverty in Asia and the Pacific by the International Fund for Agricultural Development (IFAD).



India

Land Reform in West Bengal. The Indian situation differs from State to State. Among the more notable land reform programs were those of West Bengal, India. It has had a positive impact on agricultural production, poverty alleviation and economic growth. It covered under its three components more than four million households representing 59 per cent of all agricultural households. A total of 1.04 million acres, constituting eight per cent of arable land was redistributed to 2.54 million households, representing 34 per cent of all agricultural households, while 1.1 million acres were covered by the tenancy reform benefiting 1.5 million households or about 20 per cent of agricultural households.



During the period 1980-81 until 1998-99, the average annual growth of food grain production was 4.2 per cent compared to 2.5 per cent for all other major states. Vegetable production has more than doubled from 5.2 million tons in 1995-96 to 11 million tons in 1999-2000. Per capita calorie intake has increased from 1983-84 to 1993-94 by 9.6 per cent in rural West Bengal while at the same time it has decreased in rural India as a whole by 3.1 per cent. More important than agricultural growth itself, land reform has also contributed to the well-being of West Bengal's rural population including the poorest sections of the society. The proportion of the population below the poverty line declined from 60.5 per cent in 1977 to 25.1 per cent in 1997, a drop of more than 35 percentage points. In addition, important changes of a social and political nature have taken place.

Philippines

Various coalitions of farmer groups, social movements and NGOs have kept the pressure for land reform in both advocacy and program implementation. Generally recognized as the first historic agrarian legislation was the 1963 Agricultural Land Reform Code which abolished and replaced the share tenancy system with the leasehold system. The second major legislation came with the imposition of martial law in 1972, when all rice and corn lands in the country were placed under land reform; all tenants and lessee in lands above the seven-hectare ceiling became amortizing owners, who would own their farms after a 15-year amortization payment

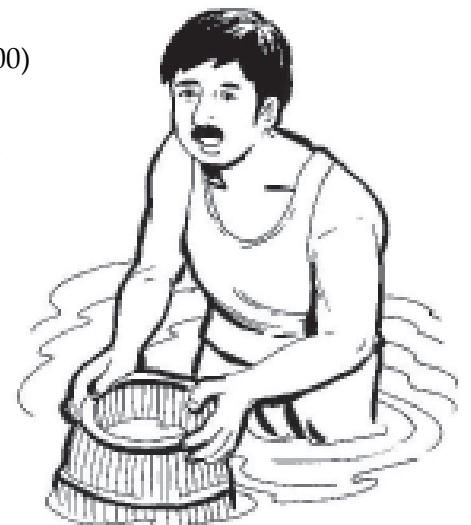


scheme. The third landmark agrarian reform legislation followed the ouster of the Marcos dictatorship and the restoration of democratic processes in 1986. As a result of a strong peasant lobby, the 1988 Comprehensive Agrarian Reform Law (CARL) was enacted, based on the “land-to-the-tiller” principle. The program has a total target scope of 8.1 million hectares. About half of this consists of agricultural lands for distribution to landless farmers and farm workers, while the other half consists mainly of forestlands which will be covered by tenurial (user) rights to upland dwellers. As of 2005, according to government data, 83 per cent of the total target has been achieved. However, the remaining lands to be covered consist mainly of private lands, *haciendas* and large plantations where there is strong landlord resistance.

Indonesia

The country’s earlier agrarian reforms were stopped, and in fact, there has been “reverse land reform” or massive land consolidation over the past 30 years. There are two “old” agrarian reform policies: the 1960 Basic Agrarian Law and the 1962 Land Reform Programme. These involved the imposition of land ceilings and the redistribution of private and State lands. However, with the political turmoil in 1965 and the rise of the Soeharto dictatorship, agrarian reform was stopped in 1966-67. As a result, redistributed lands were recovered by original landlords or fell into the hands of third parties. Instead, the ensuing Soeharto period (1967-1998) emphasized large-scale exploitation of natural resources, privatization and deregulation to stimulate private sector participation and growth. In summary, various legislations created and protected access to land, mining and timber by big corporations at the expense of peasants, small producers and indigenous peoples. Data compiled by the Consortium for Agrarian Reform (KPA) shows that while 30.2 million peasant households held only 17.1 million hectares of agricultural land, large-scale concessions have been given to private companies, to wit:

- 2,178 large plantation companies control around 3.52 million hectares land, for an average of 1,600 hectares per company (2000)
- 555 companies hold 264.7 million hectares of mining concession areas, or an average of 477,000 hectares per company (1999)
- 620 production units of forestry concessions control over 48 million hectares of forestry land, including Perhutani (2.6 million hectares of land which is classified as State forest areas in Java); this yields an average of 77,500 hectares/concession unit (1999).



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Assessing Filipino Peasants based on Access to Land



Filipino peasants have traditionally been defined by their land holdings and labor arrangements vis-a-vis the land. In turn, these landholdings and labor arrangements are determined by four development variables, namely *farm size*, *agricultural technology*, *land tenure* and *level of support services*. Interactions among these development variables point towards realizable models for agrarian reform and rural development.

Source

Ledesma, Antonio J. SJ. "Peasant Types and Development Thrusts for the Church in Mindanao".

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The typology thus generated can be used as a tool for profiling, analysis, and/or planning for agrarian reform and rural development in various contexts. The same framework can aid civil society organizations (CSOs) in their efforts to promote people empowerment, asset reform, sustainable agriculture, and rural development in general.

Farm Types by Size and Technology

The first pair of variables relates farm size to agricultural technology. Its unit of analysis is the farm as a productive entity. The peasant is seen in terms of his/her technological relationship to the land (*i.e.*, person-land relations), and the focus is on productivity.

Stretching across a spectrum, farm size may be small or large, while agricultural technology may be traditional or modern.

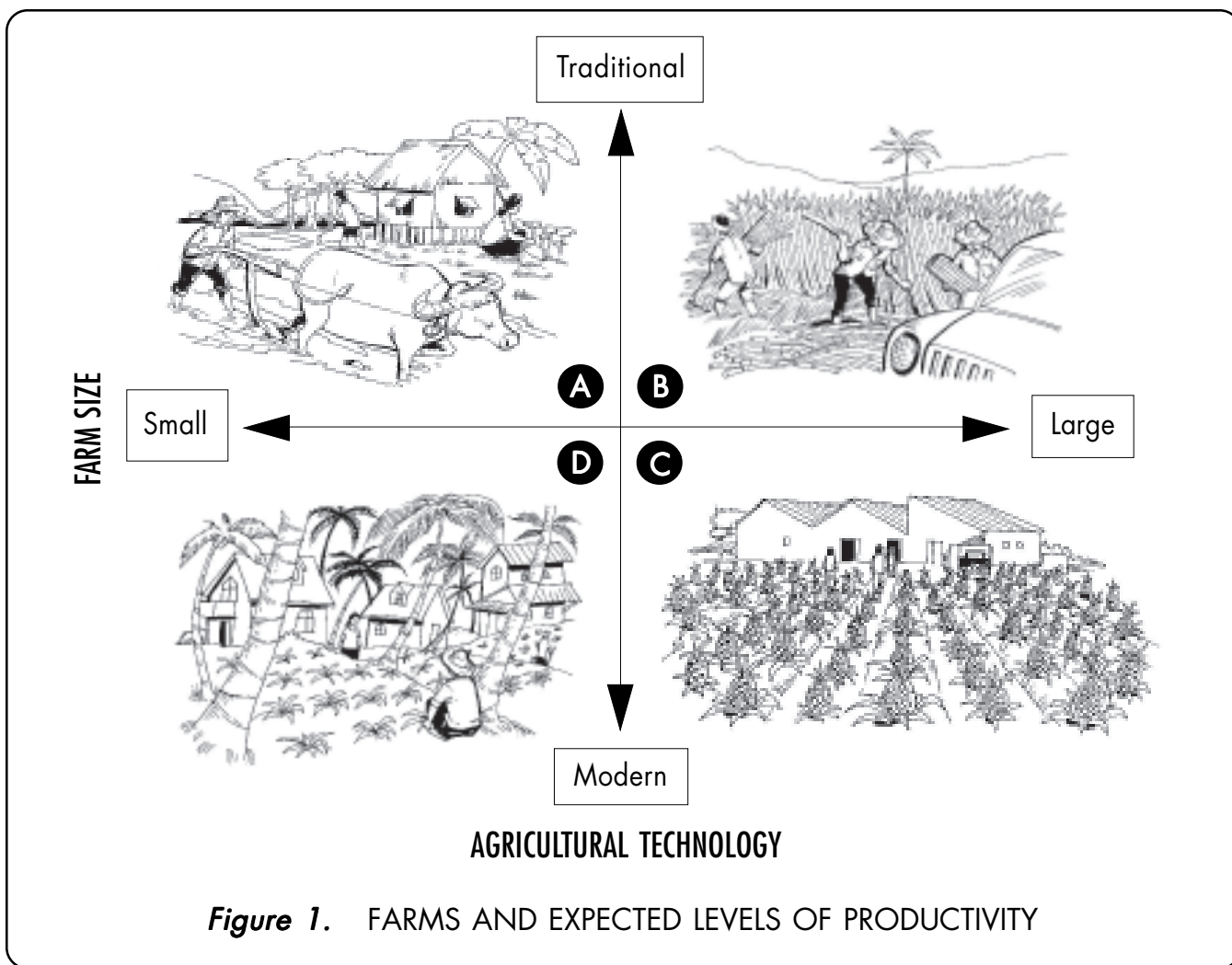


Figure 1. FARMS AND EXPECTED LEVELS OF PRODUCTIVITY

In *Figure 1*, the kinds of farms and their expected levels of productivity generate four farm types, *i.e.*,

- A – subsistence smallholding (with low productivity);
- B – feudal type *hacienda* (with medium productivity);
- C – plantation in an export crop economy (with high productivity per unit of labor);
- D – family-size farm, combining labor-intensive practices of the farming household with modern technology (with high productivity per unit area).

Changes in agricultural parameters may lead in two directions: with appropriate technology, from farm A to B to C; and with technological innovation, from farm A to D.

Farm Tillers by Tenure and Access to Support Services

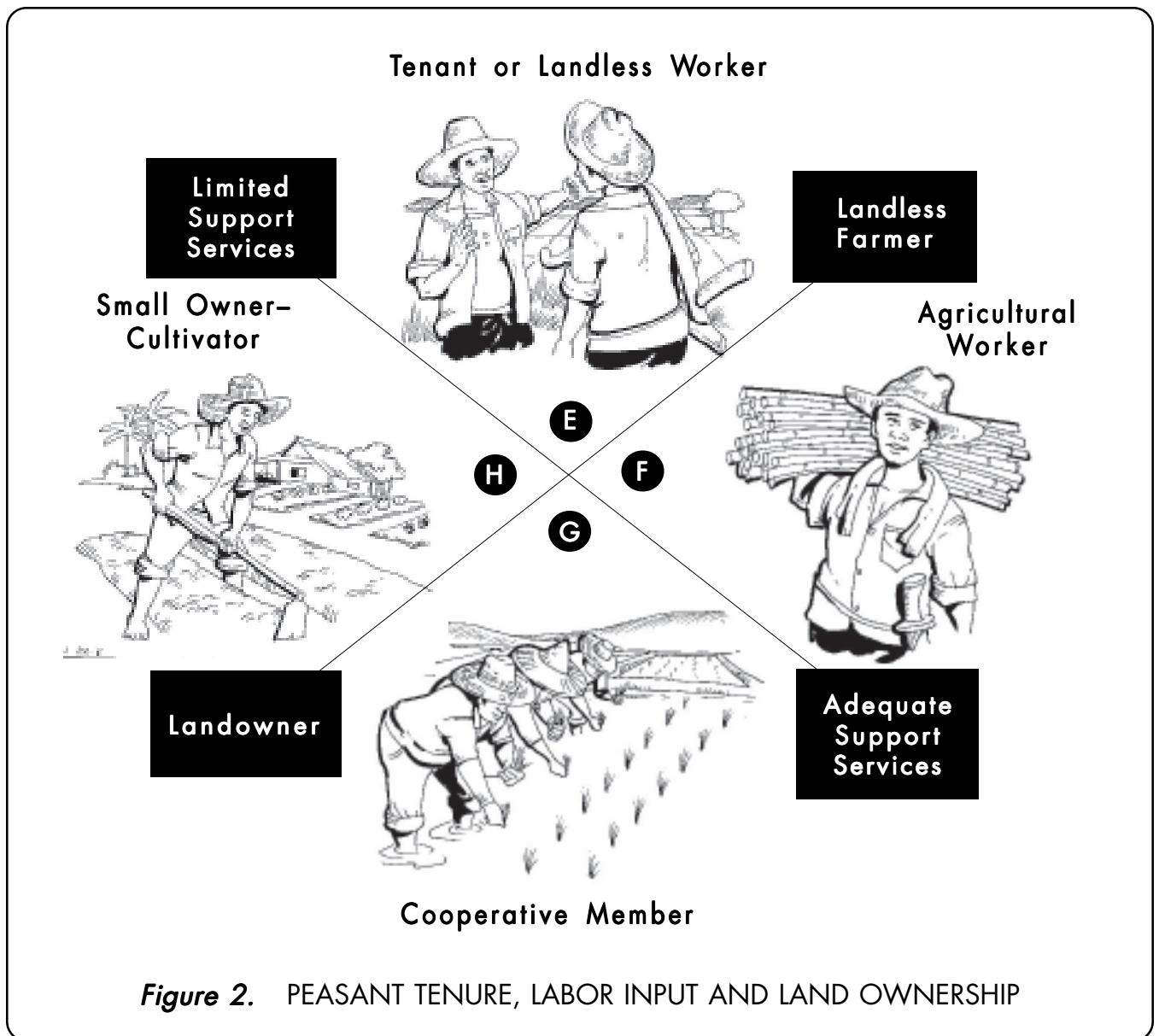
The second pair of variables relates land tenure and access to support services. Its unit of analysis is the peasant as the tiller of the soil vis-à-vis landlords, government and other intermediaries. The peasant is viewed in terms of his/her social relationships (*i.e.*, person-person relations), and the focus is on equity.

Again, stretching along a spectrum, the peasant's tenure on the land may be determined by his/her labor input or his/her ownership title to the land. Access to support services, on the other hand, is either limited or adequate.

In *Figure 2*, the various social relations of the peasant are defined within the four quadrants:

- E — tenant, whether sharecropper or lessee; or a landless worker;
- F — agricultural worker within a hacienda or plantation economy;
- G — member of a cooperative or group farm;
- H — small owner-cultivator.

Downward social mobility may take the path from tiller H to E to F; while upward mobility, with redistributive land reform, may bring tiller E to H; and with collective land reform, tiller F to G.



A Typology of Filipino Peasants

All these factors and relationships constitute the crucial dimensions in characterizing the types of Filipino peasants today. They also help to define their rights and level of access to productive resources. By joining the two pairs of variables, the following peasant types can be discerned:

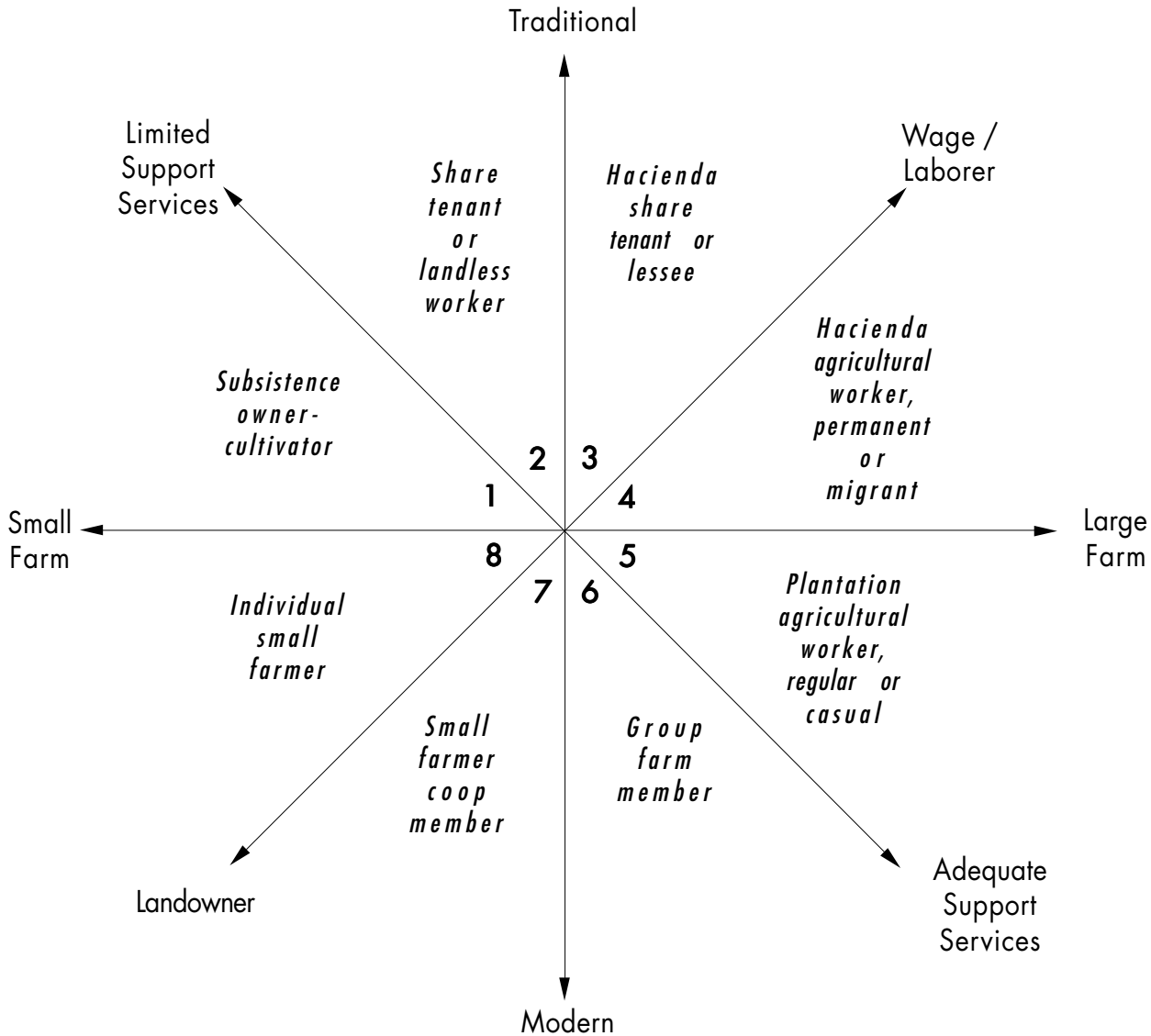



Figure 3. TYPOLOGY OF FILIPINO PEASANTS

Despite some overlaps, each of these types can be described briefly with the following examples:

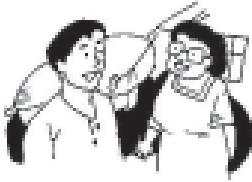


TYPE 1
 The subsistence owner-cultivator, commonly found in upland or rain-fed areas; a small settler in a pioneer area; the peasant in the classical sense, *i.e.*, with his own family farm, independent, and bound to traditional agriculture.



TYPE 2

The *kasama* sharecropper under a small landlord; or nowadays, a landless worker hiring out his labor to other small farmers in seasonal periods, through sub-tenancy arrangements or labor arrangements that are disguised forms of share tenancy.



TYPE 3

The share tenant or lessee within a *hacienda* setting where patron-client relations are more pronounced and with expectations of landlord reciprocity.



TYPE 4

The *hacienda* agricultural worker, whether permanent or migrant, like the *dumaans* and *sacadas* of the Negros and Panay sugar areas; usually under an administrative hierarchy composed of *encargado*, *cabo* and *contratista*. Although capital intensive in some of the production phases and integrated in an agro-industrial system (like the sugar and coconut industries), *haciendas* of this type continue to adopt traditional methods of agriculture resulting in inefficient production and high costs of “cheap” labor.



TYPE 5

The agricultural worker, regular or casual, within a plantation economy that is capital-intensive, export-oriented, and oftentimes linked to transnational corporations for capital and marketing requirements. Cash crops may be pineapple, banana, coffee, palm oil, or even rice.



TYPE 6

A member of a group farm or a land consolidation project where group activities in production, credit, and marketing are stressed. Communal ownership of the land is invoked. Cultural minorities with a tradition of communal landownership may fit in this category once easier access to credit and markets is afforded.



TYPE 7

A small farmer linked to a cooperative network or a corporation. Compact farm clusters, *moshav*-type cooperatives, and linkage schemes are experiments along this line.



TYPE 8

The individual small farmer receiving some government support in the form of a crop loan, irrigation service, farm-to-market roads (e.g., Agrarian Reform Beneficiaries). Without a farmers organization or cooperative, however, these services are limited or may even be curtailed.

Development Issues

After surveying these eight peasant types, three issues can be raised in the form of questions.

Existence of a Dual Agricultural Economy

Peasant Types 1 to 3 characterize a “backward” subsistence economy, while Types 4 and 5 describe a more “progressive” one, needed by the country for foreign exchange earnings. Land conflicts have arisen between representatives of the two economies, more often to the detriment of the smallholder. Can and should a dual economy in Philippine agriculture persist?

The growing significance of landless agricultural workers or the “proletarianization of the peasantry” as typified by Types 4 to 5. These are landless workers who neither own nor have tenant’s rights to the land. Their situation highlights the problems of landlessness and rural unemployment. What alternatives are there to resolve these problems?

The question of realizable models for agrarian reform. In the light of population pressure and advances in farm technology, what are the realizable models for agrarian reform? Can the individual family-size farm remain as the long-range paradigm for agrarian reform? Or can agrarian reform models move more flexibly among the collective arrangements and adequate support services defined by Types 8, 7 and 6?

Towards a Dual Thrust in Agrarian Reform

The “redistributive model” calls for a shift from being a subsistence owner-cultivator or a landless farmworker under a small landlord to a cooperative member or an individual farmer receiving government support services.

Meanwhile, the “collective model” shows sharecroppers or tenants from large landholdings or plantations becoming part of a group farm and invoking communal ownership of the land.

In many respects, small farmers linked to cooperatives, as well as collective or communal ownership of the land (such as in Types 7 and 6), embody the twin goals of rural development for higher productivity and greater equity — *i.e.*, by combining elements of a modernized agricultural technology, security of land tenure, greater access to public services, and, depending on local conditions, small- or large-scale farming units.

The likely route for a dual thrust in agrarian reform would be: counterclockwise, following a *redistributive model*, from Types 2 and 1 to Types 8 and 7; and clockwise, following a *collective model*, from Types 3, 4 and 5 to Type 6.

If public policy and economic rationale are heeded, the subsistence owner-cultivator (Type 1), the share tenant or

landless worker (Type 2), and the *hacienda* share-tenant or lessee (Type 3), would all become a thing of the past. On the other hand, the *hacienda* agricultural worker (Type 4), and the plantation agricultural worker (Type 5) would continue to dominate the export crop economy, but with serious implications for the well-being and participation of peasant households in their own development.

The group farm member (Type 6), the small farmer coop member (Type 7), and the individual small farmer (Type 8), could reflect current thrusts in the development of the Filipino peasant, according to his/her own scale, tenure, technology and support structure.

Implications on the Role of Civil Society

There are four major areas where CSOs can continue to collaborate towards improving the lives of Filipino farmers :

People empowerment. A prerequisite for improving and ensuring rights and access to resources is the farmers' level of organization or participation. This can take the form of community and cooperative organizing, setting up of micro-credit programs or entering into contract growing schemes. In the context of globalization, the competition for credit and markets will have to take into account linkages with urban and export markets, as well as cheaper-priced agricultural products from other countries.



Asset reform. For farmers, this means secure access to the land they till. For indigenous communities, this entails recognition for their ancestral domain claims. In the Philippines, two laws with social justice provisions need to be implemented more fully: the Comprehensive Agrarian Reform Program (CARP) and the Indigenous People's Rights Act (IPRA).

Sustainable agriculture. This entails the adoption of sustainable agricultural practices and appropriate technology. The planting of traditional rice varieties or the MASIPAG rice line, is one promising endeavor. The recent introduction of genetically modified organisms (GMOs) by several multinational companies poses a threat to the movement towards sustainable agriculture. The choice of seeds carries with it far-reaching implications for the food security of the country, as well as for the long-range welfare of farmers.

The family farm, owned and tilled by a single household. This is the paradigm envisioned in the implementation of agrarian reform. However, the CARP law also allows for other models of agrarian reform, including cooperatively run large-size farms which provide an alternative to multinational corporations. An advantage of the family farm is the greater labor absorption it offers, thus preventing further rural to urban outmigration, as well as emigration to other countries.

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Assessing the Impact of Agrarian Reform Programs: *The Philippine Case*



Resistance to the implementation of agrarian reform programs generally comes from the ruling classes that have vested interests in maintaining the status quo of land ownership and distribution. But apart from such narrowly based opposition to reform, there is a significant number of scholars who regard change of this kind with ambivalence at best. Their attitude may be attributed to problems in trying to assess actual benefits from such reform efforts. These problems result from:

- Multiplicity of reform objectives;
- Multiplicity of reform components;
- Comprehensiveness of the reform;
- Multiplicity of implementing agencies; and
- the Time horizon.

Source

Hans C. Meliczek, "Issues and Problems Related to Impact Assessment of Agrarian Reform Programmes: The Philippines Case," <http://www.fao.org/sd/ltidirect/landrf.htm> 1999

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Multiplicity of Reform Objectives

Most agrarian reforms pursue simultaneously a mixture of political, social and economic objectives. The classification of these components is somewhat arbitrary since there is no clear delineation among them. In fact, some objectives may even contrast with one another. For instance, the Philippines' agrarian reform law, Republic Act 6657, promotes social justice as well as industrialization — objectives that are considered in certain quarters or by certain groups to be irreconcilably opposed to each other.

Multiplicity of Reform Components

The experience of many countries that have undertaken agrarian reforms shows that the mere distribution of lands is not enough to guarantee an improvement in the living standards of beneficiaries. Land transfer has to be accompanied by the provision of support services such as input supply, extension, marketing support, and credit.

The Philippine agrarian reform program encompasses much more than land redistribution and support services and covers the following additional components: land transfer activities, land settlement, leasehold operations, stock distribution options, production and profit sharing, development of beneficiaries, and land use conversion.

This multiplicity of reform components suggests a lack of clearly defined priorities. Hence, one section of the reform facilitates the establishment of a class of independent small landowners, while another aims to raise the income of tenants and agricultural laborers without changing their social status. As these various components have different consequences on different actors besides having different repercussions on production, productivity and the social situation of the rural population, it would be impossible to make a general assessment of their impact. Impact assessment would therefore have to be done by specific component.

Comprehensiveness of the Reform

The impact of an agrarian reform depends primarily on the intensity of the reform measures, *i.e.*, on how much land and how many landowners would be covered by the reform, and how many rural people would benefit from its various components.

Multiplicity of Implementing Agencies

Assessment of the impact of agrarian reforms is facilitated by access to statistical data from a central office, which can be used as benchmarks for impact assessments. If, on the other hand, as in the Philippines, several institutions are charged with executing specific components of the reform, the multiple sources of information would tend to impede the evaluation process.

Time Horizon

An important consideration in impact assessment is the establishment of an appropriate time frame. Data may be collected at various times, depending on the type of data and the purpose for which they are required. There are three main possibilities:

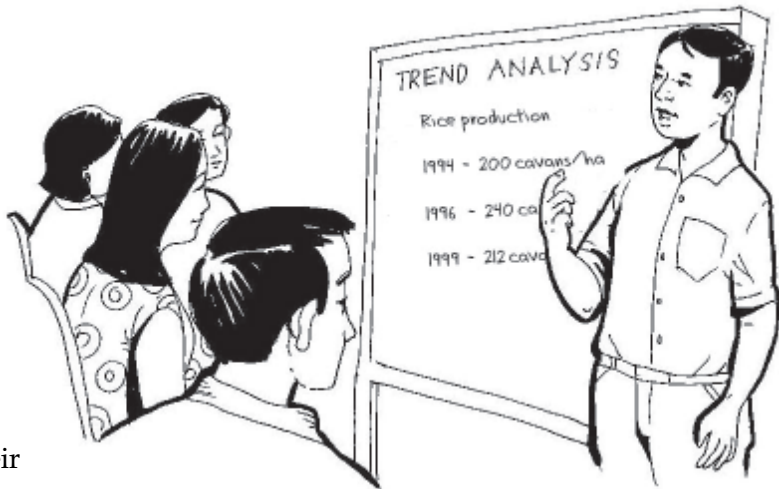
- 1. The one-off approach.** In this case, data are collected and presented for one particular point in time only. Such data provide a snapshot of the present situation and allow comparisons with other areas and situations at a given time.
- 2. The time series approach.** This approach involves collecting data at regular intervals over a predetermined period of time. Time series data provide information about historical trends and variation over time and are, therefore, more convenient for impact assessment purposes than are data gathered according to the one-off approach.
- 3. The before and after approach.** This procedure involves two major data collection exercises; one before an anticipated change or event and one afterwards. This approach is the most suitable for the impact evaluation of a particular policy, program or project. Frequently, however, benchmarks of the situation before are not available since, at the beginning of a reform, the authorities concentrate their efforts on program implementation rather than on data collection.

“Land reform in its initial and crucial stage is emphatically not a question of experts; it cannot be advised into existence. If there is no real drive for reform, experts can produce expensive demonstration projects, but they will not be able to achieve any general and genuine improvement in the position of the cultivators.”

— Doreen Warner, author of *Land Reform and Development in the Middle East*, 1957.

Short- and Long-term Effects

Different time frames also need to be considered. It has been frequently observed that, immediately after the implementation of a reform, the marketable surplus of agricultural products declines, mainly because the former landowning class ceases to provide the support services they used to furnish to their former tenants in the form of seeds, fertilizer, irrigation water and other inputs,



while the new institutions responsible for providing these services are not yet in place. However, as macrodata on agrarian reform accomplishments in Latin America have shown, this is a temporary condition. In the Latin American case, marketable surplus was generated and exceeded pre-reform levels as soon as the beneficiaries increased production and productivity.

Inception of the Assessment

Impact evaluations are usually conducted five to 10 years after the completion of the respective projects. In the case of CARP (Comprehensive Agrarian Reform Program), in particular, impact evaluations would have to wait until the program winds down in a few years.

Impact Assessment

Despite the above-mentioned difficulties, it is still possible to conduct meaningful impact assessments, provided that the evaluation concentrates on specific aspects of the reform. Impact evaluations build up an overall assessment of the situation from investigations of the following aspects:

- A workable method of assessing the impact of agrarian reforms is to describe the state of affairs, at least at the lower levels of investigation, in terms of a “with and without” situations, which means comparing the economic and social situations of those who benefited from the reform with those who did not.
- Data can be obtained from many different sources, and can be classified into two main categories: primary and secondary.

Impact of Agrarian Reform	Indicators of Impact
Technical Impact	Changes in technology; effects on output; changes in the use of inputs; changes in cropping patterns; resource flows; resource productivity
Institutional Impact	Development of markets; establishment and operation of financial systems; changes in trading relations and effect on local government or regulations
Economic Impact	Changes in consumption, savings, asset levels, and other indicators of changes in families' net worth, such as increased agricultural production or larger number of animals
Social / Cultural Impact	Changes in income distribution, migration, household structure, gender roles, demographic patterns, labor force participation, patterns of community interaction, health and education, working conditions and the burden of different household members
Environmental Impact	Changes in the natural resource base, water and air quality and other indicators related to specific locations, such as biodiversity and survival of wildlife

Collecting primary information. Most impact evaluations use relatively formal study methods, in particular field surveys that use key questions to gather the opinions of stakeholders, including the ultimate beneficiaries. Such surveys are carried out using standardized questionnaires directed at a selected sample of persons.

Using aggregated statistical data based on sample surveys ensures wide coverage and the representativeness of the data collected. However, this approach is expensive and is often too slow to keep pace with the demands of decision-making. Likewise, its results are not always reliable. Even data collected from the same institution, albeit at different levels (*i.e.*, provincial, regional, etc.), tend to diverge when computed at the national level.

Impact evaluation can also be done through other, low-cost methods such as participatory observation and rapid rural appraisal which rely on open question interviews and direct observation. Case studies are another option for collecting information. “Cases” may be households, villages, watershed areas, or other units.

Use of secondary information. As the collection of primary information is costly and time-consuming, recourse is often made to other, indirect ways of obtaining data that could also be used for impact assessment although they were not collected for this purpose.

Secondary data are available in published materials, reports and records from private and government institutions, such as statistical offices, tax offices, banks, police records and trade statistics. The most comprehensive official source of information on land tenure and land use in the Philippines is the Census of Agriculture which is conducted every 10 years and issued by the National Statistical Coordination Board. With regard to landownership distribution, the only available source is the Department of Agrarian Reform's Land Registration Program.

Impact assessments provide arguments for experts and decision-makers on the benefits and deficiencies of agrarian reforms. However, in the final analysis, it is doubtful that any of the arguments presented in favor of reform will overcome their resistance, or at least their indifference to it. The answer may well lie in the efforts of pressure groups such as members of advocacy NGOs and POs and sympathetic officials. These two groups are in urgent need of arguments and facts which prove that agrarian reform will at least in the long run alleviate rural poverty and benefit rural communities and therefore the country as a whole.

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Struggles in Implementing Agrarian Reform in the Philippines



Land-related struggles have been a recurring feature of Philippine history, thus demonstrating the importance accorded by farmers to their lands. Over the years, there have been many State-sponsored efforts to reform the agrarian structure in the country, but few have had much success. Nevertheless, the struggle to implement genuine agrarian reform in the country continues. In fact, nongovernment and people's organizations (NGOs and POs) have long been involved in this effort.

Source

Nathaniel Don E. Marquez, Maricel A. Tolentino and Ma. Teresa Debuque. Linking Local to Global Initiatives. *ANGOC paper*. 2001, revised 2006.

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Agrarian Reform: A Protracted Struggle in the Philippines

The Philippines has seen over 400 uprisings — many of them land-related and peasant-led — in its long history. The intensity of agrarian conflict in the country is rooted in a highly skewed land ownership pattern — a legacy of colonial rule — and not coincidentally, widespread rural poverty.

Poverty in the Philippines is largely rural. According to the National Statistical Coordinating Board (NSCB) in 2006, farmers and fishermen are estimated to have the highest poverty incidence among the country's basic sectors (*"Development of Poverty Statistics for the Basic Sectors"*, NSCB, Feb. 2006). The fact that more than half of all rural households is absolutely landless is no mere happenstance.

The Philippine government's response to the problem is the Comprehensive Agrarian Reform Program (CARP), which it has been implementing since 1988. The CARP was conceived around the "land-to-the-tiller" principle and at its inception aimed to redistribute 8.1 million hectares to landless farmers and farmworkers.

As of 2004, the Department of Agrarian Reform (DAR) has distributed a total of 3.45 million hectares to 1.975 million farmer-beneficiaries. However, the pace at which the DAR has undertaken its land acquisition and distribution (LAD) operations has slowed worryingly in the past 10 years. Since 1994, when the DAR distributed some 434,000 hectares — DAR's highest LAD record thus far — its accomplishments in land distribution have progressively declined. From 2000 to 2003, DAR has been able to move an average of just 110,000 hectares each year.

The Philippine Congress had previously given the CARP a 10-year extension on its original 1998 deadline after the government failed to complete the transfer, particularly of privately owned agricultural lands. Then, in June 2004, the DAR announced that it would ask for another two-year extension of its 2008 deadline, to 2010, citing budgetary constraints.

Landowner resistance usually takes the form of physical harassment of CARP beneficiaries, as the case study (*CARRUF: Chronicle of a Local Struggle*) shows, but landlords have just as effectively exploited their media contacts and their influence with local authorities to discredit farmer beneficiaries. They have also resorted to dilatory tactics, like filing innumerable court cases to decide questions like coverage and landowner compensation, knowing fully well how long it would take the courts to settle the matter.

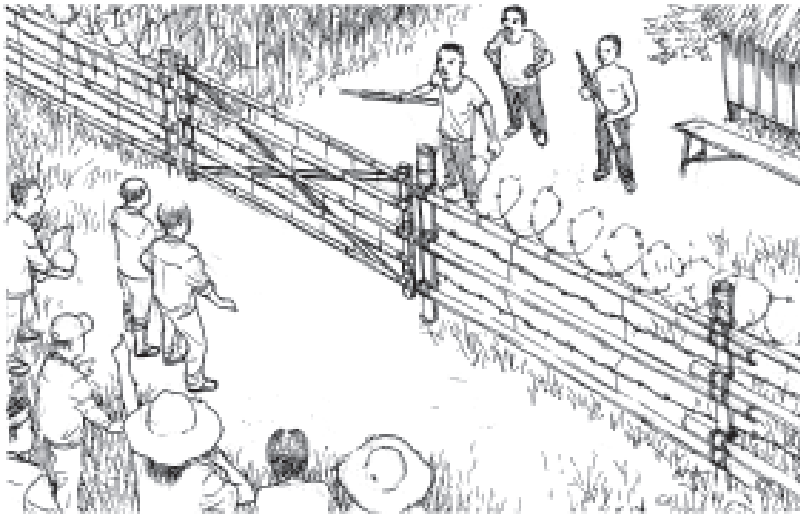
Insufficient Budgetary Support

Besides the resistance from landowners, CARP is burdened by a dwindling budget for land acquisition. The DAR's recent budget allocations have allowed it to cover a mere 50,000 hectares per year despite the 100,000-hectare-per year commitment made by President Gloria Arroyo.



CARRUF: CHRONICLE OF A LOCAL STRUGGLE

The CARRUF estate is a 147-hectare sugarland located in Valencia, Bukidnon, a province in Southern Philippines. The tenants and farmworkers who had been cultivating the estate since 1974 had been told that the land was State-owned and was commissioned to a rich landowning family under a Pasture



Lease Agreement. However, in 1995, the farmers learned that the land really belonged to a private corporation, the Carpio-Rufino Agricultural Corporation (CARRUF), and that the owners were cronies of former Philippine President Ferdinand Marcos. Following the 1986 “People Power” Revolution, the CARRUF estate was sequestered by the Presidential Commission on Good Government, an agency set up by the administration of Corazon Aquino to ferret illegally acquired assets, or Marcos’s so-called “hidden wealth”. By virtue of the Comprehensive Agrarian Reform Law (CARL) that came into effect in June 1988, the CARRUF estate was compulsorily acquired by the government and tabled for redistribution to the farmer-beneficiaries.

In September 1989 the Municipal Agrarian Reform Officer (MARO) of Valencia, Bukidnon notified CARRUF Corporation that the estate was covered by the Comprehensive Agrarian Reform Program (CARP). The corporation rejected this notice, including the PhP8.3 million offered for the land. Nevertheless, the Land Bank of the Philippines (LBP) issued a Certificate of Trust Deposit of PhP8.3 million for the CARRUF estate. Subsequently, the Department of Agrarian Reform (DAR) began to screen three petitioning farmer groups as beneficiaries, and by February 28, 1996 the final list of qualified beneficiaries for the CARRUF estate was posted.

CARRUF Corporation tried to block the issuance of a Certificate of Land Ownership Award (CLOA) to the beneficiaries by filing a restraining order before the DAR Adjudication Board (DARAB) in Bukidnon. It also hired a security agency to barricade the property. The security guards put up a barbed wire fence to prevent the farmers from entering the estate to harvest their crops.

In February 1997, CLOAs were distributed to 111 identified farmer beneficiaries but the farmers still couldn’t get into the estate. With the help of an NGO, 11 of the farmer-beneficiaries went to Manila to seek the intervention of DAR Central as well as the Department of Interior and Local Government (DILG). Officials of the two agencies promised their support, and the farmers went home. The night

continued on next page...

CHRONICLE OF A LOCAL STRUGGLE / *from previous page*

before the farmer's scheduled entry into the estate (called "installation"), the security guards set fire to the standing crop of sugarcane, causing damage to 30 hectares amounting to some PhP7 million.

There were tense moments on the day of installation, but the farmers were eventually allowed to enter the estate. The presence of the Philippine National Police (PNP), and members of the local and national media helped to defuse the tension. However, the situation in the estate remained volatile for some time after the farmers' installation.

Moreover, in March 2004 the government came under fire when it became known that it had not made any budget allocations for agrarian reform implementation. Apparently, it intended to take the entire budget for CARP out of the Agrarian Reform Fund (ARF), which includes the recovered P38 billion ill-gotten wealth of the Marcoses and is intended to fast-track the LAD process. By law, the ARF should be spent on LAD and delivery of support services to farmer-beneficiaries, and not for any other purpose. Hence, unless the government stops raiding the ARF and restores the mandatory fund allocations for CARP, it will virtually ensure the failure of its land redistribution efforts.

Land Conversion and other Ways to Circumvent CARP

In CARP's over 15 years of implementation, land conversion has been a source of intense conflict. There are enough legal and executive provisions prohibiting the conversion of CARP-covered agricultural lands, but more recent laws have tended to overturn these. One major law that has been pitted against CARP is a section in the 1991 Local Government Code, which allows the local government to reclassify the use of land under their jurisdiction. Many potential and actual beneficiaries of the CARP have been displaced as the result of such policy conflicts.

Beneficiary-Related Issues

In some areas, particularly the large sugar-growing *haciendas* (plantations) in Negros Province, beneficiaries have actually refused lands awarded to them. Many sugarworkers fear reprisals from their former landlords, but most of them are simply too dependent on the landowner to cut their ties.

On the other hand, some beneficiaries who had taken hold of awarded land have committed a number of violations that put their tenure at risk. The most prominent of these violations are nonpayment of the amortization on the land, mortgaging the land or rights to it, selling the land, subleasing it, or surrendering it to its former



owner. Erring beneficiaries claim that they had been forced to resort to such money-making schemes to cope with poverty and family emergencies.

Some Lessons from Past Struggles

- ***Strong people's organizations are key.*** As the case of CARRUF has shown (*See box article*), strong people's organizations are indispensable to the success of agrarian reform efforts.
- ***Alliance-building is the next step.*** Even strong people's organizations need extensive linkages with groups at the community, national and international levels to buttress their case.

The broader the support from outside, the better. Hence, farmers organizations must collaborate with NGOs, the DAR, the church, and the media. These groups can use their influence with the public to mobilize support for the farmers' cause.

NGOs themselves should link up to push their agenda and forge a national consensus.

- ***Real alternatives to land conversion – more persuasive than words.*** Proponents of land conversion use well-packaged development plans to entice local officials to do their bidding. Hence, it is a major challenge for agrarian reform advocates to counter with equally persuasive alternatives that emphasize equity, food security and environmental integrity. They must be able to sell the idea of building small food-sufficient, family-size, diversified and integrated farms that are linked to an agro-industrial component in place of putting up shopping malls, golf courses or luxury housing.
- ***NGOs must acquire new skills and tools.*** A retooling of NGO skills to promote agribusiness is necessary so that they may facilitate the growth of the new owner-cultivators into agricultural entrepreneurs. NGOs must also learn the language of business and local government in order to negotiate more effectively on behalf of and for the benefit of farmers.

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Reviving Land Reform in Indonesia



Critique of Land-related Laws and Programs

The Basic Agrarian Law

Under Dutch colonial rule, two parallel systems of law operated in Indonesia: *adat*, or customary law, which applied to indigenous communities, and European law which applied to the Dutch and other foreigners. The Basic Agrarian Law (BAL, 1960) set about to unify this system with respect to land and agrarian issues, by promulgating one basic law from which other national laws and regulations would stem. While the BAL sought to harmonize these two legal systems, it decreed that in cases of conflict between customary and formal law, the latter would take precedence over the former (Fauzi, 2001). This is considered unfortunate because *adat* law offers more protection for indigenous peoples' rights to land.

Source

Erpan Faryadi, "Overview on Land Policy Issues in Indonesia" Paper presented at the National Workshop on the Land Partnership Study organized by the Department of Agrarian Reform, ANGOC and the International Land Coalition, in Quezon City, Philippines, 16 July 2004.

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THE *NEW ORDER*'s POLICIES ON LAND AFFAIRS

The “New Order” under former President Suharto considered land as an economic asset that is indispensable to efforts to integrate the Indonesian economy into a capitalist economic system. A concrete manifestation of this policy has been the deregulation of the country’s land market in favor of private, particularly foreign, investors.

Laws, ministerial decrees, and local regulations related to land affairs and exploitation of other natural resources have been formulated to create a more conducive environment for free investment and market creation activities.

At the same time, the “New Order” retained central government control of agrarian affairs. But whereas before, State power was used to regulate the allocation, control, and use of all available land and natural resources for the public interest, under the “New Order”, this power was used to facilitate the entry of capital.

In both cases, however, central government control reinforced a deeply rooted structure of collusion, corruption, and nepotism from the central to the lowest levels of government.

But even without the BAL, State supremacy in matters relating to the disposition and use of land is already guaranteed in the Constitution, and is evident in widespread compulsory land acquisitions, both for State and private development projects. (Fauzi, 2001)

Traditional Rights

Hak ulayat generally refers to a bundle of land-related rights under customary systems and which have to do with:

- ➔ Use and conservation of land;
- ➔ Access to water and other resources in a given area; and
- ➔ Land transfer and exchange.

However, these rights, when it came to it, are almost unenforceable legally as they are not backed by formal titles; there are also no maps showing boundaries to lands covered by these rights.

While communities vary in their understanding of these traditional rights, all believe that lands are jointly owned by their individual owners and by the communities. Thus, when a piece of *hak ulayat* land is “vacated” by its individual owner, it cannot be alienated but instead reverts to community ownership and control.

This overlap of community and individual control of land presents some unique constraints to land titling. In fact, where land titling initiatives ignore this dual ownership, they may facilitate the transfer of land away from communities that should have access, use or possession rights.

This situation suggests for many agrarian activists in Indonesia that *a single unified system of land administration will not adequately meet the country’s needs*, particularly in resolving current land conflicts and preventing future ones.

Land Administration: Registration and Titling

Land administration functions in agricultural areas, including land registration and titling, are handled by the National Land Agency (*Badan Pertanahan Nasional*, or BPN). Article 19 of the

BAL calls for land registration to take place in the entire country, with particular emphasis on the registration of *hak milik*, or possession rights. Despite this, however, only 20 per cent of all land parcels (or 14 million out of 70 million parcels) have been registered in over 40 years since the law came into effect. (Colchester, et al 2003)

Land Administration Project (LAP)

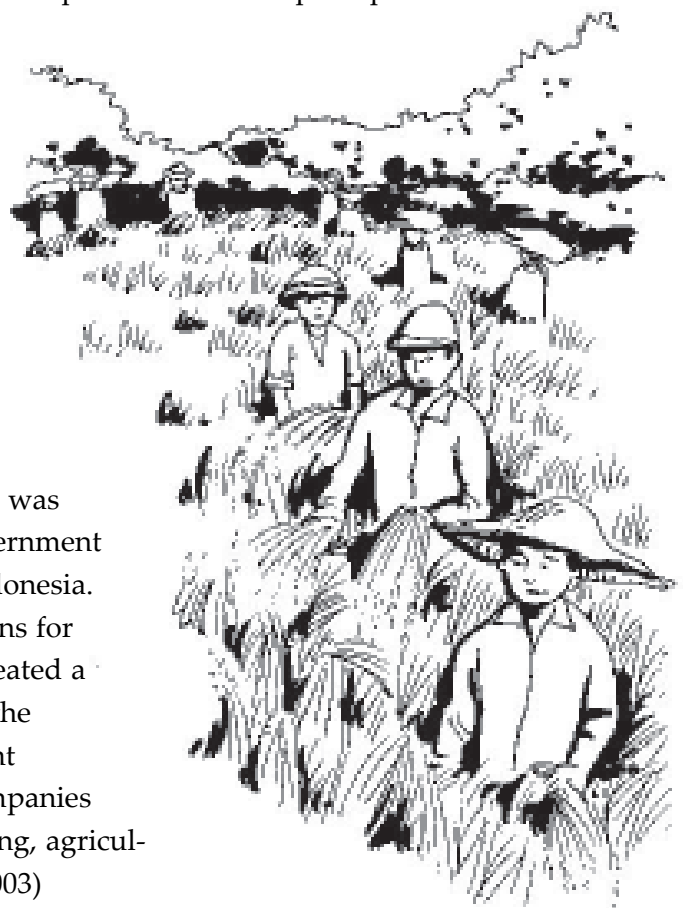
The World Bank (WB)-supported Land Administration Project (LAP) has been widely criticized for the following reasons:

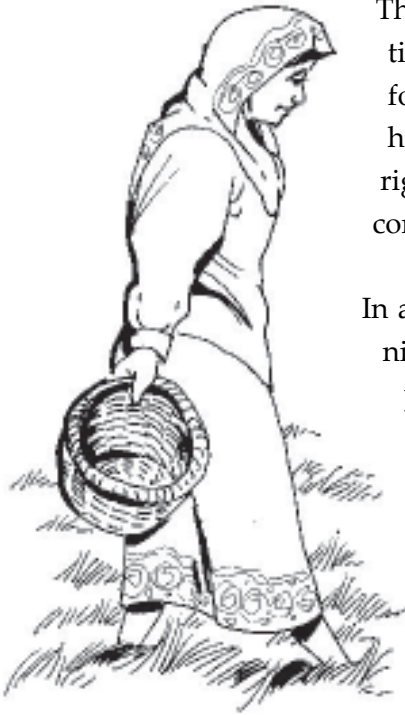
- The Bank's program attempts to institute land markets to solve administrative problems in the whole country, leaving no room for heterogeneity in its approach.
- The program does not attempt to address land conflicts, which should be an essential element of any new effort at land management.
- The Bank's process does not adequately incorporate outside voices into the Bank's problem analysis or program.

Controversy over the term "land reform" may also be a stumbling block to communication between the Bank and civil society. This phrase — which encompasses the central principle of the agrarian movement's campaign — is neglected in the Bank's program, which is another reason it has been opposed by many civil society groups. For their part, WB officials noted that they have extended many invitations to civil society groups to get involved in their processes, but that these invitations have never been taken up.

Basic Forestry Laws (1967 and 1999)

The first *Basic Forestry Law (BFL)*, passed in 1967, was one of a set of laws designed by the Suharto government to facilitate the entry of foreign investment in Indonesia. Unlike the BAL, the BFL did not include provisions for the recognition of traditional rights. Instead, it created a system in which all forest areas would be under the management of the government. The government promptly entered into contracts with private companies whereby land concessions were granted for logging, agricultural, mining and other uses. (Colchester, et al 2003)





The new BFL, passed in 1999, appears to recognize traditional communities that live within State forest lands, and acknowledges that *adat* forests are the home of traditional communities. At the same time, however, it decrees that all lands that are not covered by proprietary rights are considered as State forests. Thus, it denies “ownership” to communities even as it allows them to use, access, and manage the land.

In addition, the process of delineating public versus private and community forest land has been slow-going. This process might go faster if participatory elements were introduced, allowing local communities to identify for themselves their traditional forest land areas. Currently, communities mark their territories by cutting down the surrounding trees and farming them.

Initiatives to Revive Land Reform Implementation

The *Konsorsium Pembaruan Agraria* (KPA, or the Consortium for Agrarian Reform) — a coalition of NGOs, individuals, and community-based groups — asserts that without agrarian reform — of which land reform is only one aspect — a number of basic problems in rural communities will remain unsolved. Only with agrarian reform can these basic problems faced by rural communities, such as poverty and environmental degradation, be overcome. Since 1996, KPA has been actively pushing for the return of agrarian reform as part of the national agenda through the following initiatives:

- **Lobbying the country’s highest State institution** — the People’s Consultative Assembly (*Majelis Permusyawaratan Rakyat*, or MPR), to provide a clear mandate to government and legislative institutions to implement agrarian reform in Indonesia. After three years of KPA’s advocacy campaign, the MPR passed a decree on Agrarian Reform and Natural Resources Management (MPR Decree No. IX/2001). Many stakeholders, particularly farmers’ groups that had long awaited State initiatives in this regard, welcomed the MPR decree.

The Decree correctly identifies the problems faced by rural communities (i.e., inequality of land ownership; land and natural resource conflicts; and destruction of the natural environment) and puts the blame on government policies in the last 30 years.

The MPR Decree is also credited for its proposed strategy, as reflected in the following interventions: (1) a review of relevant laws related to Land and Natural Resource Management, (2) provision of resources from the national budget for agrarian reform, and (3) the resolution of agrarian conflicts. Its weakness, however, is a provision in the section on natural resource management for “optimalization” of benefits from natural resources. Environmental activists and the agrarian reform movement are concerned that this provision opens the door to the return of an exploitative approach to natural resource management.

To date, the Decree has yet to be implemented. Nevertheless, it is considered as a valuable advocacy tool by the agrarian reform movement.

- ***Conducting a series of training activities for regional legislators*** in several districts to address local agrarian problems. KPA is working towards decentralized governance, or to secure local autonomy for the regions, as part of the democratization process of *reformasi*. As a result, several districts have formed local committees to resolve agrarian issues. While the formation of these multi-stakeholder committees falls short of expectations, it is an initial step towards moving agrarian reform forward.

Another result is that the National Land Agency (*Badan Pertanahan Nasional* or BPN) is now revising several regulations related to the implementation of land reform. This comes in the wake of Presidential Decree No. 34 in 2003, which shifts the responsibility for implementing land reform to the district government level. However, the challenge lies in ensuring that the rules and regulations concerning the implementation of land reform itself — whether through national policy or through provincial laws that are accompanied by district-level implementing regulations — adequately answer the needs of poor farmers to access and control land in their villages.

- ***Consolidating several initiatives that are emerging within the central government, regional governments, NGOs and community-based groups, and initiating activities to consolidate agendas and ideas for implementing land reform.*** This could be accomplished through the formation of an intensive discussion group that includes KPA, the National Land Agency and the Pasundan Peasant Union.
- ***Organizing comparative study missions on land reform implementation*** in several countries (*e.g.*, South Africa and India) to give Indonesian policymakers a wider perspective of how land reform can be moved forward.

INITIATIVES TO REVIVE LAND REFORM IMPLEMENTATION

- Lobbying the country's highest State institution
- Conducting a series of training activities for regional legislators
- Consolidating several initiatives that are emerging within the central government, regional governments, NGOs and community-based groups, and initiating activities to consolidate agendas and ideas for implementing land reform
- Organizing comparative study missions on land reform implementation

Reformasi and Restorative Justice

The 1998 *reformasi* movement that ultimately led to the fall of President Suharto was seen by human rights activists and many civil society groups as an important opportunity to address past State abuses. Among these was the forced relocation of rural communities from their land, either for private interests or State-sponsored development projects. The government was urged to develop a

land reform policy that would address the need for restorative justice for individuals and communities that had lost land under the New Order (Fauzi 2002). A movement was also initiated among some CSOs to urge the government to cancel existing contracts with private companies, particularly in the extractive industries, in part because of their impact on land access by local communities.

Revision of the Basic Agrarian Law

In May 2003 the government issued Presidential Decree No. 34, which, among other things, instructs the BPN to prepare a draft law that would update and possibly replace the existing Basic Agrarian Law.

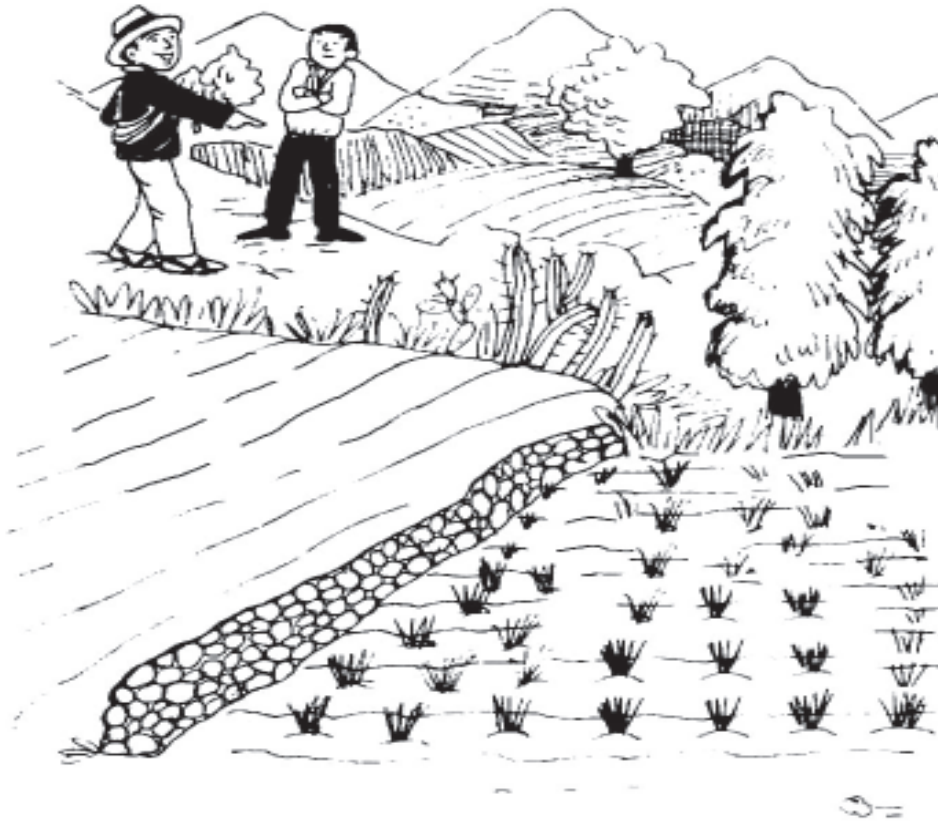
This ongoing evolution of agrarian and land laws and regulations in Indonesia offers potential for valuable inroads into the area of land reform. However, the constant policy shifts could also lead to an unstable situation that could ultimately defeat the very purpose for which the reforms were intended. Thus, continuing close monitoring by responsible civil society groups is vital.

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Land Reforms in Latin America



In Latin American countries—except Argentina, Paraguay and Uruguay—land reform was introduced only in the 20th century, largely in response to social unrest: for Mexico, land reform started in the 1920s; Bolivia, in the 1950s; Cuba, towards the end of the 1950s; Nicaragua, in the 1980s.

Source

Eguren, Fernando, "Land Reforms in Latin America," *A Discussion Paper*, 2005.

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In the 1960s and 1970s, land reform ceased to be regarded as an "extremist" vindication, and began to be promoted in an attempt to forestall revolutionary outbreaks, such as the one which erupted in Cuba in 1959. Aside from pre-empting being potential revolutions, the land reforms of the 1960s—according to Jacques Chonchol, who led the movement for agrarian reform in Chile during President Salvador Allende's administration (1970-1973)—sought to improve the peasants' living conditions, specifically by raising their incomes, expand markets, control social unrest, and increase agricultural and food production.

At the same time, land reform in the region has continually sought to reduce the concentration of land ownership through various measures to redistribute the estates and plantations



among peasants and/or salaried workers. Land reform has also aimed to restructure the feudal relations that characterize rural societies, which has long undermined efforts to promote democracy, to accord peasants their proper status as citizens, to modernize agriculture and the economy, and to build the nation-State.

The land reform experience of Bolivia, Chile, Ecuador and Peru is worth examining because of the important social, economic and

political impact these experiences have had.

Bolivia. The Bolivian land reform was borne of the revolution led by the Nationalist Revolutionary Movement (MNR) in the 1950s. In 1952, peasants, which comprised three-fourth's of the country's population, seized the highland haciendas they had been working on and made the land part of their communities. Given the political fallout that was bound to follow any reprisal, the government did nothing except to legalize the land seizure. This event marked the end of the traditional "semi-feudal" haciendas in that region.

Unfortunately, the peasants had neither the capacity nor the numbers to profitably manage the land which they now controlled. Thus, notwithstanding the partitioning of the haciendas through land reform, production subsequently fell, with disastrous financial results for the new owners.

Meanwhile, as agrarian reform was being implemented in the highland haciendas, a gradual occupation of the land in the eastern part of the country—or the so-called lowlands—began to take place. Vast forested areas were cleared and converted into agricultural land, portions of which were acquired legally, others, illegally. As a result, this region, which used to be sparsely populated, began to be inundated by waves of settlers migrating from the saturated highland areas. These peasant migrants thereafter became assimilated into the community of salaried workers at the new haciendas or settlements. This increasing demographic pressure on the land in the eastern part of the country is making land reform an urgent concern.

Chile. The first agrarian reform law was enacted in 1962, was radicalized in 1967 by Eduardo Frei's democratic government (1965-1970), and was expanded under Salvador Allende's socialist democratic government (1970-1973). Approximately half of all agricultural land was covered, a large percentage of which had previously been owned by large traditional landown-



ers. Just as importantly, the semi-feudal relations which had predominated in many areas were definitively abolished.

The 1973 coup d'état, headed by General Augusto Pinochet, reversed the country's socialist policies. One-third of the 5,800 expropriated estates, which covered 10 million hectares, was totally or partially returned to the former owners; another third ended up in the hands of private capitalists by various means. The rest remained in the hands of the peasants in the form of individual plots. Existing cooperatives were encouraged to divide communal land

into family plots, and were given no support whatsoever. However, the large landed estates were never reconstituted.¹ A new agrarian bourgeoisie developed, which devoted an important part of the production to exports, particularly fruit, wood and wine, using state-of-the-art procedures and technologies.

Ecuador. The Land Reform and Colonization Law was enacted in 1964 in order to "correct the flaws of the agrarian structure, as well as to improve the land distribution and utilization".² It was applied, moderately, in the highlands of the country, where the most backward estates were located. The reform was not more radical mainly "due to the lack of a national indigenous movement which could uniformly put pressure for a more expanded demand."³ In 1973, a Military Government enacted another agrarian reform law, designed to introduce modern agriculture, and this time directed at the coastal region. The tenants of the estate land received these lands as cooperative owners. In practice, however, the majority of these cooperatives did not work out. The Ecuadorian experience affirmed the lesson learned by other Latin American countries - El Salvador, Peru, Honduras, Nicaragua, Chile ---- production cooperatives that are externally imposed are bound to fail.

Despite this, Ecuador's land reform succeeded in terms of forcing landowners to improve the efficiency of their operations in order to avoid expropriation by the government. This development brought about significant, although not radical, changes in the Ecuadorian agrarian structure: large properties went out of fashion in favor of medium sized farms employing modern commercial agriculture; at the same time, the small farmsteads were retained for the purpose of mixed farming (which is also the case in Bolivia and Peru). As was the case in other Andean countries, agrarian reform in Ecuador abolished "*precarismo*" (land rental) and working relations were modernized.⁴

After 1977, however, the importance given to Agrarian Reform as 'a social justice issue' began to wane. The demand for land was replaced by "demand for fair prices, credit and, basically, exoneration of taxes..."⁵ As was the case in Peru, agrarian reform contributed to the enlarge-

ment of the political community: citizenship—basically defined as the right to vote—was extended to thousands of newly literate peasants. In 1979, Decree 2189 “Agricultural Promotion and Development Law” was enacted by the Military Government to put an end to agrarian reform in Ecuador.” Since then, the mediating role of the State has been gradually transferred to the market”. (P. 298) By the 1990s, however a resurgent indigenous movement has arisen and re-focused national attention on problems related to current patterns of land ownership.

Peru. Rapid urbanization, peasant movements demanding greater access to land and better working conditions, and the waning influence of landowners all led to the Peruvian land reform.

After a frustrated attempt by a civilian government (1963-1968) – due to inadequate support from the political establishment ---- agrarian reform was finally carried out by a military government (1968-1980).

Agrarian reform had a big impact on the prevailing land ownership structure; the large estates which concentrated land ownership were abolished; semi-feudal relations in rural society were eliminated; and new ways of managing agrarian production were adopted. All estates that were larger than 150 hectares (whether or not they were traditional or modern) were expropriated, along with smaller ones whose owners were absentee, which were being used inefficiently, or whose managers violated labor laws.

Agrarian reform was completed in as little as five years. The political will of the military was pivotal in this, as was the limited opposition put up by the former landowners. The estates were transformed into production cooperatives, their new owners being the workers of the former haciendas. However, after a few years, the majority of these cooperatives failed due to a combination of problems: unprofessional management, lack of adequate policies to support agrarian activity, among others. In the end, the estates were divided by the cooperative members into family plots.

Three decades after agrarian reform was implemented in Peru, the country’s agrarian scenario is dominated by small farmers and peasants, on whom the country depends for its food needs but whose productivity remains low for lack of government support. In contrast, an incipi-



ent entrepreneurial agriculture sector operating from the coastal strip is thriving, mainly oriented towards international markets.

The problem is no longer redistributing the land but guaranteeing the peasants' rights to their resources by formalizing their land claims, and by protecting them from extractive industries and companies --- mining, oil or lumber. Peasants also need to be educated in the value of preserving resources, and against continually sub-dividing their plots.

ENDNOTES

¹ http://www.cerai.es/fmra/archivo/Jaques_Chonchol.PDF

² Jordán, *Proceso agrario...*, Op.Cit. P. 285.

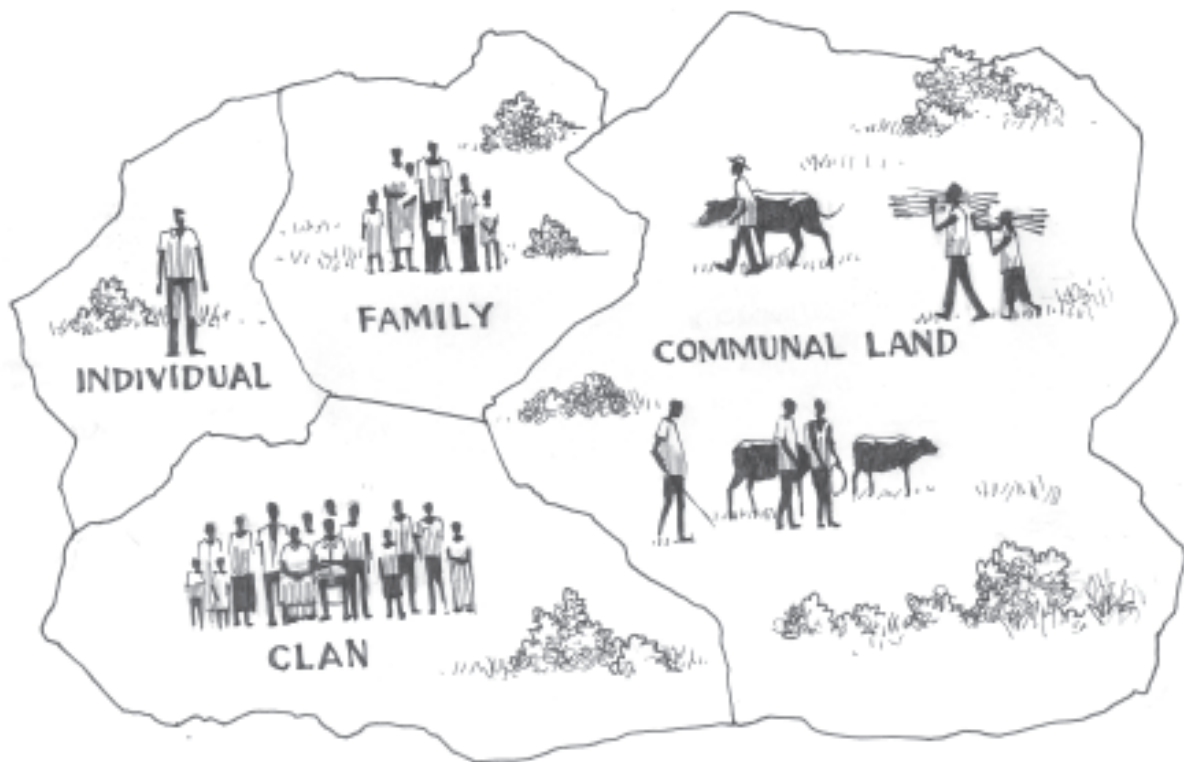
³ Jordán, *Ibid.* P. 289.

⁴ José Vicente Zevallos, "Agrarian Reform and Structural Change: Ecuador Since 1964", in William C. Thiesenhusen.

Searching for Agrarian Reform in Latin America. Unwin Hyman, Winchester, USA. In most cases, the agrarian reforms accelerated some important socio-economic processes which were being launched. In Ecuador, Peru

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Land Reforms in East Africa



East Africa is composed of Uganda, Kenya and Tanzania—the three countries that were originally part of this African sub-continent. More recently, the two adjacent countries of Rwanda and Burundi also became part of East Africa.

The majority of the population is engaged in agriculture-related livelihood. The rest are employed in mining, manufacturing, and service industries. Agriculture supports more than half of the region's Gross Domestic Product (GDP). (MINAGRI 1998)

Source

Oscar Okech Kanyamgareng, "Land Reforms in East Africa," Landnet East Africa, October 20, 2005.

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Pre-reform Conditions

Before East Africa was colonized, land allocation was governed by customary law. All land was controlled by the tribal/clan leaders, who had the power to assign land as they saw fit and to resolve land related disputes. In Tanzania, and Uganda, these traditional leaders had powers of control but not ownership. Land owned by individuals, families, and clans was kept separate

from communal land, which was used for grazing and hunting and which was subject to regulatory control by the tribal/clan leaders. In Rwanda, some part of the communally owned land was set aside for future allocation and for settling immigrants.



The colonial rulers introduced laws aimed at formalizing land tenure and ownership. The colonial government became the “owner” of all land. At the same time, it introduced various land tenure systems, such as freehold and leasehold. *Freehold* was a system of owning land ‘in perpetuity’ and was set up by agreement between the kingdoms and the British government. The grantee of land in freehold was given a certificate of title. *Leasehold* is a system of owning land on contract. In Africa, at the time, a

grant of land would be made by an owner of freehold or *Mailo* or by the colonial government to another person for a specific period of time and on certain conditions, which included but was not limited to payment of rent. The *Mailo* land tenure was peculiar to Uganda—then Buganda. It was created by the 1900 Buganda Agreement between the British Crown and the Kingdom of Buganda. By this agreement, chunks of land were given to some individuals to own in perpetuity. The royal family of Buganda received 958 square miles as private *mailo*, while chiefs and other notables received eight square miles each. Local peasants previously occupying the land were not recognized and became tenants on the land and had to pay rent to the landlord, commonly known as “*Busulu*” (Busingye, 2002).

All other land that had not been allocated under these tenure systems was declared as State property. In Tanzania, powers over land were vested in the governor (by virtue of the 1923 Land Ordinance). In Uganda, they were vested in the Queen of Britain (by virtue of the 1900 agreement).

Meanwhile, customary tenure continued to exist in the form of communal customary tenure and individual/family/clan customary tenure. Customary tenants “occupied” *Mailo* land, freehold, leasehold, or public land either by growing various crops, exercising customary rights to look after animals on the land, or by carrying out any activity as occupiers of such land. In fact, the term “*Kibanja*” came to refer to occupants of land under customary tenure (Busingye, 2002). But while customary land tenure systems remained, the traditional institutions managing them were destroyed.

After independence, governments in East Africa tried to introduce land reforms. The 1975 land decree of Uganda abolished all *Mailo* land. It also declared all occupants of State land that did not have lease contracts as customary tenants on State land. In Tanzania, powers of

control over land changed hands from the Governor to the President. Meanwhile, Rwanda, where 90 per cent of the land was still under customary management at the time of its independence, passed a law giving the communes the authority to protect rights granted under customary law. However, this provision of the law was undermined by the decree of 1976, which gives the Minister of Lands significant regulatory powers over land transactions. By this decree, the State would recognize only those land rights that were based on registration with distinct owners.

In general, despite efforts at land reform, the State increased its control, promoted individual titling, suppressed traditional land management systems, and weakened customary tenure systems.

At this time, farm-based problems began to emerge such as soil erosion and reduced fertility of the soil, mass eviction of occupants on land, and land fragmentation. Land-based conflicts have also erupted at the family, community, and State levels. Land was the trigger factor for the 1994 genocide in Rwanda. In Northern Uganda, a protracted war has consigned 1.6 million people to camps for 12 years now (Adoko 2003). Unscrupulous individuals have taken advantage of the situation by grabbing unsurveyed customary lands that have been left unattended due to the conflict. Inter-ethnic conflicts over land in the central region of Kenya have left thousands dead. The Masai, whose ancestral lands were leased to the British settlers, are now demanding their return upon the expiration of the lease. This has led to clashes with the government. In Tanzania, cases of land acquisition and disposition without compensation have piled up in the court registries.

As a result, a move to implement serious land reforms started in the 1990s in all East African countries.

Land Reform Initiatives (1990–2005)

These reforms were either constitutional, Acts of Parliament, or institutional. The constitutional reforms have taken place in Kenya, Uganda and Rwanda.

Constitutional Reforms

When the government of President Yoweri Museveni came to power in 1986 after a guerilla war, it embarked on writing a new constitution. The 1995 constitution vested land ownership rights on citizens, rather than the State. It recognized land under freehold, *Mailo*, leasehold and customary land tenure systems. Customary tenure was given legal recognition for the first time. Furthermore, persons who had been occupying government or private land for 12 years prior to the effectivity of the new Charter and whose occupancy had been undisputed by the owner or by his/her agents, are declared as bonafide or genuine occupants by the Constitution, and thereby protected against arbitrary eviction.

Kenya's constitution-making process started in 2001. The Government of Mwai Kibaki which came to power in 2002, appointed a commission to look into land matters. The findings of this commission have been incorporated in the draft constitution.

When Rwandan President Paul Kagame's guerilla forces captured power in 1994, one of the thorny issues it dealt with was land. It set to work writing a new constitution in 2003 which provides for a land law and policy.

Most countries then passed Acts of Parliament to cover gaps in the Constitution. Uganda passed the 1998 Land Act which reinforced land-related Constitutional provisions, secured women's rights to land, promoted security of tenure for occupants of private land, as well as made provisions for a land fund. A law passed by the Rwandan Parliament in 2004—and

which awaits approval by its Senate—

maintains two systems of tenure: customary (on 90 per cent of the land) and statutory. At the same time, however, the new law requires that titles be issued to all land owners, thus undermining customary land tenure systems in the long run. On the other hand, the new law seeks to protect the ownership rights of all occupants of land, including customary tenants.

It also gives equal rights to women and men over land.



Tanzania's Land Act was passed in 1999, and amended in 2004. The Act is unprecedented in terms of assigning commercial value to land, and authorizing the sale of bare, undeveloped land, which was formerly prohibited to protect majority customary and small land users' rights. It also seeks to establish a Land Fund.

Policies

All four countries either embarked on totally new land policies or reformed old ones in recent years. Uganda and Kenya are currently formulating their land policies whose focus is on providing security of tenure for the poor, promoting land markets, encouraging investment on agricultural production, and increasing incomes.

Tanzania's national land policy, 1995, aims to facilitate land sales and mortgages. It allows the sale of bare, undeveloped land and loosens restrictions on land acquisition by foreign investors. It also promotes individual land ownership, titling and registration. Rwanda's land policy 2005 is targeted towards establishing "Umudugudu" (grouped settlement) for returning

refugees, with each family allocated one and a half hectares of land for cultivation. It makes provisions for sharing of land between the current owners and returning refugees, who are the original owners. It also promotes land consolidation for cash crop production, e.g. tea, rice, etc., as well as encourages systematic, rather than case-by-case adjudication of land disputes.

Institutional Reforms

In Uganda, the government revamped the national land commission and district land boards. It created a national land court and district land tribunals to handle land disputes. It also empowered executives of local councils at parish and sub county level to handle the less complicated land cases. It also gave traditional institutions a role, though inadequate, in mediating disputes involving customary land. Uganda recognizes freehold titles, certificates of customary ownership, and certificates of occupancy for tenants which are given at district level.



In Rwanda, land commissions were set up at the national, provisional and district levels. Further down, land issues are handled by Community Development Committees together with *Abaguuzi* (mediation committees) and *Gacaca* (community justice) courts.

In Kenya, the government in 2002 disbanded and reconstituted the Land Control Boards and Land Dispute Tribunals.

Impact of Reforms

- The reforms have failed to balance concerns for the tenurial security of small landholders and users against commercial interests.
- Compulsory land acquisition by governments has increased. Uganda's earlier decision to vest landownership on its citizens now constrains the country's efforts to promote foreign investment. Hence, Uganda has taken to selling portions of its game and forest reserves to companies like Coca-Cola-Namanve and Bidco (palm Oil)-Kalanaga and Kakiira sugar factory-Butamira. Uganda also recently tried to introduce changes to its Constitution that would allow its government to compulsorily acquire land on behalf of investors and to

defer payment to some later date. Fortunately, this amendment was shot down in parliament following intense lobbying by CSOs. In Tanzania, many people have been evicted without adequate compensation to make way for investors. Rwanda has also sanctioned such evictions for the benefit of government programs.

➤ The reforms have enhanced women's rights. Women are now able to demand their land rights to some extent, but this is still hampered by cultural and social factors.

➤ The reforms have failed to take off effectively due to bureaucracy, lack of awareness, inadequate funding and weak institutional capacity.



➤ The reforms have put too much emphasis on individual property rights to the detriment of communal access to land and land based natural resources like

forests, water sources and pastures. Yet, more than 80 per cent of land in Tanzania , 60 per cent in Uganda and 90 per cent in Rwanda is held under customary tenure regime by rural communities which live in village settings.

➤ Commercial banks have recently shown a keen interest in extending credit to small landowners and users, and the latter have been only too happy to apply for loans. Unfortunately, this apparent boon to credit-hungry farmers has turned out to be a bane as thousands of them lost their lands to the banks when they failed to repay their debts.

➤ Authorizing the sale of bare, undeveloped land has hastened the “commoditization” of land and created a class of land speculators and hoarders. Land hoarding reduces the supply of available land and leads to conflict among land users.

➤ Landlessness is on the rise as a result of failure to implement land laws/policies, population pressure, and conflicts over rights (Potter 2002). In Uganda, owners of mailo land, who find it hard to get rid of tenants, sell the land to a third party who then does the evicting. The land fund in Uganda, which was supposed to help tenants buy the land from their landlords, is too small and the process, too slow. To date, seven years after the enabling law was passed, no title has been allocated to any tenant. In the meantime, forced evictions of tenants by their landlords continue (Uganda Land Alliance 2005).

The Link between Access to Land and Power Sharing

Governments in East Africa are trying to put pro-poor land reforms to work, but they are failing both in terms of shortcomings in the law or policy and in implementation. The reform initiatives look good on paper, but in reality they are increasingly alienating small landowners and users from their land and source of livelihood.

For current land reforms to succeed in bringing about a more equitable and decentralized system of allocating land, they must prioritize the rights of the majority rural poor, especially women, orphans, widows, PLWHA and marginalized groups/minorities. A more equitable access to land is intimately linked to a more equitable sharing of power, as the example of Rwanda has clearly shown. Reform efforts must aim for inclusiveness, especially of grassroots stakeholders. Land management institutions must be brought closer to grassroot groups and if possible be “owned” by them.

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The Land Policy Process in Burkina: *Building a National Consensus on Access to Land*



The process of developing land policy documents is new to West Africa. Ghana adopted a land policy document in 1999 but several West African countries like Burkina Faso, Mali, and Senegal are still in the preparatory stages of the process. Prior to their recent involvement in land policies, these countries had tried to formulate land codes, with little success. At the time (i.e., before the 1990s), much of West Africa was under the heel of undemocratic regimes which had a monopoly of land ownership and did not allow genuine consultation. The land laws which thus emerged were very technically oriented and complex, and poorly adapted to local realities. As a result, these were ineffective. Land tenure insecurity has become prevalent among rural stakeholders and land conflicts are increasing.

The recent wave of democratization and decentralization in the region has led to the development of civil society organizations (CSOs) calling for broader people's participation in making decisions on how to deal with land issues. The need to build consensus on land issues has been endorsed not only by CSOs but also by West African intergovernmental institutions,

Source

Hubert M.G. Ouedraogo, "The Land Policy Process in Burkina: Experience in building a National Consensus on Access to Land," LandNet West Africa, 2005.

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such as CILSS (an intergovernmental institution tasked to combat drought in the Sahel area), and by governments.



The process of preparing land policy documents requires the State to engage in dialogue with stakeholders, not only with regard to technical and legal matters, but more crucially on matters of policy. In a policy dialogue process, policy options to promote land tenure security or access to land are made clear to and discussed by all stakeholders. If the policy dialogue leads to a consensus, the laws drafted on this basis have a greater chance of being accepted by the populations and are therefore more likely to be effective.

Nevertheless, the question remains: how can policy dialogue processes lead to a national consensus on land? From the experience of Burkina Faso, these processes must be guided by a number of principles, foremost among which is that the policy dialogue must be based on a clear—and shared—analysis of the main issues concerning land.

Land Issues in Burkina Faso

Diversity of Local level Land Issues

Most regions in Burkina Faso deal with very specific priority issues concerning land. The northern pastoral part of the country, for instance, has nothing at all in common with its forested south. This wide variation among land issues rules out a one-size-fits-all option or solution. Rather, a range of diverse answers, adapted to local issues and priorities, is more appropriate.

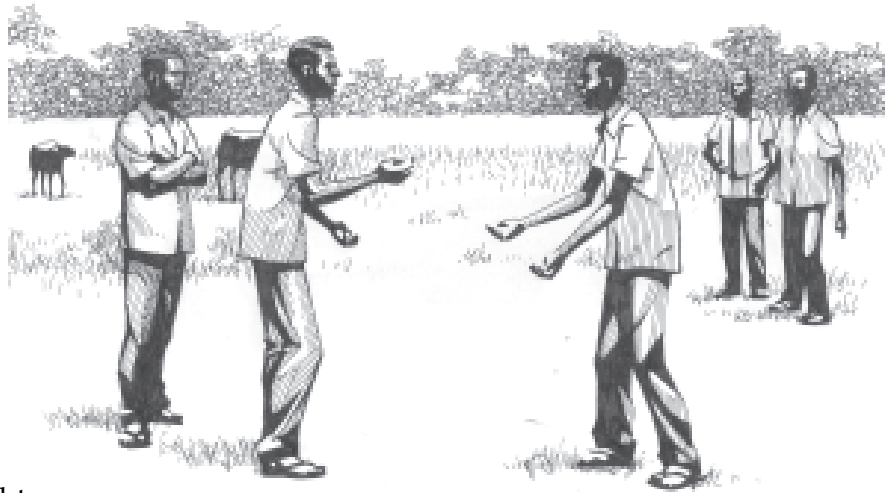
Non-recognition of Customary Land Rights

The prevailing land law in Burkina Faso does not recognize customary land rights. All land is considered as State property, and anyone seeking access to land must apply for use rights from the State. On the other hand, local communities do not recognize this monopoly ownership by the State but rather regard themselves as the true owners of their land by virtue of their ancestral rights.

As such, the State's monopoly of landownership is theoretical in Burkina. Nonetheless, it has resulted in great insecurity with regard to land tenure for 90 per cent of the population whose rights to land are customary. It is also at the root of the enduring-conflict between the legality (represented by State rights) of State monopoly of land and the legitimacy (represented by local communities' rights) of communities' land claims.

Prevalence of Land Conflicts

Land conflicts are developing everywhere at the local level: between herders and farmers over the use of natural resources, like grazing areas and water; between villages over boundary disputes; between the State and certain stakeholder groups, such as migrant farmer populations, over incursions into reserved forests. The State judiciary system is not prepared to address properly these land disputes at local level. Hence, many of these conflicts are settled directly at local level through alternative dispute resolution mechanisms, involving traditional chiefs and other local institutions.



Concentration of Land Ownership and Development of an Informal Land Market in Rural Areas

There is a trend towards land concentration among the urban elite and agro-businessmen. These groups take advantage of people's poverty and lack of information to buy up communal rural lands at grossly underestimated prices. The State encourages this trend because it believes that smallholder farming cannot meet the country's food production requirements. It thus provides incentives to agro-businesses by giving them access to credit facilities as well as political support.

Demographic Changes

Rural land issues in Burkina Faso are also strongly affected by rapid changes, such as population growth. The population of Burkina Faso is expected to increase dramatically in the next few decades: from 13 million in 2004 to over 42 million in 2050 (UN). Such growth will create land scarcity for agriculture, increase competition for land, and create more land conflicts. It also will put more pressure on natural resources and degradation of environment.

Another major change trend to be considered in relation with land issues is rapid urbanization. By 2025, the majority of the population of West Africa will be urban rather than rural. Most of the population will move from rural areas to major cities, in order to find new economic opportunities. Such a change will greatly affect land issues in rural areas as well as in peri-urban areas.

The Process of Developing Land Policies

Key Stakeholders

In Burkina, it was agreed early on that the process of developing the land policy should be inclusive: all stakeholders should participate equally in the consultative land debate. While the State is ultimately responsible for preparing the land policy, it must share this role with the other stakeholders, such as farmers and local communities, and the private sector, who all have rights to land. The challenge lies in mediating among these rights to achieve consensus that takes into account the interests of all stakeholders.



Among farmers and communities, both traditional chiefs and leaders of farmers organizations should have equal footing in the debate. Women in particular should be included in negotiations of land rights. Furthermore, the rights of women should be discussed among the representatives of local communities as many local customs do not recognize women's land rights. State and local government support for women's access rights is crucial, as they have authority over a part of rural lands.

Private sector representatives should also be present in the process as they too have access rights to land. However, it is important to ensure that their land claims are clear and transparent, and that these do not infringe on the rights of local communities.

Institutional Arrangements for the Promotion of the Land Policy Dialogue

The land policy dialogue is being organized by a consultative group (the National Committee for Rural Land Tenure Security) whose members are representatives of key Ministries, farmers

organizations and CSOs. The Committee gives policy guidance to the process and uses independent experts to conduct the policy dialogue on the ground.

Each stakeholder group organizes specific dialogue sessions, i.e., for peasants, women, traditional chiefs, government bodies, the private sector, etc. The objective of those specific sessions is to allow each stakeholder group to formulate its own vision of land tenure and land access according to its specific interests. Common sessions would then be organized at the local and regional levels where each stakeholder could challenge the views and interests of other stakeholders. A national forum would follow these local and regional sessions at which the final agreements on the land policy options would be drafted. The proposed land policy would then be submitted by the National Committee to the government for consideration and adoption. Once it adopts the policy, the government would prepare a framework land law guided by the consensus points in the land policy document.

Main Options in the Current Debate

Some of the burning issues being debated are the following:

- Which customary land rights should be recognized? In particular, how should rights claimed by traditional chiefs be considered? How is it possible to secure collective customary land rights and on behalf of whom?
- How to secure access to land and natural resources for vulnerable groups: How can women's land rights be protected in the context of dominant customary local practices? How can access of pastoralists to natural resources be improved and protected?
- How to control the land concentration process and protect land rights of the poor people?
- How to establish and development land management at local level and build needed capacities?
- How to promote governance in land management at local and national levels?
- How to implement the future rural land policy and law?

Guiding Principles of Consensus building

The experience of Burkina Faso has shown that a number of principles must be observed in holding a policy dialogue in order to help build a national consensus on land:

- The policy dialogue must be an informed process; in particular, it must be based on a clear analysis of the primary land issues. Such an analysis should not be monopolized by land

experts; rather, it must be a shared analysis, based on consultations with populations at local level.

- The policy dialogue should be based on lessons learned from past experience on what is working on the field of land tenure security and access to land for the poor. Experiences by the State and NGOs should be documented and lessons drawn from them.
- The land policy dialogue should be linked with the ongoing debate on major development policies, mainly in the field of agriculture, decentralization, poverty alleviation strategies, etc.
- The land policy dialogue must be inclusive and involve all key stakeholders.

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