

Contemporary Discourses and Contestations around Pro-Poor Land Policies and Land Governance

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The meaning of land and land policies is diverse and contested across and within local and (inter)national settings. The phrase 'land policy', used to refer to all policies that have anything to do with land, may be convenient, but it masks the actual complexity of issues. Meanwhile, concern for 'pro-poor' land policy has coincided with the mainstream promotion of efficient administration of land policies, leading to the concept of 'land governance'. Such concepts have enriched discussion on land issues, but they also complicate further an already complex terrain. In response, this paper offers possible analytical signposts, rather than an actual in-depth and elaborated analytical exploration of this terrain. It hopes to be a modest step forward and towards a better understanding of contemporary policy discourses and political contestations around land and land governance.

Keywords: land governance, land reform, property, state–society relations

INTRODUCTION

Land policy is back on the agendas of international development institutions and many nation-states. Events that illustrate this trend include the FAO-organized International Conference on Agrarian Reform and Rural Development (ICARRD) held in March 2006 in Brazil as part of its long history of land policy intervention (Monsalve 2008), the launch of the World Bank's land policy report in 2003 (World Bank 2003), the passing of the European Union Guidelines on Land Policy in late 2004 (EU 2004; Bergeret 2008), the launch in July 2007 of the land policy of the United Kingdom's Department for International Development (DFID

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The origin of this paper is traced to a commissioned work by UNDP-Oslo Governance Centre (OGC) in 2007–08. Earlier versions of this current paper were presented at a global workshop on 'democratic land governance' organized by UNDP-OGC in Oslo in November 2008, at the *Journal of Agrarian Change* workshop in May 2008 at the School of Oriental and African Studies (SOAS) in London, and at a workshop by the Rural Poor Institute for Land and Human Rights Network (RIGHTSNet) in Manila in February 2009. We are grateful for the comments and suggestions from the participants in those workshops. We also thank Ben Cousins, Noha El-Mikawy, Fernando de Medina-Rosales, Knut Laksa and Carlos Oya, as well as the two anonymous reviewers for the *Journal* for their helpful comments and suggestions on earlier drafts.

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2007; Craeynest 2008), the launch in December 2007 of the 'Natural Resources Tenure' policy of the Swedish International Development Cooperation Agency (SIDA 2007), the new global land policy of the International Fund for Agricultural Development or IFAD passed in September 2008, the formation of the Commission for the Legal Empowerment of the Poor or CLEP in 2005–2008, and a major international conference on 'land governance' in March 2009 hosted by the World Bank and the International Federation of Surveyors (FIG), among others.

At the same time, there is an increasing prominence of international campaigns for agrarian reform by transnational agrarian movements (TAMs, for short), especially those associated with the global peasant and farmer's movement, La Vía Campesina (Borras 2008). The ranks of TAMs working around land issues have expanded in recent years, including the International Planning Committee (IPC) for Food Sovereignty, which is a global coalition of more than 500 civil society groups. There is also the Global Campaign for Agrarian Reform of Vía Campesina, Foodfirst Information and Action Network (FIAN) and the Land Research and Action Network (LRAN) (Borras and Franco 2009). These transnational campaigns have served to extend the political reach of several ongoing (sub)national land struggles (Baletti et al. 2008; Peluso et al. 2008).

Moreover, recent policy and political discussions about, and the initial development initiatives around, agrofuels and the closely linked issue of the surging food prices across the world have also helped to re-focus the spotlight on issues around land resources. Between the polarized corporate-led development path and the small family-based alternative, with their respective visions for the food and agrofuels sectors, are questions of competing land use, land markets, land control, land ownership, territory, and land-based investments. Collectively, these issues will likely push the agrarian sector and agrarian change into an even more prominent location in contemporary and future development discourse and research.

The complex range of key actors in the global land policy scene today is also reflected in the complexity of meanings accorded to land policies and 'land governance' between and within these groups. Contemporary mainstream policy discourses on land issues today revolve around two main themes, namely, the 'pro-poor-ness' of land policies and 'governance' matters. Policy discourses tend to use the seemingly politically neutral term 'land policies' to refer to all policies that relate to land, rather than to use terms that appear more overtly value-laden, such as 'redistributive land reform', and then adding the prefix term 'pro-poor' to make a claim as to a given policy's objectives. Alongside this revival of land issues in development policy discourse is the emergence of a distinct pole in governance discourse, namely, 'land governance'. The term and notion of 'land governance' has gained currency within mainstream agencies in recent years, and generally means the most efficient way of administration of land issues, such as cadastres, land titling, and so on (see, for example, FAO 2006; but see Palmer 2007 for an excellent overview). As generally understood today, 'land governance' is therefore a matter of technical and administrative governance, rather than a matter of democratizing access to and control over wealth and power.

The emergence of competing concepts in land policy and land governance has led to some confusion in today's land policy discourses. One may be referring to a real estate sales transaction and call it 'land reform' (arguably, as in the case of land

sales-oriented 'market-assisted land reform'; see, for example, Deininger 1999; but see Rosset et al. 2006), while another may be talking about a technical satellite land mapping and electronic recording of such and call it 'land governance' (for background see FAO 2006), and so on. Nonetheless, it is clear that the mainstream development institutions are oriented toward the promotion of (usually individual) private property rights in land through mechanisms deemed to be financially and administratively efficient. This is purportedly justified by the 'imperatives' of capitalist accumulation in the contemporary world that partly require 'neoliberal enclosures' and the expansion of market relations and commodification (Akram-Lodhi et al. 2009). For proponents of 'land governance', how to govern the process through which land is made to contribute to capitalist accumulation – and not how to democratize access to land – is the main concern, with the underlying assumption being that poverty reduction is likely to occur as a result of capitalist development. This situation parallels a similar divide between 'economic' and 'human rights' approaches to land and development, as explained by Assies (2009).¹

For greater clarity in policy-oriented and academic research, it has become important to specify fundamental analytic issues towards a better understanding of contemporary discourses in and contestations around land policies and land governance. This rest of this paper is divided into four sections. The next section identifies and examines gaps in land policy and land governance literature. There is then a discussion on land-based social relations and key themes in a truly pro-poor land policy. The dynamics of land policy reforms are examined by surveying four broad types in terms of the flows of land-based wealth and power. The final section offers a discussion on the politics of land governance.

GAPS AND CHALLENGES

Gaps

While land resource is critical for the economic livelihood of the rural poor, its significance goes far beyond economic issues. In most settings in the world today, land is important socio-politically to both elite and subaltern groups. For example, a landlord may hold on to a less-than-productive tract of land not because of its economic value, but perhaps because of the social status and prestige it accords, as well as for other political purposes. Landed classes often use the threat of expulsion from the land, or the promise of reward of access to land and farm work to keep tenants and farm workers under control. Across the world today, and despite the general trend of national regime transitions away from centralized authoritarian rule in the 1980s, 'local authoritarian enclaves' have persisted (Fox 1990, 1994). Monopoly control over land resources by a few is one of the key reasons for these persistent and preponderant patches of authoritarianism.

Increasing knowledge about gender relations and empowerment has highlighted the importance of access to and control over land within intra-household gender relations, and what this implies for broader concerns about empowerment of the

¹ For a discussion on the potentials and dilemmas of a human rights approach to land policies, refer to Franco (2006).

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poor (O’Laughlin 2007; Kabeer 1999; Agarwal 1994; Deere and León 2001; Razavi 2003, 2009). Likewise, increasing awareness about the distinct rights of indigenous peoples and ethnic groups has also helped to reconceptualize land not only as a factor of production, but as ‘territory’ that is critical to people’s socio-cultural reproduction (Holt-Gimenez 2008). Meanwhile, struggles over access to and control over land (and the resources located in those lands such as water, forests and minerals) and struggles over territory, on many occasions, have been associated with violent conflict in many parts of the world (Pons-Vignon and Lecomte 2004; Kay 2001). This underscores the importance of land in most peace-building efforts today in many countries.

The multidimensional character of land poses big challenges to scholars, policy makers and activists. Most of the issues cited above tend to be treated in disparate, unconnected ways. Various disciplinary lenses may be used (and used well) to examine land issues. But important gaps remain in our understanding of how the different dimensions of land interact in reality and influence the effectiveness and sustainability of pro-poor land policies.

This is particularly true when it comes to evaluating the ‘success’ or ‘failure’ of a land policy. Today land policies continue to be measured in almost always exclusively economic terms, i.e. whether or not and to what extent it has delivered its promise of improved farm productivity of small family farms created by the reform. More recently, it is also measured as to whether and to what extent a title holder used his/her title as collateral to secure commercial credit. Yet even the peasants and rural workers who may have benefited from a given land policy, in the form of receiving land or land tenure or labour reform, do not always view the (re)distribution process as transforming them into self-provisioning and/or capitalist farmers. Some view the land as part of a complex mix of livelihood sources, instead of as the sole source of livelihood. Growing shares of off- and non-farm activities in a farm household’s income partly attests to this. The conventionally narrow conception of land reform policy is partly a legacy of the ‘farm size-productivity inverse relationship’ theory, i.e. small farms are superior to large farms in terms of productivity. This in turn leads to a situation where small farms tend to be treated as a ‘magic bullet’ against rural poverty (for critical, competing views, see Griffin et al. 2002; but see Byres 2004; O’Laughlin 2007; Johnston and Le Roux 2007; Sender and Johnston 2004).

Seldom have land policies been measured and assessed systematically in terms of their non-economic consequences, especially their impact on democratic governance, despite classic studies showing that land-based agrarian structures shape political and democratic institutions (e.g. Moore 1967). For example, specifically for land reform, the social, political and cultural aspects of successful land redistribution are difficult to measure and assess. Some studies posit a straightforward breaking of the nexus between peasants and landlord and transformation of the former into relatively ‘free-er’ agents, with a greater degree of autonomy in social and political decision-making and action vis-à-vis both state and non-state actors. Others show that while clientelistic tenant-landlord ties may be cut through land reform, other unequal relationships can emerge to take their place, such as between government officials and merchants on the one side and newly created small family farmers on the other. Or, in the case of some commercial plantations, farm workers’ key

relationship may shift from being with a domestic landlord to a (transnational) company, where the underlying issue of control of the land resource and its products is not always resolved in the workers' favour. This has been underscored in important studies about contract farming, which may once again become a key theme in agrarian change studies in light of emerging contract-growing schemes being promoted in relation to food and fuel production.

Where governance is linked to land policy, the tendency is to treat it as an issue of efficient state administrative function, e.g. 'cheaper land administration', 'affordable land mapping', 'cheaper conflict management mechanism', and so on – evading the fundamental issues of political power, recognition of land rights and effective access to land rights, or the political-economy of land and political change. Our understanding of pro-poor land policy's links to ongoing democratization processes or the challenge of 'deepening democracy' remains very partial and tentative at best. Where pro-poor land policy is seen from a more socio-political perspective, and its implications for governance are stressed, the picture is no better.

The contribution of pro-poor land policies to democratic governance tends to be assumed, rather than demonstrated, and vice versa. Yet the evidence does not always point to greater democratization as an automatic outcome of pro-poor land policies. Meanwhile, no step forward in democratization can be safely assumed to be irreversible. Unfortunately, the most current thinking about and debates on democratization and deepening democracy (see, for example, Fung and Wright 2003) are usually not very systematically linked to the contextual questions of redistributive reforms in general.² Nor do they address the question of the appropriate basis for allocation and distribution of specifically rural land resources. The issue of whether or not the type of public policies matters to the contemporary challenges to deepening democracy remains relatively under-explored. But one thing is certain: bringing in the issue of 'democratic land governance' can contribute to 'deepening the deepening democracy' debate, to use John Gaventa's (2006) term and concept, especially in settings where the agrarian sector remains important even when this does not comprise the majority population in a given society.

Institutions, including land laws that govern the distribution of land resources and the recognition of land rights, do matter. Institutions, defined as sets of rules and procedures that govern human action such as electoral processes, constitutional frameworks and state laws, are important contexts of initiatives towards greater degrees of democratization. They can provide political resources to otherwise marginalized groups in society, or they can deprive them of such. Being an important context for interactions within the state and in society, institutions are thus important objects of such interactions. This is the reason why policymaking processes, like those around land issues, are hotly contested between various groups within the state and in society (Thelen and Steinmo 1992). Hence, institutional form and functioning are relevant to questions of land governance and the security of the land rights won in struggles and as a consequence of pro-poor land policies. Questions of effective

² For example, most of the commonly cited experiences of participatory democracy such as participatory budgeting in Porto Alegre or a community-based solid waste management programme are, arguably, mainly localized and do not involve public policies that call for large-scale redistribution of wealth and power in a society.

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mechanisms for downward accountability are central to these debates (Franco 2008a). The point being raised here is captured by what Jonathan Fox has argued:

rights and empowerment do not necessarily go together. Institutions may nominally recognize rights that actors, because of imbalances in power relations, are not able to exercise in practice. Conversely, actors may be empowered in the sense of having the experience and capacity to exercise rights, while lacking institutionally recognized opportunities to do so. (2007, 335)

He concludes: 'Formal institutions can help establish rights that challenge informal power relations, while those informal structures can also undermine formal structures.'³

In short, much more remains to be examined and understood about the relationship between pro-poor land policy and democratic governance, especially in contemporary context. Part of the analytic challenge here is that at the core of discussions about pro-poor land policy and democratic governance is a classic 'chicken-and-egg' dilemma. In many agrarian societies pro-poor land policy is necessary in order to achieve democratic governance; and yet how can pro-poor land policy be formulated and implemented in settings where recognition of the rights of the poor is weak and where land-based wealth and political power is highly concentrated in the hands of a few – private individuals, corporate power or the state? Democratic governance would seem to be a necessary prerequisite for pro-poor land policy; yet pro-poor land policy would seem to be the necessary prerequisite for democratic governance too. How can this fundamental impasse in land policy be broken? This dilemma is originally posed by Ronald Herring (1983) in the context of South Asian land reform dynamics. With the rural poor currently making up three-quarters of the world's poor, this old puzzle remains urgent and necessary today. Achieving democratic governance and implementing pro-poor land policy are distinct but at the same time inseparable challenges. Practical efforts to understand and resolve one of these problems appears to require addressing both simultaneously; but how this can happen is not obvious.

Dominant Land Policy Currents

The meaning of land and land policies is diverse across, and contested within, local and (inter)national settings (for example, see for African perspective Peters 2004; for international perspectives Akram Lodhi et al. 2007; Zoomers and van der Haar 2000; Spoor 2008; Rosset et al. 2006). The diversity of the policy questions required to address diverse land issues is perhaps one of the key reasons why 'land policy' is the popular phrase used to refer to all policies that have something to do with land. Conventional phrases that are quite specific in terms of what they actually mean are used less and less, such as 'land reform', 'land resettlement' or 'leasehold reform'. These and other land-related policies are gathered together under one catch-all label: 'land policy'. Instead of value-laden terms such as 'land reform', the term 'land policy' portrays an almost 'neutral' message. More recently however, international

³ Similar arguments, made in the specific context of land and democracy, have been advanced by Cousins (2003).

agencies, especially the World Bank, started to pre-fix the term with 'pro-poor' (e.g. World Bank 2003).

The contemporary interest in land and land policies in the context of development has been triggered by a combination of factors as partly explained above. One of these factors is the few but dramatic mobilizations from below to secure land rights, such as those in Brazil (Wright and Wolford 2003). However, another important push for the policy revival has come from the mainstream development institutions. The persistence of poverty and inequality, which have remained largely rural phenomena, has encouraged mainstream economists to problematize access to productive assets by the rural poor. Perhaps the most important mainstream policy position that links land and poverty is the one that is promoted by Hernando de Soto. De Soto (2000) believes that land without clear private individual property rights is dead capital because it cannot be used for financial transactions. Without financial inflow the rural economy will not get activated and grow. And the reality is that the majority of land in developing countries does not have clear private individual property titles. In order to transform this sleeping capital into active, financially tradeable instruments, non-private lands should be privately titled. Formalization of land rights on a large scale is deemed necessary and is thus widely promoted today. Moreover, the (re)surging importance of food and agrofuels sectors on the one side, and the prior and ongoing advocacy for privatization of land resources that are still public or state-controlled on the other, is most likely to become a powerful development policy combination that may contribute to profound agrarian transformations worldwide in the near future.

Meanwhile, the World Bank (2003) is generally supportive of the De Soto thesis. Despite significant changes in its land policy, there are important continuities. Many of the latter continue to overlap with De Soto's views (see Assies 2009). The World Bank's take of formalization of land rights is also done despite its 2003 land policy report that has pointed out that under certain conditions communal land rights can also be economically efficient. Moreover, it can also be recalled that the World Bank was at the forefront of pushing for privatization of land rights in transition economies (for helpful background see Ho and Spoor 2006; Wegren 2007). For the economically inefficient private large landholdings that continue to exist, the World Bank has advocated share tenancy and land rentals as an effective way for farm size (re)allocation and adjustment. Recently, broadly pro-market scholars have pushed for share tenancy reforms as a distinct, 'stand-alone' policy and with a largely modified definition, rather than in its conventional form as a complementary scheme.

Still pertaining to large private landholdings, but in settings where it is considered more economically efficient to carry out land sales, the World Bank constructed the so-called Market-Led Agrarian Reform (MLAR) policy model, one that rests on the 'willing seller-willing buyer' principle. The policy model inverts the purported key features of state-led land reforms: from expropriatory to voluntary, from statist-centralized to privatized-decentralized, from supply-driven to demand-driven, from giving landowners staggered cash-bonds payment at below market price to providing 100 per cent cash for 100 per cent commercial value of the land to the seller, and so on (Borras 2003; Borras et al. 2008).

The various land policy frameworks cited here are highly differentiated in terms of imperatives and motivations, institutional frameworks, as well as the social groups

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and classes positively or negatively affected by the reform. There are usually multiple currents within and between these policies. Despite the heterogeneity between these recent land policies, they have common features as well: (i) treatment of land resources or property titles to these, primarily, if not solely, as a scarce factor of economic production; (ii) identification of the ‘forces of the free market’ as a key agent that can determine the most economically efficient (re)allocation and use of land resources; (iii) stance against the role of the state. The dominant thinking assumes that government bureaucracies are inherently corrupt, and will always engage in rent-seeking around land policy-making and implementation (Binswanger 1996, 141–2; Deininger and Binswanger 1999). The flipside of this is the belief that market-transacted land sales will be transparent and corruption-free (Deininger 1999); and (iv) require the state to intervene at some point in the land policy-making process, but mainly to pass laws and policies that set the legal framework for the market reforms. This is in turn linked to ongoing mainstream efforts at legal and justice sector reforms (Franco 2008b). When the policy framework for market reform is established, the role of the state is clipped back, or limited to administrative functions to be carried out largely by local government units within a decentralized approach.

Against the backdrop of these pro-market land policies, ‘governance’ around land policies has emerged to become an important issue. However, the dominant thinking is firmly located within the issues of economically efficient (re)allocation of resources, administrative efficiency (‘corruption-free’) and fiscal prudence (‘cheap’), the latter almost always means cutback in public expenditures. Many land policy campaigns today involve support to ‘one-stop-shop’ types of land privatization, registration and titling programmes in developing countries, commonly labelled as ‘land administration and management’ projects. The general effect of this kind of treatment is to embrace and promote technicist, de-politicized administrative functions of the state around land policy questions. It is intended to ensure that the state gives up its regulatory functions over land resources and that it stays away from land regulation, so that land markets will work properly. When textbook projections do not happen in real life, as on many occasions, the sponsors of these market-oriented land policies usually put the blame on administrative and operational problems, i.e. ‘governance problems’, located in the host country.

Therefore, the dominant advocacy for the market-oriented land policy prescriptions within some international development agencies is concerned with how many ‘clean’ land *titles* are produced. It is, in essence, concerned about the physical land title, a tradeable good, *a thing*. The concomitant ‘governance’ issue is generally about administering an efficient production of private land titles. It is engaged in and part of what James Scott (1998) called ‘state simplification’ to render ‘legible’ messy and complex land-based social relations.

LAND-BASED SOCIAL RELATIONS

Land-Based Social Relations, Not ‘Things’

The contemporary dominant thinking on land policies is problematic on two grounds. On the one hand, landed property rights are not ‘things’; they are *social*

relations between people (see, for example, Tsing 2002). These social relations are linked to the dynamic process of land-based wealth creation. On the other hand, governance cannot be reduced to technical administration or 'management' of land markets or land policy reforms, and it cannot be confined to the sole issue of land taken in isolation of other state and societal issues related to wealth and political power distribution (Putzel 1992). Governance is about political relations between (groups of) people and the institutions (rules and regulations, both formal and informal) that 'govern' them. It is linked to how, and how well, decision-making power is aggregated and (re)distributed in a polity over time, and how decisions become authoritative, or not, in society.

For our purposes, 'land governance' shapes and is (re)shaped by the ongoing interaction of various diverse groups and classes (and competing interests) in society and the state, in endless contestation to gain effective control of, among other things, land-based wealth. It is contested usually by national state actors, regional political and economic elites, and the rural poor. It is from this dynamic political-economic, historical-institutional and multi-level perspective that one should explore the links between 'pro-poor land policies' and 'democratic land governance'.

It is important to clarify a few interrelated concepts and issues about property rights and land policies. First, by 'ownership and/or control over land resources' we mean here the *effective control* over the nature, pace, extent and direction of surplus production, distribution and disposition (see Borras 2007). This framing will enable us to detect actually existing land-based social relations regardless of what official documents claim, whether these are in private or public lands. This framing also provides us with a disaggregated view of the various competing social classes linked to each other by their varying relationships to land. Second, a land policy does not emerge from and is not carried out in a vacuum. When carried out in the real world, a land policy causes a change in the actually existing land-based social relations. Some changes favour the landed classes, other elites, or the state, while others may favour the poor. Third, land laws and land policies are not self-interpreting and not self-implementing. It is during the interaction between various, often conflicting, actors within the state and in society that land policies are actually interpreted, activated and implemented (or not) in a variety of ways from one place to another over time (Franco 2008a; see also Roquas 2002; Sikor and Lund 2009). Fourth, land-based social relations are varied and diverse from one setting to the next, and are shaped by socio-economic, political, cultural and historical factors. Fifth, land-based social relations are dynamic and not static. These are not like development projects that can be contained within a time-line. Land-based social relations remain in a continuum and are ever-changing long after a land titling project or a land reform programme has officially ended, for example. Land-based social relations are not automatically changed when official documents are changed, as for example, granting formal titles without instigating reforms on actually existing tenure. Conversely, actually existing land-based social relations may dynamically change, while official documents remain unchanged. Finally, property rights and land policies are often the focus of contestation and struggle between different social actors and interest groups.

Multiple land policies have become necessary even in one national setting. These can be in the form of land reform, land restitution, land tenure reform, land

stewardship, and so on. This is in order to address the varying land-based social relations existing in society. Formal land ownership that is subject of the reform can be by the state, community or private entity. The organization of the reformed access to or control over land resources can be by individual, group, community or state. The bottom-line is about reforming land-based social relations. Meaning, the reform of the *terms* under which land-based wealth is created, appropriated, disposed and consumed as well as the ways and means by which such processes are effectively controlled by different groups, which entails political power relations – or governance.

Key Themes in Pro-Poor Land Policy

A pro-poor land policy is a public policy that categorically aims to protect and advance the land access and property interest of working poor people. In most agrarian settings, the rural poor are various social classes and strata of the landless and land-poor peasants and labourers: small owner cultivators, small-scale cultivators, middle peasants, landless rural labourers, subsistence fishers, indigenous peoples, pastoralists, both male and female. By landed property rights we mean here land-based social relations. It is *these relationships between groups of people or social classes* that are the subject of any pro-poor land policies. Land policies are not technical-neutral devices. When implemented, land policies impact differently among different social classes and groups of people, favourably or otherwise. Not all land policies are categorically meant to favour the poor. Not all officially labelled as pro-poor land policies automatically result in pro-poor outcomes. Not all well-intentioned land policies actually benefit the poor. There are unintended and unexpected land-policy outcomes, both positive and negative. Therefore, it is important to specify the key features of a categorically pro-poor land policy. In this context, we identify nine interlinked key themes.

1. *Protection or transfer of land-based wealth in favour of the poor.* A pro-poor land policy transfers wealth to, or protects existing land-based wealth of, the rural poor (as broadly defined above). Land-based wealth means the land itself, water and minerals therein, other products linked to it such as crops and forest, as well as the farm surplus created from this land. Any pro-poor land policies must involve protection or transfer of land-based wealth in favour of the working poor people. It is only by specifying the direction of the flow of land-based wealth transfers that we will be able to assess whether and to what extent a land policy is truly pro-poor. This is in contrast to the mainstream economic doctrine that is concerned mainly with the most efficient allocation and use of (scarce) land resources, oftentimes agnostic to the direction of change in property relations.

2. *Transfer of land-based political power.* A pro-poor land policy transfers (or protects) political power to control land resources to the landless or near-landless rural poor. It is a policy that confronts, and does not back away from, political conflicts that are inherently associated with land-based social relations and any serious attempts at recasting the latter. By political power transfer we mean here the actual transfer of real or effective control over land resources. This means control over the nature, pace, extent and direction of wealth creation from the land, as well as the

distribution and disposition of such wealth. It is important to specify the issue of 'real and effective' because there are numerous official and legal transactions that occur only on paper, but not in the real world. There are various types of land transactions which are part of what Herring (1983, 269) calls 'apparent but not real' reforms where land records are altered, but not the actually existing land-based social relations. Apparent but not real changes can be coerced, voluntary or manipulated by a variety of actors (Borras 2007). This perspective follows the framework on the 'theory of access' to land resources developed by Ribot and Peluso (2003) where they argued that the concept of 'bundle of powers' rather than 'bundle of rights' is more useful in understanding current struggles over (land) resources.

3. *Class-conscious.* A pro-poor land policy is class-conscious. It ensures that the policy benefits the landless and near-landless working classes. Land policies should be informed by the notion of heterogeneous agrarian societies or communities, by the notion of 'social differentiation of the peasantry' (Bernstein 2009). It means that a community is usually made up of various classes, which are in turn defined by their mode and degree of control over productive assets, especially, but not solely, land. The subject of (re)distribution, or the original entities that controlled wealth and power, may be the landed classes or the state. When implementing a land policy, land-based wealth transfers may occur, but these transfers may or may not benefit the working-class poor. For example, mainstream land titling and land-rights formalization initiatives carried out in settings marked by a high degree of inequality and power imbalances between social classes are likely to benefit local elites, not the rural poor. But even some radical conventional redistributive land reforms that are blind to social-class differentiation may, at best, benefit only a small section of the rural poor, usually the better-off section of the rural dwellers. In this context we should take note that heated debates about the role of class and class agency in land reform and rural development studies are not confined to the mainstream economics-versus-left-wing academics circles. Heated debates about this question have marked the ranks of radical critics of mainstream land reform and rural development policies, broadly between the radical agrarian populists and class-based perspectives.⁴

For our purposes, a pro-poor land policy is one that recognizes that the interests of landless and near-landless rural poor are *plural*: landless peasants, rural labourers, indigenous communities, artisanal fisherfolk-cum-rural labourers, male and female, and so on. By specifying the plurality of classes and groups among the rural poor, a land policy will be aware of the differential impact of a land policy even among the rural poor. By specifying the *plurality* of sub-groups among the rural poor, we will be able to *disaggregate the outcomes* of a land policy and see its *differentiated impact* upon the socially differentiated rural poor. This is especially because it is a case that a land policy may benefit one section of the poor, but not another; or benefit one section of the poor, but harm another (see, for example, Borras 2007; Berry 2009).

⁴ For an earlier collection, see the various contributions to the volume edited by John Harris (1982). For a recent debate focusing on land reform, see Byres (2004). For a specific critique of the tendency by contemporary agrarian movements to neglect class issues in land reform, see Akram-Lodhi (2007). For a recent summary of earlier Lenin-Chayanov debate and its implications for contemporary land and rural development debates, see Bernstein (2009).

Making land policies more inclusive is a difficult challenge, whose resolution may lie within resolving the land question *and beyond*, to include other reforms within the agrarian structure and rural livelihood complex of the poor, especially labour reforms. Class-blind land policies are likely to favour the non-poor and non-working classes. 'Too land-centred agrarian reform advocacy' may overlook critical *labour reforms*, with strategic negative implications. It is thus worrisome that contemporary land policy discourses by governmental and international development agencies as well as by many rural social movements and NGOs generally ignore class (and labour reform) issues. Among important rural social movement organizations in Brazil and the Philippines, for example, there are clear divide between '*struggles for land*' (by landless peasants' associations) and '*struggles for labour reforms*' (by rural labourers' trade unions), despite the fact that there may be strategic negative implications for doing so. Bringing class back into land policy studies (for general discussion in the context of rural livelihood studies, see Bernstein 2007; Herring and Agarwala 2006; Scoones 2009) and political struggles will be critical for categorically pro-poor land policies to emerge and get promoted.

4. *Historical*. A pro-poor land policy is historical in its perspective. This means the policy should understand the issue of land-based wealth creation, political power transfers and recipients from longer historical perspectives (Bernstein 2002). This allows for a 'social justice' framework to be fully developed. By embedding a land policy view from deep historical circumstances, it is able to detect and prevent possible pitfalls in land policy frameworks that may undermine some sections of the poor. Problems of social conflict and political instability may occur when ahistorical land policy is carried out, based solely on the 'here and now' calculations which are often guided by monetary considerations, e.g. market value of the land, 'legitimate legal' claimant of the land. Straightforward ahistorical land policies – or ahistorical interpretations of land policies – are likely to result in anti-poor outcomes. Ahistorical land policies are likely to undermine the legitimate claims of other poor people and unable to contribute to inclusive development or political stability. Even apparently progressive land policies, such as the 1988 land reform law in the Philippines, can deliver social justice to one section of the poor, while the same policy process can commit social injustice to another section of the poor – when interpreted and implemented out of any historical context.⁵

5. *Gender-sensitive*. A pro-poor land policy is one that at a minimum does not undermine, and at a maximum promotes the distinct right of women for their own land rights – as peasants or rural labourers and as women. In many instances, women have access to land resources distinct from men within their households, such as by being a farmworker, a (part-time) farmer, firewood gatherer, and so on. These links to land entitle them to their distinct land rights (see, for example, Agarwal 1994;

⁵ This is the case of landless Muslims in the southern Philippines losing out to the land claims by their Christian counterparts simply because the latter are usually actively working in the redistributed plantations (and the national land reform law prioritizes the latter as beneficiaries). This is despite the fact that these vast tracts of lands were the ancestral land of the Muslims who were violently evicted from these lands when transnational companies did the clearing for the plantations several decades ago (see Gutierrez and Borras 2004).

Kabeer 1999). They are thus entitled to land as peasants – and as women. However, it is well known now that previous land policies, especially land reform policies, excluded women. This is shown in the studies by, among others, Deere (1985) and Deere and León (2001) in the context of Latin America, Agarwal (1994) in the context of South Asia, Whitehead and Tsikata (2003) in a general African context, and Razavi (2003, 2009) in a general overview worldwide.

Recent land policies started to incorporate women into the agenda. Where it has been done, implementation is a major challenge, as in the case of South Africa (Walker 2003). Land policies that are gender-blind are likely to undermine women's rights, and by implication for some types of households in some settings weaken the capacity of the households to combat poverty. But recent studies have also cautioned us not to see allocation of separate land titles to women as always appropriate in all places at all times, and not to assume that joint titling is a 'magic bullet' that could deliver women's empowerment (O'Laughlin 2007).

6. *Ethnic-sensitive.* Similar to that of the issue of gender, a pro-poor land policy is one that at a minimum does not undermine, and at a maximum promotes the distinct right of ethnic groups (and other race- and caste-related groupings) to their territorial claims, often as peasants and as a people. This is especially important in national settings that are ethnically diverse. Previous land policies, especially land reforms, have been generally ethnic-blind. Land policies of colonization or public land resettlements as well as extractive industry policies have, in varying extents, encroached into the territories of indigenous peoples, undermining access to and control over land resources and territories by indigenous peoples (Scott 1998, 49). Many contemporary land-oriented violent conflicts have some degrees of ethnic or indigenous peoples dimension to them. Partly due to the increasing mobilization of indigenous peoples, especially in Latin America, during the past decade or two, there has been an increasing consciousness about indigenous peoples and their land and territorial rights, and land policies are becoming more sensitive to these issues.

Mainstream development perspectives on land that put a premium on the economic importance of land are generally not sensitive to the ethnic dimension of land–property relations. This has led to competing and tension-filled relationships between those that promote a western concept of property rights as a component of capitalist development strategies on the one hand, and indigenous non-western concepts of property (in the context of Malaysia see, for example, Dolittle 2007). This is in contrast to emerging human rights-based (including social, economic and cultural rights) framing of indigenous peoples' movements and their civil society allies (see, for example, Assies 2006, 2009). A land policy that is ethnic-blind is likely to benefit only the dominant and powerful groups and classes in society, and undermine the historical land claims by the weaker ethnic groups. However, it has also to be acknowledged that there is a potential danger in promoting ethnic-conscious land policy; indeed, the other edge of the sword is that it might encourage ethnic tension and fragmentation. In other settings, real control of indigenous territories can be passed on to traditional leaders or chiefs who are not accountable to the communities they represent (see relevant discussions in Ntsebeza 2006; Claasens and Cousins 2008).

7. *Productivity-increasing.* A pro-poor land policy contributes to increasing land and labour productivity. This means land policy leads to more intensive land and labour use after land policy implementation. One of the arguments for, and against, land reform is the question of land and labour productivity in the context of scale and productivity. The debate goes on, without a decisive conclusion, with one position maintaining that small family farms are more efficient and productive than large farms, and the other camp arguing that large farms are more efficient and productive than small family farms (see, for example, Rosset et al. 2006; Griffin et al. 2002; as well as Byres 2004; Sender and Johnston 2004, respectively). These two competing perspectives largely shape the debates whether to carry out land reform, how and with what development orientation. The debate is not limited to land reform. Our point regarding this matter is that potential for productivity increase – or decrease – after policy implementation is not inherently associated with any particular type of land policy. In different places and in varying conditions, we have seen productivity increases through conventional land reform, through leasehold or rental arrangement, or through group stewardship contracts. The conditions of existing agrarian structures play as much a role in shaping the impact of policy upon land and labour productivity as the land policy itself. For example, providing lands to sugarcane seasonal farm workers who have no prior experience whatsoever in individual farming without a package of support such as infrastructure, technical training, capital, and so on, is likely to result in lacklustre, if not totally failed, farm development efforts, as demonstrated in the difficulties encountered in contemporary land reforms in this sector in the Philippines, Brazil and South Africa. Thus, large-scale public programmes that support land and labour productivity, as well as the manner in which land policies are integrated (or not) to national development or industrial strategies, do matter (Chang 2009; Kay 2002, 2009; Akram Lodhi et al. 2007; Boyce 1993).

8. *Livelihood-enhancing.* A pro-poor land policy contributes to building diverse and sustainable livelihoods. Land policies are usually thought of as something to do with agricultural or forestry development. While to a large extent this is correct, greater understanding of the complexity of livelihoods of the rural poor demonstrate the extent to which on-farm and off-farm sources of livelihood are, to varying extents, mixed from one household to the next, from one country to the next (Scoones 1998, 2009; Bebbington 1999). Hence, it is important to view land as part of this diverse portfolio of livelihood strategies of the rural poor. ‘*Too farm-centred agrarian reform*’ may prove to be problematic, counter-productive and non-viable in many cotemporary rural settings today.

In many cases, land is valued by a household not as a current active farm productive asset, but as a future social safety net. It is therefore important to recall the argument made by Hart (1995) in the context of discussion in South Africa and with insights from Southeast Asia that giving small plots of lands to households to be used for food production and other productive activities should be combined with providing livelihood opportunities in the surrounding areas. This also means avoiding land policies that undermine existing diverse livelihoods in and around the distributed land. For example, formalization or demarcation of forest lands to individual households may secure land access of the recipient families to the said

land. The same process may also put an end to previous porous boundaries in the forest spaces where people are free to access various non-timber forest products, thereby undermining sources of food or income to other people. This is one problem that hounds many of the formalization, titling and demarcation programmes of forest lands in Latin America, Asia and Africa. A land policy that is viewed and treated in the narrow perspective of farming alone is bound to be ineffective in the long run.

9. *Rights-securing.* Finally, a pro-poor land policy is one that contributes to effectively securing the rights of poor people to occupy and use land for purposes and in ways of their own choosing. Although this aspect has already been touched upon in much of the previous discussion, it constitutes an underlying, bottom-line principle that in the real world is too often taken for granted and therefore warrants more explicit emphasis. Land tenure issues and the importance of protecting the land-based wealth of the poor tends to take a backseat to issues of redistribution. Yet they can be at the centre of processes such as elite capture within redistributive or distributive reforms, or the ‘formalization of inequality’. Inattention to defining and securing property rights in appropriate ways after land redistribution in relation to both class and gender, and thus, to the need to democratize land governance at the local level, has often been an Achilles heel for land reform. A clearer focus on these issues is critically important for the design of effective, pro-poor land reform and for activists involved in struggles over land. Many questions arise here to be dealt with, including whether to confirm community or individual titling, whether or not to award beneficiaries rights to alienate land, as well as the role of ‘customary’ tenure and ‘traditional’ authorities in (re)distribution processes and contexts.

Of fundamental importance in any land policy effort is the task of deciding ‘what kinds of rights, held by which categories of claimants, should be secured through tenure reforms, and in what manner, in ways that will not merely “add to possibilities of manipulation and confusion”’ (Cousins 2007, 282). Securing the land rights of the poor involves both defining their rights on paper and recognising their rights in reality – each of which are tasks easier said than done, but failure to accomplish would be disastrous to the rural poor on many dimensions. One problem is that too often land policymakers fail to take into account the ways in which poor people already do occupy and use land, but instead approach the land resource in question as a kind of ‘tabula rasa’ (blank slate) just waiting to be ‘filled in’. In this way, new land policies, even those purporting to help the poor, can end up undermining well-established practices and holds on land by poor communities and individuals. For this reason, as Cousins argues with regard to many parts of the African continent in particular, an approach is needed that emphasizes ‘mak[ing] socially legitimate occupation and use rights, as they are currently held and practised, the point of departure for both their recognition in law and for the design of institutional frameworks for mediating competing claims and administering land’ (2007, 282). But even where the goal is to redistribute land-based wealth and power, the property rights of the rural poor – and specific segments of the rural poor – must be defined and secured appropriately if a land policy is to succeed.

In closing the discussion in this section, it is relevant to point out that the ideal situation is when all these nine key aspects are obtained in a land policy, and its

implementation in settings where this is warranted. These features are necessarily complementary to each other. In the real world, however, it may not always be easy and straightforward to achieve this, especially in places where there might be some contradictions between two or more aspects. Take, for example, where a contested land is limited in quantity and the land claim makers – all legitimate on the bases of the key aspects discussed here – are far more abundant. If forced to choose to include some and exclude others, which feature weighs more: class-based, ethnicity-based, gender-based social justice, or productivity considerations? These are not easy choices – and mistakes are certainly not the monopoly of governments and international development agencies because many progressive, even left-wing, rural social movements have often committed similar errors borne out of making difficult trade-offs in their calculation and decision. There is no ‘magic bullet’ that can guarantee that the key aspects are attained in every land policy, especially because the latter is a contested process itself.

DYNAMICS OF REFORM

The way state land laws and land policies are actually implemented results in policy processes and outcomes that affect the pre-existing land-based social relations. The way the latter is affected comes in multiple forms, but can be broadly categorized as either pro-poor or anti-poor. It is rarely neutral. It is critical to be conscious of the various broad types of possible trajectories and outcomes of land policies’ impact on actually existing land-based social relations. Based on various country experiences historically, there are at least four broad trajectories, as summarized in Table 1.

Redistribution

The first is ‘*redistribution*’. The defining principle for this type is that land-based wealth and power are transferred from the monopoly control of either private landed classes or the state to landless and near-landless working poor (poor peasants and rural labourers). It changes the relative shares of groups in society. It is a ‘zero-sum’ reform process (Fox 1993, 10).

Here, redistributed wealth and power is a matter of degree, depending on the net loss of the landed entities and on the net gain of the landless and near-landless poor. And so policies that expropriate lands without compensation and distribute these to peasants are redistributive reforms. The revolutionary land reform in China in the early 1950s is an example. Arguably lands that are expropriated can in turn be appropriated by the state to create state farms to benefit the landless poor by giving them employment in these large-scale farms, as in the case of Cuba. But a land policy may acquire land at usually slightly below the commercial market value, and re-sell the same to peasants at slightly below the full market value of the land. This is the more common type of land reform, as in the case of Taiwan (Tai 1974). Arguably, the former is more redistributive than the latter, as illustrated empirically in the cases of Chinese and Taiwanese processes of the early 1950s, respectively (Borras 2007).

Viewed from this perspective, we have a better comparative glance at contemporary land reform policies, for example, in Brazil, the Philippines and South Africa.

Table 1. Trajectories of change and reform in land policies

Type of reform	Dynamics of change and reform; flow of wealth and power transfers	Remarks
(1) Redistribution	Land-based wealth and power transfers from landed classes or state or community to landless or near-landless working poor	Reform can occur in private or public lands, can involve transfer of full ownership or not, can be received individually or by group
(2) Distribution	Land-based wealth and power received by landless or near-landless working poor without any landed classes losing in the process; state transfers	Reform usually occurs in public lands, can involve transfer of right to alienate or not, can be received individually or by group
(3) Non-(Re)distribution	Land-based wealth and power remain in the hands of the few landed classes or the state or community, i.e. status quo that is exclusionary	'No land policy is a policy'; also included are land policies that formalize the exclusionary land claims/rights of landed classes or non-poor elites, including the state or community groups
(4) (Re)concentration	Land-based wealth and power transfers from the state, community or small family farm holders to landed classes, corporate entities, state or community groups	Change dynamics can occur in private or public lands, can involve full transfer of full ownership or not, can be received individually, by group or by corporate entity groups

This also provides a better analytic framework for understanding the broad contexts within which various rural social movements and state actors interact with each other to facilitate or obstruct redistributive reform. The monetary value-centred way of measuring redistribution is admittedly an important but inherently limited way of measuring the degree of redistributed wealth and power. To many people, land has a value or values that cannot be reduced to or expressed in any monetary value because these are cultural, religious, environmental, social or political. But just the same, a clearer measure of the land-based wealth and power redistribution can be captured in the concept of redistribution being a *matter of degree* (Borras 2007, chapter 2).

The conventional notion of redistributive land reform, i.e. applied only in large private lands, is the most commonly understood example of land-based redistributive reform. These are explained in important works such as Tuma (1965), El-Ghonemy (1990) and Griffin et al. (2002). However, in this paper we argue that there are a

variety of policy expressions beyond the conventional notion that can result in changing the relative shares of groups in society. These include redistributive land reform, land restitution, share tenancy or land tenure reform, land stewardship, indigenous land rights recognition, labour reform and so on. This is regardless of whether a policy is applied to a private or public land. The key is to be able to establish the degree of redistributed wealth and power, and to which direction.

In short, we can detect redistributive reform when it occurs, whether in private or public lands and regardless of what policy label we attach to it. We can do this by emphasizing in our analysis the following: (a) the degree of wealth and power (b) that is transferred from the landed classes or the state (c) to the landless and near-landless working poor (Borrás 2007).

Distribution

The second type of reform is *distribution*. The basic defining character of this type of reform is that the landless and near-landless working poor are the recipients of land-based wealth and power transferred to them. However the original source of wealth and power can either be the state or community (or a private entity that has been fully compensated by the state). In many settings, this type of reform would mean affirming and protecting pre-existing land access and occupancy by poor peasants whose tenure is insecure, as in many countries in Africa (Cousins 2007). It is a 'positive sum' reform process. It does not take resources from one group in society to redistribute to another. In fact, often such a policy is passed precisely to avoid having to resort to redistributive policies (Fox 1993, 10). For example, a piece of land that is officially categorized as public or state forest is actually agroforest land tended and tilled by poor peasants or forest dwellers. A long-term forest land-use rights allocation was issued to the poor peasants or forest dwellers in order to make their pre-existing access to the forest land more formal and secure. This is a distributive reform (see Franco forthcoming)

A handful of successful forest land allocation experiences in Vietnam in recent years can qualify in this category, while the more widespread (re)allocation of agricultural land in Vietnam is also an example of this type of reform (see, for example, Kerkvliet 2006). These types of land can be alienated in favour of the peasant tillers, with a similar distributive effect as in the case of some formalization of land rights initiatives that actually benefited the poor. Meanwhile, a government may purchase at market price a piece of private land and then distribute this to the landless for free or for a minimal cost. This type of transaction can, under certain conditions, qualify as distributive reform. The post-apartheid South African land reform is, arguably, an example by the fact that beneficiaries receive cash transfer from the government in order to purchase land (Levin and Weiner 1997; Lahiff 2007; Ntsebeza and Hall 2006). Some past and present public land resettlement programmes, in theory and under certain conditions, may qualify in this category.

Similar to the discussion under the redistributive type of reform, the landed property rights that are distributed can be private, state or community-owned. The forms of organizations of distributed landed property rights can be individual, group or cooperative. The distributive type of reform, in general, is perhaps not as controversial or conflictual as the redistributive type. This is because the key

question here is more 'who gets what' and avoids taking lands from the landed classes (Fox 1993, 10). But it would be a serious mistake to assume that all reforms involving such lands are conflict-free. This is certainly not the case. Many so-called public lands are sites of persistent and heated struggles between various social groups and classes to gain access to and control over the land resource (Franco 2008a).⁶ This is especially so where there is a perception by some elites that such distributive reforms may actually erode some of their economic privileges, prestige and opportunities, whether real or perceived losses, as in some cases of commercial farmers in southern Africa. As in redistributive types, distributive land policies can be in a variety of policies, including the conventional land reform, forest devolution, public land resettlement, and so on.

Non-(re)distribution

The third category is *non-(re)distribution*. The defining nature of this category is the maintenance of the status quo, where the latter is a condition that is marked by inequity and exclusion in land-based social relations. Here, the most typical land policy is 'no land policy'. Having no land policy is effectively the policy framework at play. In settings where there are vast inequities and exclusion in land-based social relations, a 'no land policy policy' effectively advocates non-redistribution of land-based wealth and power. In many other settings, a similar effect is created by having a land policy, even a pro-poor land policy such as land reform, but then keeping this dormant. Another example is the forcible evictions done by landlords, agribusiness or real estate companies in potentially or actually contested landholdings to avoid any forms of land and labour reforms. The post-apartheid farm dweller evictions in South Africa are a good example (Wegerif et al. 2005). However, there are also active land policies that are categorically non-(re)distributive. We now turn our discussion to these types.

Formalization of inequality occurs when in agrarian societies marked by socio-economic inequality and lopsided power relations between various groups and classes in society, an apolitical, a-historical, gender-blind, ethnic-blind and class-blind 'formalization' of land rights campaign is carried out. Formalizing land rights of legal claimants in settings marked by high degree of inequality is likely to formalize land claims by the non-poor, mostly elite, claimants. In such cases, formalization policies have only formalized inequality and institutionalized historical injustice. Many earlier private land titling programmes carried out by former colonial powers thus dispossessed the local population and facilitated land-grabbing by colonizers. Today, some cases of technical formalization of land rights initiatives under certain conditions may have varying effects similar to the earlier waves of enclosures in the context of contemporary Africa (Nyamu Musembi 2007). In some settings marked by inequality, carrying out market-led agrarian reform is also tantamount to formalizing inequality, as in several actual cases in the Philippines (Borras et al. 2007).

⁶ We just have to think of land conflicts in Central and Northern Highlands as well as lowland agricultural farms in Vietnam (Sikor 2006; Kerkvliet 2006), Indonesia (Tsing 2002; Li 1996; Peluso 1992), Bolivia (Kay and Urioste 2007; Assies 2006) and China (Le Mons Walker 2008; O'Brien and Li 2006) that all involve public – not private – lands.

Restitution without redistribution happens when large-scale land-based wealth and power transfers are carried out in the name of the poor, but in reality the latter have no significant effective access to or control over the land resources transferred. Examples include some (post-)conflict situations where land restitutions were carried out by large chunks of lands or territories being awarded to communities or the state, without any process of democratizing access to and control over these land resources and territories. One example, arguably, is the way in which many of the land restitution claims have been handled in post-apartheid South Africa which were devoid of any significant redistributive content, and which in some cases became a transaction similar to 'disturbance compensation' paid to affected people.

Many civil wars were partly caused by, or have complicated, struggles to control land resources or territories. Therefore, almost always, peace settlements included land policies. However, seldom do redistributive reforms in land figure in the settlements, partly because on many occasions forces opposed to any redistributive perspective in land policies are located in all warring factions.⁷ In cases where democratization of land was attempted in the peace settlement process in recent times, the kinds of land policies adopted were too market-friendly. As a result most of these were generally less effective, benefiting the elite more than the poor, as in the many country cases involved in the Central American peace accords in the 1990s onward (Gauster and Isakson 2007; De Bremond 2007). The complex competing claims over forest lands in East Timor between Indonesians brought to the island during the Indonesian reign on the one side and the returning East Timorese on the other side, as well as the conflicting land claims as a result of the massive displacement of the population due to militia violence (Fitzpatrick 2002), tells us once more that peace may be achieved formally through brokered settlements at the top, but often provokes new conflicts when pre-existing land-based tensions are not given appropriate attention. Similar issues are found in contemporary (post-)conflict peace-building process in several other countries today.

Finally, there is also a trajectory that can be termed *counter-reform*. The conventional use of resettling potential and actual land claimants to empty public lands may, under certain conditions, have some potential for redistribution, although historically it has impacted negatively on affected pre-existing settlements of local populations (Scott 1998, 69). However, where such a resettlement policy is done precisely to avoid and undermine political agitation for redistributive reforms in the larger agrarian society, then in effect it constitutes a counter-reform. It is in this context that the arguments put forward by important land reform scholars are important to recall. Feder (1970) once called the policy of land reform in public lands 'counter-reform' (see also Thiesenhusen 1971, 210; Tai 1974, 234). The counter-reform in this context is still practised in some places today, such as in Brazil. João Pedro Stedile (2007, 203–4), leader of the Movement of the Landless Workers or MST, explains that in recent years under the Lula administration the government settled 380,000

⁷ Take for example the Muslim armed separatist movements in the southern Philippines where past and present negotiations never included redistributive reform in their 'ancestral land' claims partly because the armed rebels did not want to antagonize their allies among the Muslim landed elite. Peace negotiators consciously avoid the issue of democratizing land access even though the persistence of abject rural poverty in that part of the country is due in large part to people's lack of access to and control over land resources (see, for example, Gutierrez and Borrás 2004).

families, but 64 per cent of these families were sent to the Amazon, which avoided any expropriation of private land owners. 'The families are now completely out of the class struggle . . . Our people are stranded in the Amazon, lost in a hostile environment. Not even a small market for their produce is available there.'⁸

(Re)concentration

The fourth type is *(re)concentration*. The defining character of this type is that while land-based wealth and power transfers do occur, access to and control over the land resource actually gets (re)concentrated in the hands of the non-poor: private landed classes, corporate entities, state or other elite community groups. This kind of change can occur in private or public lands. The organization of control over land resources can be through individual, corporate, state or community group institutional arrangements in property rights. The transfer may involve full land ownership or not. Different variations are possible, but the bottom line is the same: the recipients of land-based wealth and power transfers are landed classes and other non-poor entities or the state. For example, white commercial farms transferred to emerging elite entrepreneurs from previously (racially) disadvantaged groups, such as those in Southern Africa, qualify to be in the broad category of '(re)concentration' when we use the key features of pro-poor land reform as a benchmark. There are at least three broad trajectories within the (re)concentration category.

First, *reverse redistribution*, is where previously redistributed land-based wealth and power (from the landed classes or the state to the working poor) was later redistributed back again to the landed classes, other elites or the state. This kind of reversal was seen in Chile after the 1973 coup by Pinochet, who returned a significant portion of land redistributed by the Allende government to its previous owners and other elite entities (Bellisario 2007). Arguably, many of the (peri-urban) land conflicts in China today can qualify as this type, where landholdings expropriated from landlords and redistributed in the 1950s were later collectivized, then years after would be de-collectivized through the household responsibility scheme. Since the 1980s, many of these became the object of competing land use. On many occasions, local government units have taken over such lands from the villagers without sufficient or fair compensation to the affected communities. This process has largely underpinned recent escalating rural conflict and violence (Le Mons Walker 2008; O'Brien and Li 2006). In addition to such large-scale reversals, there are also 'micro' reversals involving specific landholdings that were previously redistributed to peasants. This type of reversal can be seen today in settings that have significant land redistribution or land tenure reform in the past, such as in West Bengal and in the Philippines.

Second, *perverse redistribution* is a trajectory where land-based wealth and power are transferred *from the working poor people* to the landed classes, other elite, or the state or elite community groups. This can happen under a variety of policies, including land reform, forest land allocation or management devolution, formalization and privatization of land rights, a variety of land-based joint venture agreements and land lease arrangements, and so on. This kind of redistribution has

⁸ Refer also to Pacheco (2009) for a more recent and broader discussion around this issue in the context of forest policy and land use.

occurred in many guises and in many places, historically. These include the many private land titling initiatives past and present that were captured by elites where the poor lost access to and control over land resources, as shown in the vast critical literature on the subject. A recent example comes from the Philippines, where a market-led agrarian reform experiment, in some instances, facilitated the formalization of land-grabbing of indigenous communities' lands, leading to poor people losing their actual occupancy and formal claim over land rights that were in turn given formally to elite claimants (Borrás et al. 2007). This phenomenon is also reflected in the leaders of the Brazilian movement, MST, becoming worried that there is an increasing incidence of leasing of agrarian reform settlement lands to companies engaged in sugarcane ethanol production, which the movement activists fear would in effect cancel out any previous gain in land redistribution.

Third, *lopsided distribution* is where land-based wealth and power are transferred from the state or community, directly or indirectly, by policy or through the open market, to a handful of private or state entities, with the net effect of excluding others while benefiting a few. Many examples of this can be seen in the forest land allocation process in Vietnam from 1994 onwards, where forest resources were devolved to communities but then were generally captured by local political elites (Sikor 2006). Moreover, in varying forms and degrees many land privatization processes (or attempts) in ex-socialist countries also appear to have fallen in this category (see, for example, Spoor 2008; Ho and Spoor 2006 for a global perspective). Finally, the current land controversy in Bolivia can be traced back to the 1953 revolutionary land reform where the western part of the country witnessed radical land reform, but the eastern part saw the landed classes and well-connected entrepreneurs gaining control over vast tracts of *public* lands (Kay and Urioste 2007).

In short, when implemented land policies have intended and unintended outcomes, and historically, there have been four broad categories of such outcomes. These four categories offer analytical signposts for observers in order to understand the nature and direction of land policies in terms of their impact on the rural poor. This typology also helps us situate our view of contemporary agrarian struggles: 'struggles against dispossession' pertains to land struggles against (re)concentration and (non)redistribution, the last two categories in Table 1, and which is a correct depiction of current struggles but is incomplete; 'struggles for (re)possession' captures the initiatives around land (re)distribution, the first two categories in Table 1. What we actually see in contemporary land struggles are the simultaneous struggles against land dispossession and for land (re)possession.

POLITICIZING LAND GOVERNANCE

The surest route for the rural poor to radical pro-poor land policies and democratic land governance is to capture state power by themselves or by their party or movement, either through a revolution or a victorious electoral contest, as shown in some historical cases. But such radical experiences are rare. In the absence of such radical societal transformation, the rural poor usually engage in 'everyday politics' to improve their conditions (Scott 1976, 1985; Kerkvliet 2009). These more fluid everyday politics are also able to transform national policies, as explained by Kerkvliet (2005) in the case of Vietnam. But such cases are also rare. In between

revolutionary situations and everyday politics, the rural poor and their allies are confronted by the challenge to change their situation within the very structures that perpetuate their problematic conditions, making it an extremely difficult political task to perform. It is within this political context that we carry out our discussion about democratic land governance.

We define '*democratic land governance*' as a political process that is contested by multiple state and societal actors to control the nature, pace, extent and direction of access to, control over, and use of land that is categorically biased in favour of the previously marginalized landless and near-landless working rural poor people,⁹ and is inherently part of the broader and strategic challenge of democratizing the state and society. It includes administrative and technical processes such as efficient land records and titles, but goes beyond these, to include the fundamental question of land-based wealth and power (re)distribution. It requires reformist contributions from both state and societal actors, and so necessarily combines perspectives on formal and informal, official and non-official, and state and non-state institutions and processes. It is necessarily carried out at multiple levels of the polity: national and local, and even international.

The discussions about landed property rights as social relations, about the dynamics of land-oriented change and reform, and about the key aspects of a pro-poor land policy, are all about questions of wealth and power. And as explained above, it is the dynamic interactions of various state and societal actors that determine state land policy outcomes, both in terms of the nature of the policy itself and whether the land laws become authoritative in society (Franco 2008a). Meanwhile, land policies, as explained above, can have various results, whether pro- or anti-poor, or somewhere in between. For these reasons, land policy *is* a matter of governance. But if governance truly means more than just administrative procedures, bringing governance back into the land policy debate necessarily politicizes the latter.

One-dimensional views of land, usually from an economic perspective, often bring in a different definition of 'governance', i.e. administrative function of the state, essentially de-politicizing land policies. It is common these days to define governance around land issues in terms of 'faster and cheaper land administration'. One problem is that this implies a technicist, top-down approach to land that disempowers the rural poor in the process. The problem is also that, in the end, such an approach is more likely to benefit the non-poor than it is to benefit the rural poor. This is because the dominant groups and classes in society can easily influence technicist, top-down, administrative processes due to the extensive reach of their influence inside and outside the state bureaucracy.

Achieving truly pro-poor land policy *processes and outcomes* thus necessarily requires a strategy that confronts, rather than backs away from, the inherently contested nature of land ownership, control and use. The key challenge is to identify actors that can mobilize to effectively carry out truly pro-poor land policies. Our proposition is that '*democratic land governance*' is a process that involves three basic components, namely, people's autonomous pro-reform mobilizations 'from below', independent state reformist initiatives 'from above', and mutually reinforcing interactions between

⁹ The term 'working rural poor people' is used here, instead of peasants, in order to be more inclusive of the rural poor: peasants, workers, indigenous peoples and other sections of the rural poor.

these two streams that are embedded in democratic values. None of these three components alone is sufficient; each is in itself a challenge to achieve; yet in the end all three are necessary to produce democratic land governance.

Mutually reinforcing state–society interactions

Governance approaches to pro-poor land policies that are ‘society-centred’ or ‘social movement-centred’ will be able to, at best, put pro-poor land policy onto the official agendas, but will not be able to achieve significant ground in terms of pro-poor land policies. This is because the ultimate power that could redistribute wealth and power across social classes in an agrarian society lies in state power. Societal actors need allies within the state. Meanwhile, ‘state-centric’ land policy approaches will be able to achieve some significant reforms, but by themselves will be inherently limited. This is because state actors face structural and institutional constraints, both within the state and in society. State reformists need allies in society. The most promising approach to ‘democratic land governance’ is one that combines people’s mobilization ‘from below’ with state reformists’ initiatives ‘from above’, and is vertically integrated from the local to international levels. It is a mutually reinforcing interaction, a symbiotic relation, between state and societal actors who may have different and even conflicting motivations and agendas, but are both interested in pushing for pro-poor land policies and in democratizing the state and society more generally. This perspective is far from the dominant notion of ‘land governance’, which is technicist, de-politicized and blind to (re)distributive and social justice values.

In some cases, reform-oriented officials and pro-reform social groups exist without interacting with each other. In such situations, political opportunities for reforms are not harnessed. In other cases, they do interact but instead of supporting each other, they undermine each other: pro-reform forces are then generally weakened and prospects for democratic land governance are remote. In fact, it is more of the *general trend* that these two sets of state and societal actors do not coalesce around reformist policies. The varying structural and institutional locations and agendas between them make conflict a constant feature of their relationship. There are numerous dilemmas and contradictions. The quest of autonomy by societal groups is almost always matched by the propensity of state actors to co-opt community groups. Independent reform initiatives of state actors are always suspected as something else by societal groups. It is therefore not surprising to see that these two sets of actors are almost always at conflicting positions, especially around (re)distributive reform issues. This partly explains the continuing elusiveness of (re)distributive reforms in many settings where these are needed (Borrás 2007; Franco 2008a; Wolford forthcoming; Lund 1998).

In the context of carrying out (re)distributive reforms, the most promising situation is when the two streams of pro-reform forces interact positively in pursuit of the common goal of implementing land reform, despite differences in agendas and motivations between them. This positive interaction does not necessarily entail explicit coalitions between state and societal actors. Parallel initiatives by state and societal actors (who may even consider themselves adversaries) toward a common aim also form ‘objective alliances’. In short, each must pressure the other to give in,

but they share a broader interest in each other's gaining strength. The different motivations underlying the actions of the state and societal actors are responsible for the inherent potential for conflict in the relations between objectively allied state reformists and societal actors (see Fox 1993, 21–32). Fox (*ibid.*, 40) explains that 'The successful implementation of distributive policies depends on the nature of the political interaction between the pro-reform forces in state and society. If their actions are mutually reinforcing, then the reform effort internalizes social conflict within the state. This reciprocal interaction between state and social actors can lead to unexpected political outcomes' (see also Borras 2007).

Depending on existing concrete conditions in a given setting, a 'state–society' interaction can take the form of 'state–NGO', 'state–peasant movement', state–NGO/peasant movements, or 'state–political parties–peasant movements' which are more common in places where there are overt and organized societal groups, such as Brazil (Wolford 2010). In places where such forms of associations and actions are not developed or are suppressed, state–society interactions usually take varying forms of the more amorphous and fluid 'state–community' interactions, such as in many parts of Vietnam and China today (see, for example, Kerkvliet 2009; Sikor and Muller 2009). Still in many other settings, the combination of these two streams may be more common.

Experiences in different countries have shown that agencies that have repeated interactions with societal organizations tend to produce more pro-poor reformers than agencies which did not have any significant interface with societal organizations, e.g. land reform agencies compared with finance or agriculture ministries. Take, for instance, the land reform in contrast to agriculture ministries in South Africa, Brazil and the Philippines. Different policy and political currents within agencies are more likely to remain in their latent condition as long as rural poor people and their organizations and allies demanding pro-poor land policies do not actually directly engage them. It is through repeated state–society interactions that explicit policy and political currents (pro- and anti-reform) – both within the state and in civil society – are mutually strengthened and become increasingly visible.

The character and extent to which state–society interactions around pro-poor land policy develop do matter in land policy implementation and outcomes. The alignment of social forces in favour of, or in opposition to, pro-poor land policies at the local and national levels largely determines whether a centralized or decentralized policy strategy is desirable in a particular setting given its structural and institutional make-up. In some places, decentralizing land policies means empowering despotic local landed elites. In other places, centralizing land policies means feeding into corrupt and unaccountable officials. State–society interactions involve different sets of actors from one local setting to another, and over time, within a country. These are one major cause of the variegated land policy outcomes spatially and temporally (Borras 2007), in addition to the role played by variegated agrarian structures regionally (see also Petras 1998). An analytical framework anchored on dynamic state–society interactions exposes the weaknesses of contemporary mainstream dogma about the 'inefficiency and inherently corruption-prone central states' and the 'inherently efficient and corruption-free decentralized land policy administration' (see, for example, Binswanger 1996) and offers possibilities for nuanced subnational land policy studies.

State–societal interactions are generally encouraged in land policy practice today. However, the dominant perspective among these is one that promotes conflict-free or de-politicized partnerships. On most occasions, such partnerships do not work, especially in (re)distributive policy questions (see, for example, critique by Harris 2002). The symbiotic interaction between autonomous societal groups from below and strategically placed state reformists from above provides the most promising strategy to offset strong anti-reform resistance to pro-poor land policies, facilitating state redistribution of contested lands to landless and near-landless working poor.

Finally, state–society interactions around pro-poor land policy and democratic governance have increasingly emerged and expanded at the international level, more or less reflecting the various political dynamics observed at the local and national level as discussed earlier. A good example of international space for mutually reinforcing (inter)governmental–civil society interaction around land policies includes that of the campaigns by *Vía Campesina*, FIAN and LRAIN as well as by the IPC for Food Sovereignty on the one side, and the initiatives by the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD) on the other (Borras and Franco 2009).

In these global spaces for interaction, progressive rural social movements have struggled for land and citizenship rights, trying to (re)shape land policy frameworks of key global institutions. These relatively positive initiatives within FAO and IFAD have coincided with the global campaign of *Vía Campesina* against the neoliberal land policies promoted by the World Bank. While the outcomes of *Vía Campesina*'s global campaign have been far below what was aimed for in terms of actual policy reforms, this campaign has created new representation spaces at the international level that were not there previously (Borras and Franco 2009). These spaces may prove to be of strategic importance for future campaigns by transnational agrarian movements (TAMs) for land and other issues. It is important to note however that specifically for land policy issues, TAMs have not really been able to develop spaces of interactions with most other important multilateral and bilateral agencies that are in fact more strategic actors, politically and logistically, in global land policy making today than perhaps the combined influence of FAO and IFAD (Borras and Franco 2009). Thus, while the rise of TAMs around land issues is a reason for celebration, the challenge of remaining a relevant and effective actor in the global land policy scene remains extremely difficult for these groups.

CONCLUDING REMARKS

The meaning of land and land policies is diverse across, and contested within, local and (inter)national settings. The diversity of the policy questions required to address diverse land issues is one reason why 'pro-poor land policy' is the popular phrase used today to refer to all policies that have something to do with land. Thus we are confronted by a range of competing options and meanings, ranging from land policies that are meant to encourage real estate and other business transactions devoid of any pro-poor pretensions, to land policies that are officially declared to reduce poverty such as land reform. In addition, the concern for pro-poor land policy has coincided with the mainstream promotion of more efficient administration of these policies. 'Land governance' has evolved to become the 'short-hand'

for this latter advocacy. The introduction of these concepts has enriched current discussions on land issues, but it has also made far more complicated the already complex land debates. At times it has led to some confusion, not clarity, in political, policy and academic discussion and research.

In response, this paper maps out the advancement, confusion and contradictions in the existing land policy discourse and practice. It offers possible *analytic signposts*, rather than actual in-depth analytic exploration, towards a better understanding of contemporary policy discourses and political struggles for pro-poor land policies and democratic land governance. It calls for further research and critical discussions.

In closing: for a variety of reasons land and land policies have regained importance in mainstream development discourse and practice during the past decade or so. The current confluence of events, particularly the rapidly increasing interest in developing the agrofuels sector globally, the interrelated worldwide surge in food prices, and the ever-increasing prominence of TAMs – will most likely put land issues toward the centre of agrarian studies in particular and global development policy and practice more generally. These new emerging themes will gravitate around the complex issues of pro-poor land policy and democratic land governance. A better understanding of these concepts demands clearer analytic signposts, for which this paper has tried to make some modest contribution.

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