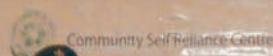


research evidence for policy

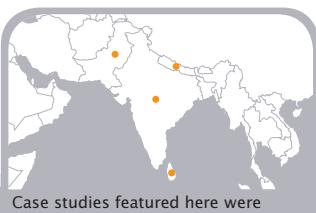
Securing Rights to Land
for Peace and Food Security

Kathmandu, Nepal, 23–24 April 2009



Policymakers, researchers, and stakeholders discuss the issue of land rights as a source of peace and food security in Asia. Photo: Shristee Singh Shrestha

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South



Case studies featured here were conducted in India, Nepal, Pakistan, and Sri Lanka.

Policy message

- Land reform is seen as an important means of agrarian transformation and social change in South Asia. But because land reform is contested and politically complex, overall development and social change are hindered.
- The current debate on land reform is narrowly focused on land redistribution. It should go beyond this and address challenges such as historical injustice, low productivity, the subsistence nature of agriculture, poor land governance, and weak information systems.
- Addressing these challenges requires transformative land reform within a comprehensive land governance framework. Preconditions for this include political commitment, openness, conducive policy, responsive institutions, and favourable legal arrangements.

• Land is a vital asset in South Asian agrarian societies, as it determines the overall socio-economic, political, and cultural status of individuals and families, as well as their power relations. Landlessness, poverty, marginalisation, social exclusion, discrimination, and inequality are largely linked to the skewed distribution of land. Though some efforts have been made to address these issues through land reform, the results have not been satisfactory. Addressing these issues requires transformative land reform, along with a conducive land-governance framework to implement the provisions of such a reform.

Socio-economically and politically complex

- Land is a basis for the livelihoods of the vast majority of people in South Asia, and it is a key determinant of the agrarian social structure and power relations (Lieten, 1990; Uperti *et al.*, 2008). Land ownership and tenure are complex: they are influenced by multiple factors, including class, caste, gender, culture, politics, religion, and history. The benefits from land resources vary according to social position. Unequal land-based relations shape local power relations and favour socio-economically and politically advantaged groups over poor and marginalised people. This widens gaps in society and exacerbates social tensions (Pyakuryal and Uperti, 2011). Land is also a symbol of pride, a basis of livelihoods and economic security, and a means of cultural and religious expression. All these factors make it socio-economically and politically complex. Hence, it is important to

implement a transformative land reform to address historical injustices, inequity, and structural issues. That in turn requires better land governance, which means managing conflict over land, land-use planning, legal and regulatory arrangements, taxation, and comprehensive land information.

Land at the centre of social conflict

Highly unequal land ownership is a fertile breeding ground for social tension and political unrest in the region (Uperti *et al.*, 2008). This is manifested in both violent and non-violent forms.

- In Nepal, land was one of the main issues of the decade-long armed insurgency (1996–2006). Provisions for land reform are included in the comprehensive peace agreement as an important basis of the broader socio-economic transformation of Nepal. It has become a major subject of disagreement in constitution-

Featured case studies

The constitution-making process of Nepal

Issues of property rights and compensation are at the centre of the constitution-making process of Nepal. The ideological divide between capitalist and socialist orientation is confusing the land-reform debate and minimising the potential contribution of land resources in national development.

Kerala and West Bengal

Land reform in West Bengal and Kerala is considered successful. In both Indian states, land-reform programmes following Marxist ideology were implemented immediately after the end of British colonial rule by mobilising a broad alliance of landless, rural poor and labourers, and by strengthening democratic institutions. The governments in both states were determined to achieve socialist transformation and introduced strong tenancy laws, targeting former tenants and wage labourers. In West Bengal, provisions provided for homesteads to all rural poor (inheritable but not transferable); these enabled them to build houses and get mortgages and bank loans. Eviction was made illegal, and the commercial acquisition of land was regulated.

Shifting priorities in Pakistan

Despite government efforts to redistribute land in 1959 and 1972, the broad masses did not benefit. Issues of land reform have gradually been diluted, and it is no longer on the agenda of state and political parties. The government has adopted market-led land reform and liberalisation policies in farming, but these have tended to promote inequality, as market-led liberalised farming has helped rich farmers to earn more at the expense of poor and marginalised farmers.

Market-driven in Sri Lanka

The land policy debate in Sri Lanka has been complicated by ethnic grievances (Tamil demands for autonomy), widespread land hunger, and the influence of market forces through rapid liberalisation. Despite ethnic interests, the market shapes land governance and management policies and practices. Market forces undermine the interests of small farmers and of Tamils.

- making and post-conflict politics (Upreti *et al.*, 2008).
- In India, land is a key concern in the Naxalite and Maoist armed conflicts. Land problems even provoke farmers to commit suicide.
- In Bangladesh, Sri Lanka, and Pakistan, land has been linked to conflicts in one way or another.
- Recently, investment (often regarded as "land grabbing") in the region by multi-national and national companies has become a source of conflict and tensions.

Diverse models of land reform

- Against the complicated socio-political context in South Asia, different models of land reform have been put into effect (Herring, 1983). These models have been shaped by various factors: political ideology, value orientation (capitalist or socialist, market- or state-controlled), acquisition approach (coercive or peaceful), and government characteristics (autocratic or democratic). In determining their model of land reform, different governments have also balanced rural-led with market-led economic growth, and the efficiency of large and small farms. Each model has its advantages and disadvantages.
- In India, the states of West Bengal and Kerala pursued a redistributive model of land reform. This was successful because it was integrated into nationalist movements that provided opportunities to implement the land reform in a more aggressive way at the end of colonial rule. These two states used a Marxist perspective of "land-tenant relation through land redistribution", and linked this strategically to the anti-colonial movement. But this approach is no longer possible in South Asia.
- In other parts of the region, land reform efforts have been less successful in addressing the division between rich and poor. The main reason has been that elites have captured the process to protect their interests. A strong nexus between landlords, bureaucrats, and politicians to protect their mutual interests led to weak implementation and manipulation, and a failure to address the concerns of the large majority of the poor. The alliance of ruling elites, centralised bureaucracy, and feudalistic politics became so strong that the land-reform provisions were not implemented, despite occasional resistance, pressures, and protests from landless, poor, and marginalised people. Well-established patron-client relationships at the local level continued, and the land reform did not benefit the targeted population.

Role of development cooperation agencies

South Asia has received a large amount of development aid in the past six decades. But land reform has not been a donor priority, mainly because of its sensitive nature. None of the donor agencies wants to engage in the highly contested and controversial issues of land. In addition, land reform is expensive, so donor agency engagement could create more controversy. Even when multilateral aid agencies such as the World Bank and the Asian Development Bank argue for land reform, they focus more on the "soft" side and productivity enhancement, but remain silent about, or do not favour, land redistribution. They also favour treating land as private property and providing adequate compensation for land taken by the government for redistribution.

Need for a transformative land reform model to deal with the land-related challenges

Existing land-reform models have so far focused narrowly on redistribution or productivity. But with ever-expanding populations and a fixed amount of land, merely redistributing land is not a solution. To address land-related problems in South Asia, it is important to reduce pressure on the land by providing better opportunities for land-dependent people to enter non-agricultural sectors and by increasing productivity through modern technology (Upreti *et al.*, 2008).

Hence, a more transformative land reform is proposed. This provides a framework to balance economic efficiency with social equity. It would use a holistic approach that entails comprehensive land use planning based on modern information technology (e.g., GIS and GPS), complete land-related information systems, flexible and responsive land administration and management, and regulatory and institutional arrangements. It must be able to create alternative employment opportunities outside agriculture for a large portion of people who currently depend on the land. It also has to promote effective mechanisms to manage conflict over land. Such a model would focus on generating off-farm employment, enhancing productivity and linking with market and value chains through integrated land-use planning, and establishing a scientific land management and administration system.

An independent and powerful Land Commission is required to deal with all land-related issues, ranging from addressing equity concerns and devising policies and procedures, to coordinating with line ministries and

planning commissions. In this way, the transformative land reform would deal with challenges that cannot be addressed by existing models of land reform.

Such a model would not work without the full commitment of political decision makers and governments, and a conducive policy environment with responsive legal and institutional arrangements. If these conditions are fulfilled by South Asian governments, a transformative model would address the weaknesses and incorporate the strengths of redistributive land reform (often advocated by pro-poor land reform activists) and productivity-oriented reform (which emphasises enhancing productivity).



Researchers meeting with local farmers, policymakers, and politicians to discuss land and agriculture in Maharashtra, India, January 2011. Photo: Bishnu Raj Upreti

Definitions

Agrarian structure. The interdependent relationships in socio-economic power and position of different strata in an agrarian society. It may or may not be legally defined, but is practically accepted by society and is reflected in influence over ownership and control of land, agriculture and other economic activities, and land tenure and labour.

Land governance. A combination of rules, institutions, and procedures related to the management and utilisation of land resources. Ideally, these are transparent, participatory, and inclusive, and address issues such as improving productivity, ensuring equity and social justice, dealing with political power relations, and enhancing the livelihoods of poor, marginalised, and land-dependent people. It also includes the management of land disputes, land use planning, legal and regulatory provisions, transparent taxation, and a comprehensive land information system.



Land rights activists questioning the commitment of political parties of Nepal to implement land reform in a "Public hearing programme", Kathmandu, January 2011. Photo: Bishnu Raj Upreti



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- **Policy implications of NCCR North-South research**
- **Focus on changing local power relations**
 - Agrarian social structures and power relations are shaped by class, caste, and gender dimensions at the grassroots. These determine social change processes, and land is a central issue in this process. To facilitate the desired social change, it is vital to understand local power relations and to find ways to address unequal power structures.
- **Addressing weaknesses in existing models**
 - It is important to address weaknesses in existing land reform models practised in the region. Issues to be dealt with are the land ceiling (the maximum amount of land it is possible to own legally), the redistribution of land above this ceiling to landless peasants, equity and efficiency issues, land governance, property rights, agricultural productivity, and expanding opportunities beyond the agricultural sector for people who are currently dependent on the land. Transformative land reform attempts to deal with these issues.
 - However, addressing these weaknesses needs a strong land governance framework that provides a basis for devising rules, institutions, and procedures related to the management and utilisation of land resources in a transparent, participatory, and inclusive way. The framework also needs to enhance productivity, ensure social justice, strengthen mechanisms to settle land disputes, improve land use planning, and establish a comprehensive land information system.
- **Moving beyond land redistribution**
 - The land-reform debate revolves around supporting or opposing land redistribution to landless and tenants (Upreti *et al.*, 2008), instead of engaging in a more holistic discussion. The rights-based approach dominates the debate. Proponents argue that land is a fundamental human right. Opponents argue that there is not enough land to redistribute to all landless people. Both groups need to expand their horizons to find a pragmatic framework for land reform that goes beyond the debate about redistribution.
- **Education, research, and extension**
 - Land is a key resource for agricultural, social, and national development. So it is essential to invest in education, research, and extension related to land and agriculture. Building capacity in these fields in South Asia is important to address the land-related challenges in the region.

• **Further reading**

- **Herring RJ.** 1983. *Land to Tiller: The Political Economy of Agrarian Reform in South Asia*. London: Yale University Press.
- **Lieten GK.** 1990. Land reform in West Bengal. *Economic and Political Weekly* 25(40): 2256–71.
- **Pyakuryal KN, Upreti BR (eds).** 2011. *Land, Agriculture, and Agrarian Transformation*. Kathmandu, Nepal: Consortium for Land Research and Policy Dialogue (COLARP).
- The National Centre of Competence in Research (NCCR) North-South is a worldwide research network including six partner institutions in Switzerland and some 140 universities, research institutions, and development organisations in Africa, Asia, Latin America, and Europe. Approximately 350 researchers worldwide contribute to the activities of the NCCR North-South.

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