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Common ground? Investigating the importance of managing land

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Overview

Research shows that people's capacity to access and use land is important for economic growth, for poverty reduction, and for promoting both private investment and transparent, accountable government. Governments have a responsibility to establish systems which ensure access to land and housing for everyone in society.

Contents
■ Overview
■ Key Issues
■ Resources
■ Links

A smallholder shows his deeds of agricultural land that has been claimed and amalgamated into that of a larger landowner, Bangladesh. Peter Barker/Panos Pictures

The pressures of modernisation have brought about new challenges as well as opportunities in managing land. For many countries in the south, the nature of these challenges and opportunities has been shaped by colonisation and post-independence politics.

Much research produced on land management investigates and confronts the inequities of the past while proposing solutions for the future. It covers topics ranging from property rights and local governance to tribal societies, modern agriculture and urban planning.

Research influences current government land policy – but how much do journalists know about it? Conversely, knowledge that goes against current trends in public policy is often ignored by decision-makers because it is not discussed in the media – journalists can make sure that it is brought to public attention.

As a journalist you can use plain language and human stories to tell people about land management research and investigate the impact of its findings and recommendations. Often, land management issues only hit the news when they develop into conflicts. But researchers are aware of the issues long before conflicts arise. Academic research can help you get ahead of the story and broaden debate.

This toolkit is designed to support you in identifying how you can use research on land management to enrich your journalism, highlighting processes and changes that are happening in your country right now.

Land policy in context

Struggling with the colonial legacy

(Zambia, Zimbabwe, Kenya, South Africa)
The Zambian 1995 Land Act reversed Zambia's post-independence policy of nationalisation by recognising the market value of land and allowing greater access to land markets for foreign investors. The act privileges private title deeds over customary land rights in an attempt to address artificial land shortages, speculation and high prices by ensuring more land is available on the market. However, research suggests that this has made rural people more insecure and that the intricate bundles of customary rights that have evolved over long periods of time are being lost.

Land reform in post-independence Kenya successfully enabled black farmers to take over white farms. Some researchers argue that the lessons from Kenya's peaceful land reform experience have

not been learnt in Zimbabwe and South Africa. Others point out that individual titles have been unfairly distributed to Kenyans according to party political allegiances.

Taking the lead from customary laws

(Uganda, Tanzania and Mozambique)

Research shows that new land laws in Uganda, Tanzania and Mozambique are allowing groups and communities to hold land titles, recognising customarily-obtained land as fully legally owned in whatever form it is currently possessed. The Ugandan 1998 Land Act is a people-friendly law, which responded to a long history of landlord-tenant conflicts, in effect liberating tenants. A co-ownership clause to protect women's land rights was dropped from the act but partially reappeared in a later amendment in the form of a provision on family land.

'Land to the tiller'

(East and South Asia)

'Land to the tiller' reforms after World War II aimed to break up large feudal estates and provided land for active farmers. Research shows that reforms in East Asia have alleviated poverty and landlessness, assisting industrialisation by transferring land to tenant farmers without breaking up productive holdings. Reforms covering tenancies in the Indian states of Kerala and West Bengal followed a similar pattern. However, research has found that those not tilling their own land, such as landless people, were not helped by these reforms. This issue is still relevant today. In reaction to the huge number of tenant-landlord disputes in Sri Lanka, the New Agrarian Development Act of 2000 effectively abolished tenant farming, believing it to be a cause of poor rural economic growth.

Issues in land management

The impact of modernisation

Fragmentation of farms into smaller holdings

Research conducted by Ephraim Chirwa in 2004 reveals that, after four decades of agriculture-led development strategies in post-independence Malawi, economic growth has been erratic and a large proportion of the population lives below the poverty line. Agricultural policies have favoured large-scale cash crops, particularly tobacco, resulting in a more unequal distribution of land in rural areas. The promotion of smallholder agriculture on customary land, on which rights to cultivate and transfer land are granted by traditional chiefs, has meant that approximately 70 per cent of Malawian smallholder farmers cultivate less than one hectare of land.

Can pastoralism survive?

Indigenous societies, including pastoralist and communal ones in countries like Kenya and Uganda, are now facing more obstacles to their way of life than at any previous time. Elliot Fratkin's work in 2001 examines the problems faced by three East African pastoral societies (the Maasai, Boran and Rendille), including population growth, land degradation, privatisation of rangeland, urban migration and political conflict, and the ways in which pastoralist societies are dealing with these threats to their way of life. Some academics argue that given that pastoralism has survived so far, it will be able to persist further, but this depends on the political decisions made by national governments and the ability of customary systems to adapt to change. Other commentators recommend that traditional practices should be abandoned and instead integrated into an urbanised, market-based economy in order to promote economic development.

The urban divide: enclaves and slums

'Urbanisation' is often regarded as the essence of modernisation, employment and growth. Yet recent research in developing countries shows that city centres are being transformed into 'elite enclaves'. There has been a dramatic improvement in some people's living standards. However, rising property and rental prices force poor people into informal and illegal housing markets of slums and squatter settlements, which are often located along riverbanks, railway lines, on steep slopes and near rubbish dumps, and are therefore prone to natural and man-made disasters. Because of their illegal status, these settlements often lack piped water and electricity and residents are not inclined to invest in them because of the threat of being evicted from the land.

Experience from Pakistan, documented by Arif Hasan in 2002, illustrates how informal settlements can be the solution rather than the problem. In the absence of services provided by government and formal private enterprises, poor people rely on informal settlements for housing, infrastructure, healthcare, education and employment. However, like many others, researchers at Zambia's Institute of Economic and Social Research point to the need for formal land registration in order to ensure that governments can raise the necessary tax revenue to provide infrastructure and amenities such as roads, water supply, hospitals and schools in expanding urban areas.

Key Issues

Winners and losers in the property rights lottery

Do modern property rights work?

Some academics, such as Patrick in 2005, believe that customary forms of land management are better in providing equal rights to vulnerable groups, such as women and poor people, arguing that modernisation and individual private ownership are the cause of discrimination against women and other low-status groups. Others point out that customary tenure allows boundaries to be continuously altered to fit changing needs, such as the temporary residence of a relative in distress, and in the interests of social harmony. This system of tenure has developed in a context where land is a livelihood rather than a capital asset.

A case study highlighted by the University of the Western Cape in 2005 shows how modern property rights can fail. In 1990, a group of households illegally occupied a vacant piece of land in Cape Town, South Africa. After years of negotiation the Joe Slovo Park Housing Project was implemented, building 936 houses. In line with national policy, the form of tenure granted was individual ownership. Ownership was registered in one name per family, usually the male 'head of the family'. Some long-standing community members were not allocated a house, while community leaders allegedly received more than one. Five years after the project was completed, about one-third of the new houses had been sold. Almost all sales were informal, destroying the newly established formal land registration system. People who legally owned houses were sometimes unable to occupy them, as street committees had decided who should be the occupier, and in some cases houses had been rented out by people who did not own them.

Does land reform fail women?

Research by the United Nations Research Institute for Social Development (2005) shows that land reforms implemented in the 1950s, 60s and 70s often assumed that allocating land to the male head of the household would benefit all members of the family equally. More recent reforms have been designed to stimulate land markets and economic growth through private property rights. However, research conducted by the Zambia Land Alliance has shown that women in Zambia only own about 14 per cent of title deeds, suggesting that when the opportunity to acquire land arises, women are unable to raise the money required to register their homes.

In Tanzania, new land legislation based on customary laws excluded women. Customary law in 80 per cent of Tanzania excluded women from inheriting or did not allow them to pass land on to their children. Divorcees and widows, for example, were cut off from the land and their sons could not inherit it from them. Women have tended to be enthusiastic about modern titling because it offers the possibility of co-ownership with other family members. But this and other research also points to the limits of market-friendly reforms which provide private titles. Modern titling does little to redress the discrimination women face in the first place.

Nevertheless, some researchers assert that, even when women are excluded from land ownership after land reform, such reforms bring opportunities for women in the form of paid work in modern farms, greater access to healthcare and new areas of civic engagement.

Governance: privileging the local over the national

Weak local government allows elites to benefit from land reform at others' expense Most research suggests that the key to successful economic development and poverty reduction is a decentralised system of governance. Decentralisation brings public services closer to people, providing them with more opportunities to participate in the decisionmaking process and scrutinise local governments.

However, local governments and communities can be at the mercy of local leaders who appropriate resources or manipulate policies for their own benefits. Research conducted by Karuti Kanyinga at the Africa Nordic Institute shows that, in Kenyan coastal regions, land is given as grants to maintain patronage relations and secure political loyalty; most beneficiaries of titles do not utilise their land, but turn their grants over to private developers, a majority of whom are foreign hoteliers.

Insecure property rights can lead to the loss of forest resources for ordinary people
Research from the Centre for International Forestry Research suggested in 2005 that, when

property rights are insecure, forest resources tend to be taken over by elite groups with more power, assets and political connections. Two questions stand out from the research. How and to what extent does the use of forest resources contribute to poverty alleviation? And how and to what extent can poverty alleviation and forest conservation be combined? Experience has shown that handing over forests to local communities, in the form of community-based natural resource management, does not guarantee fair land distribution or economic growth because of the hierarchical nature of most rural communities.

Decentralisation to local government or devolution to the people?

Academics are polarised between those who advocate 'democratic decentralisation' – that is, the transfer of secure, discretionary powers to elected local systems of government that are downwardly accountable to their local constituents – and those who insist on devolving authority directly to the people. For instance, through comparative case studies in Asia and Southern Africa, researchers have shown that devolving authority directly to disadvantaged people will embrace local interests and priorities more than mechanisms that allocate control to people with higher social status, greater wealth or better education.

Back to top

Resources

How can land be managed?

Customary or traditional systems grant overall authority over land use to traditional leaders of the groups, typically older men. A number of competing claims exist under customary systems, including usufruct (claim by use), pastoral and communal, which can result in conflict.

Centralised systems see land vested in the president or central government, who may or may not delegate responsibility for land management to municipal governments and city councils. Here, land titles are registered with a central state agency. In many African countries, a dual system operates using both centralised and customary systems.

Decentralised systems vest authority for land management with local governments which are downwardly accountable to local people, ensuring at least some level of community participation. However, where governance is weak, it can result in local governing elites establishing land management policy that serves their own interests.

Community-based systems devolve land management authority directly to the people, and as such can respond better to local needs. However, such systems often reflect inequalities at the community level and can lead to discriminatory practice in the distribution of land.

Scrutinising research

What is land management research?

Research about international development issues is produced by academics (working at universities and institutes), by policy analysts (working in governments or independent 'think tanks'), by international organisations (like the World Bank), by non-governmental organisations (NGOs, like Oxfam) or by civil society organisations (like the Uganda Land Alliance). Some of this research tries to influence policy while other types simply try to make sense of what is happening in the world. Research can include survey statistics, case studies to illustrate theories, comparisons of policies and situations in different places and even summaries of the findings of interviews or profiles of ordinary people's experiences.

Objectivity

Research should be about more than an individual researcher's opinion; it should prove or disprove existing theories and generate new ones, producing evidence which may challenge the researcher's beliefs and perhaps the beliefs of society in general.
Ask: "What did you expect your research to prove? Did you learn anything new? Did the evidence your research produced surprise you?"

Influences

It is important to understand the circumstances in which research takes place and the influences upon it. These influences do not invalidate research; on the contrary, recognition of them can sharpen the insights to be gained from it.

Ask: "Who funded the research and what intentions did they have in mind? How was the research conducted and by whom? What were the problems associated with its design and execution? Why was data collected from certain groups and not others? How were the results interpreted and used? "

Ethics

Ethics in research, as in journalism, is concerned with what is 'right' or 'just'. Research should be conducted with respect for people, for knowledge, for democratic values, and for the quality of the research. Ethical codes refer to the responsibility of academics to communicate their findings back to research subjects, to report findings to all relevant parties and to refrain from keeping secret or from selectively communicating their findings.

Ask: "How did you decide which issue/people to research? How did you work with them? How did you communicate the findings of your research?"

Relevance

Researchers often talk about the need for 'relevant' research. They are usually referring to academic research that serves the ends of particular interests in society, e.g. research that feeds into planned government policy change on education or health, or that highlights the issues faced by specific pastoralist societies.

Ask: "Who is the research relevant to and why?"

Selectivity

Researchers are under increasing pressure to publish and secure funding from agencies who have particular agendas. When publishing findings and recommendations, researchers may be aware of pressure from funding agencies. They might also interpret what they consider 'society at large' would find acceptable, and publish results in line with the national consensus.

Ask: "Why did you choose to highlight this particular finding/recommendation?"

Back to top

Links

Regional sources

East Africa

Resource Conflict Institute (RECONCILE)
Printing House Road, P.O. Box 7150, 20110 Timbermill Road, Nakuru, Kenya
Tel: +254 51 2211046
Email: info@reconcile-ea.org
www.reconcile-ea.org

International Development Research Centre
Regional Office for Eastern and Southern Africa, Liaison House, State House Avenue, Nairobi, Kenya
Tel: +254 20 2713160
Email: postperson@idrc.org.ke and akariuki@idrc.org.ke

Southern Africa Jesuit Centre for Theological Reflection
P.O. Box 37774, 10101 Lusaka, Zambia
Tel: +260 1 290410
Email: jctr@jesuits.org.zm
www.jctr.org.zm

Programme for Land and Agrarian Studies
University of the Western Cape, Private Bag X17, Bellville 7535, Cape Town, South Africa
Tel: +27 21 959 3733

Email: plaas@uwc.ac.za
www.uwc.ac.za/plaas

South Asia Institute of Policy Studies
99 St Michael's Rd, Colombo 03, Sri Lanka
Tel: +94 11 243 1368
Email: ips@ips.lk
www.ips.lk

Sustainable Development Policy Institute (SDPI)
No. 3, UN Boulevard, Diplomatic Enclave 1, G-5, Islamabad, Pakistan
Tel: +92 51 2278134
Email: sarah@sdpi.org
www.sdpi.org

North Eastern Social Research Centre
110 Kharghuli Road, Guwahati 781004 Assam, India
Tel: +91 361 260 2819
Email: walterferns@jesuits.net

Organisations conducting research on land issues

Africa Nordic Institute:
research and information
on Africa including land issues
Tel: +46 185 62200
Email: nai@nai.uu.se
www.nai.uu.se

Center for International Forestry Research (CIFOR):
conducts research on forest conservation and livelihoods
Tel: +62 251 622622
Email: g.clough@cgiar.org
www.cifor.cgiar.org

Land Research Action Network:
news, analysis and research on land reform and agrarian change around the world
Email: lran@landaction.org
www.landaction.org

International Institute for Environment and Development:
conducts research on forestry and land use in Asia and Africa
Tel: +44 207 388 2117
Email: info@iied.org
www.iied.org/

Overseas Development Institute, Rural Policy and Governance Group:
conducts research on food, forestry, water, land, governance, tourism and rural livelihoods
Tel: +44 207 922 0300
Email: odi@odi.org.uk
www.odi.org.uk/rpeg/index.html

SwedeSurvey:
a Swedish government agency that produces surveys and reports on land management issues in
many developing countries
Tel: +46 26 63 33 00
Email: info@swedesurvey.se
www.swedesurvey.se/workingworldwide.html

United Nations Research Institute for Social Development (UNRISD):
conducts research on rural development and gender issues around the world
Tel: +41 22 917 3020
Email: info@unrisd.org
www.unrisd.org

World Bank Land Policy and Administration Team:
works on issues related to land rights, access and use
www.worldbank.org/landpolicy

Research on land policy

International Land Coalition:
a coalition of national land alliances which works with the rural poor to increase their secure access to natural resources, especially land
Tel: +39 065459 2445
Email: coalition@ifad.org
www.landcoalition.org

Useful websites

African Journals Online (AJOL): provides access to African published research. Access to online summaries is free at www.ajol.info

Development Gateway: join different topic groups and download research papers and other documents at http://topics.developmentgateway.org

Eldis: a gateway to information on development issues at www.eldis.org

Google Scholar: a search service for accessing academic research across the web at http://scholar.google.com

id21: a free development research reporting service for UK-based research on developing countries at www.id21.org

South Asia Research Network (SARN): promotes the production, exchange and dissemination of research knowledge at http://sarn.ssrc.org

Southern African Regional Poverty Network (SARPN): promotes debate and knowledge sharing on poverty reduction processes and experiences in Southern Africa at www.sarpn.org.za

Research cited

Karuti Kanyinga (2000)
www.undp.org/drylands/lt-workshop-11-05-Presentations.html

Eric Patrick (2005)
www.undp.org/drylands/lt-workshop-11-05-Presentations.htm

Back to top

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