

Australian Overseas Development Assistance and the Rural Poor: AusAid and the Formation of Land Markets in Asia-Pacific

Dianto Bachriadi

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Dianto Bachriadi¹

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Abstract

Australian overseas development assistance is not simply driven by a desire to assist poorer countries in the Asia-Pacific region. The fundamental premise of Australian aid is, first and foremost, its own national interest. This includes promotion of Australian business and financial interests as well as national security enhancement. Whilst it is a relatively smaller player in the global donor community, Australia is a leading donor agency in Southeast Asia and the Pacific. Officially, it is assumed by the Australian aid community that the way to combat poverty is to push for vibrant capitalist development. In order to push for this kind of development, it is urgently necessary to help create dynamic land markets because, it is assumed, this will bring investments into the rural economy, which will in turn create jobs and reduce poverty. It is in this context that the central focus of Australian aid, in promoting technical land administration, which includes land registry, land titling, cadastres and so on, should be seen. Australian aid does not support and promote re-distributive land policies like land reform. It is therefore doubtful whether Australia's aid intervention will ever make any significant positive contribution to poverty reduction.

Introduction

“The single objective established for the Australian aid will remain: To advance Australia’s national interest by assisting developing countries to reduce poverty and achieve sustainable development”.

– Alexander Downer, Australia’s Foreign Minister, 2002

Some scholars, policy makers, international development or finance institutions (especially the World Bank) have been promoting land policy ideas from a neo-liberal perspective incessantly since the early 1990s.² However, the key ideas that informed these policies, especially those on land registration, were already being promoted a decade earlier (Feder and Nishio, 1999: 26-30). The key agenda in changing land policies is to create free, dynamic land markets. Countries with land administration systems that are not compatible with land market formation are asked or persuaded to comply with the need to reform existing land policies. Rosset (2002: 9) has pointed out that the World Bank has been designing certain steps in order to move towards this. They include: (a) cadastre, registry, land surveys and mapping; (b) privatisation of public and communal lands; (c) land titling with alienable titles; (d) facilitation of land markets; (e) land-banks; market-based redistribution; and (f) production schemes, credit for beneficiaries. The first three steps are the most important in establishing the foundation of land markets.

The Australian government and some sections of the Australian business community are aware of how to take advantage of the opportunity opened up through this advocacy for land markets. On one occasion, three Australian land

² The most significant publications promoting land registration, land market formation and capitalist economic growth include: Binswanger and Elgin (1988), De Soto (1993, 2000), Binswanger and Deininger (1995), Binswanger, Deininger and Feder (1995), Feder and Nishio (1999), and Deininger (2003).

administration academics and consultants mentioned that the land administration system is now a lucrative ‘business’ (Dalrymple, Wallace and Williamson, 2004). A leading land administration businessman declared: “there is an increasing number of opportunities in the [land administration] marketplace... I see a very bright future for the Australian industry” (Burns, 2001: 15-16). It is not surprising therefore that the Australian official development assistance through AusAID has become involved in several land-related projects in a number of countries, particularly in the Asia-Pacific region.³ A \$234 million has been spent on 51 projects since 1984/1985 (see Table 1 and Appendix for detailed information on these projects).⁴

In an official document of the Australian government, it was noted that “Australia’s aid continues to serve the national interest by fostering regional growth and poverty reduction, promoting peace and stability in the region, and addressing transnational threats to Australia’s security” (Downer, 2002: 17). It also explained that:

“Australia’s commitment to assisting with development overseas also reflects a realisation that in an increasingly globalised world, it is in our self-interest to help. Not to do so would harm our own economy. By promoting growth in developing countries the aid programme helps foster stability and expands trade and investment opportunities for Australia. Through aid, we are also addressing many threats to our own prosperity... *and* it was clear that currently Australia’s aid will assist developing countries to undertake structural reforms to encourage the private sector to flourish...” (Downer, 1997: 4 and 8)

3 Australia’s aid is focused on the Asia-Pacific region because, as mentioned by Alexander Downer MP – Australia’s Minister for Foreign Affairs, this is the region with highest foreign and trade policy priority for Australia; the international community recognises Australia’s leading role in the region. He said that aid is a practical tool for promoting Australia’s place in the region (Downer, 1997: 10; 2002: 21).

4 In general, as a percentage of GNP, the overall Australian overseas development assistance has fallen to its lowest level ever at 0.25 percent, ranking 14th of 22 in the OECD donor table in 2007 (www.aidwatch.org.au).

Somehow it is thought that aggressive and widespread promotion of land administration and market-oriented land policies can help the Australian government achieve its official strategic goals to foster development, regional growth and poverty reduction. At the same time, it is assumed that such practice would also enhance the security of Australia by reducing conflicts through land administration reform in these regions. AusAid's land policy in turn will be firmly anchored in the neo-liberal conception of land: as a scarce resource that has to be used and allocated in the most efficient way, and in this case, through the promotion of (western) individual private property rights. It is believed that without such kind of private land property rights in place, capitalist development will be stunted. And if the latter happens, it is assumed that poverty will continue, and conflicts in the region may intensify (AusAID, 2001a: 4).

The Australian Development Aid Ministry does not have its own original framework for land policy. Its approach is instead closely informed by the World Bank's land policy. In general, Australia is not considered among the 'big countries' in the official development assistance community (Hoadley, 1980), but its role in Southeast Asia and the Pacific region in terms of pushing for the target land policy reforms is not trivial. Furthermore, in addition to the broader market-oriented reform regarding land where the Australian government takes its signals from the World Bank, it also has its own distinct agenda in the region, which is very much within the context of promoting Australia's economic and financial interest (AusAid 2006b). In an earlier document of the Australian Aid Agency (formerly known as AIDAB) entitled, *Australia's Overseas Aid Programme: Helping Australian Industry Too* published in 1990, the Australian government declared:

The aid programme helps Australian firms to develop new export markets through trade spin-offs from aid activities. It also generates direct purchases of Australian goods and services (AIDAB, 1990: v).

This was stated even after AusAid's approach went from being 'tied' to 'untied' in 1997.⁵ In 2000, another document shows that the earlier perspective was being still perpetuated: "AusAid is a major purchaser of Australian consultancy services for overseas work, using contractors primarily to design and implement bilateral and regional projects funded by the aid programme" (AusAID, 2000b: 89).

In the view of neo-liberal economics, land privatisation is a condition *sine qua non* for a well-functioning market economy (Ho and Spoor, 2005: 1), and the formal land market is one of the most powerful wealth generators. Wallace and Williamson (2004: 1-2) highlight what AusAid meant by land policy:

"[Land policy] is not about land reform in its usual meaning of land redistribution, that is, transferring land from one person to another... nor is it about titling squatters or informal land occupiers... most attempts to build land markets revolve around technical programmes. Land titling and registration projects remain a key ingredient in international assistance programmes and government activities. Most land administration project designs are about creating rights to convert an informal or partially unannounced relationship with land into more secure land rights and establish the administrative structure to ensure rights are knowable, recognised and permanent – and eventually trade-able".

Land administration from this perspective is defined as the regulatory framework, institutional arrangements, systems and processes that encompass the determination, allocation, administration, and information concerning land (AusAID, 2001a: 6). It includes the determination and conditions of approved uses of land, the adjudication, and the estimation of value and taxes based on land and

⁵ Tied aid is a type of overseas aid funding that can only be spent on goods and services bought from the donor country. A criticism of this type of aid revealed this system distorts value and reduces the effectiveness of aid to pursue its mission.

property. In a modern Land Administration System, detailed information about an individual land parcel should be made available and transparent (Enemark, 2005: 3). There are three components of land administration: (a) land rights registration and management; (b) land use allocation and management; and (c) land valuation and taxation. For AusAid, the first component of land administration (land rights registration and management) is critical for development and provides a base for the other components.

In short, I will argue in this paper that the Australian overseas development assistance is not simply driven by its desire to assist poorer countries in the Asia-Pacific region. The fundamental premise of Australian aid is, first and foremost, its own national interest; namely the promotion of Australian business and financial interests as well as enhancement of national security. While Australia is a relatively small player in the global donor community, it is the leading donor agency in Southeast Asia and the Pacific. Officially, it is assumed by the Australian aid community that the way to combat poverty is to push for vibrant capitalist development. In order to push for such kind of development, it is urgently necessary to help create dynamic land markets because, it is assumed, they will bring investments into the (rural) economy that will in turn create jobs and reduce poverty. It is in this context that Australian Aid's central focus on promoting technical land administration that includes land registry, land titling, cadastres, and so on should be seen. Australian aid does not support and promote re-distributive land policies like land reform. It is therefore doubtful whether Australia's aid intervention will ever make any significant positive contribution in poverty reduction.

1. Land Policy: Land Administration, Titling, Registration, and Formation of Markets

Established private land and property rights are an important foundation to create land markets. According to Wallace and Williamson (2002: 3), land markets were formed through evolutionary processes of transition with five stages, which in a few developed countries, especially in Western democracies, took hundreds of years. Developing countries, however, are trying to encapsulate the experience into decades. The five stages are: land § land rights (as two preliminary stages) § land trading § land market § complex commodities market. These markets require defined land tenure and titles (*ibid.*: 11).

To make any rights on land trade-able, those rights must have a ‘legal certainty’ *à la* western law: ‘security of rights’ through a certified formal title. Following this, according to AusAid, “land titling provides security to the landholder, reduces land disputes, and contributes to economic development by allowing the landholder to obtain better credit” (AusAid, 2000a: 7). For AusAid (2001a: 26), (1) land titles allow landholders, man or women equally, to access credits in the formal market by using the title as collateral; (2) such credits can be used for any productive activities; (3) land titles would increase government revenue through taxes; (4) the title increases the value of land so land value rises, and land trading increases; (5) ownership security, which in turn provides an incentive to improve the land and to develop more sustainable land use practices. AusAID does, however, admit that these links are not direct. Other conditions, such as the presence of supporting financial institutions, are also required for all the benefits to be obtained (AusAID, 2000a: 7-14). However, this assumption on the connection between individual land property rights, credit and economic growth informs AusAid’s projects around land policies.

Australian policy experts in the cadastre system are very active in trying to develop and refine these ideas, aggressively engaging in activities linked to technological improvement in cadastre, mapping and surveys. They are also

influential in academia, professional associations and conferences of surveyors, cartographers, and planners; they have consequently become prominent thinkers and actors around the issue of cadastre reform as a base to develop a pro-market land administration system worldwide. Williamson, a professor of Geomatics at the University of Melbourne and a prominent figure in the International Federation of Surveyors who served the government of Australia, among others, declared:

“The World Bank through the 1991 World Development Report established a simple framework for development that can be easily extended to cadastral systems... Without an appropriate cadastral system, many of the ‘challenges of development’ will not be met... In summary it is argued that the developing world is dependent on the establishment of a system of property rights and property formalisation in land, and associated institutions, for economic development. Appropriate cadastral systems are important, if not essential, for such systems to be established” (Williamson, 1997: 26-27).

But while technical land administration is important, on its own it cannot effect the conditions for the emergence of free market. Broader reforms around land policies are required. Wallace and Williamson (2004: 2) evaluated the land law in Indonesia and concluded:

“The enigmas of assisting development of a land market through a land registration programme were particularly raised by the large-scale land administration project in Indonesia. Even with universal registration, land market development would, on objective assessment, remain problematic particularly for two reasons. The vocabulary of land rights created by Indonesia’s Basic Agrarian Law (No. 5/1960) is inadequate, and conceptual capacities capable of underpinning a modern market are underdeveloped. Indonesia’s experience is not unique. Poor land

rights and underdeveloped conceptual capacity are ubiquitous among developing nations and remain serious impediments to market formation and operation.”

In the Indonesian case, the World Bank and AusAid, through the Indonesian Land Administration Project, strongly recommended to change the Indonesian land law, especially the Basic Agrarian Law, or BAL, of 1960 (Government of Indonesia, 1994: RE 2-3; Wright, 1999: iv-v and 73-74; and World Bank, 2004: 33), although they admit that doing so would not be easy (Government of Indonesia, 1997). The BAL has a unique place in the post-independence Indonesian political history of lawmaking processes to which there are many ardent supporters among nationalist politicians, academicians, and pro-populist agrarian activists (Bachriadi, 2005).

As shown in table 1, land administration projects implemented in Southeast Asian countries usually have components of policy and legal institutional reforms integrated with other technical initiatives. The extent of these components tends to increase over time.

Table 1. Land Titling Projects in Four Countries in Southeast Asia

Aspect	Thailand			Laos		Indonesia		Philippines		
	Phase 1	Phase 2	Phase 3	Pi-lot	Phase 1	Phase 1	Phase 2	NRMDP	LAM1	LAM2
Technical										
Major geodetic control						X		X		
Land titling & initial registration	X	X	X	X	X	X	X	p	x	X
Land transactions/ records		X	x				X	p	x	X
Land valuation	X	X	X		X			p	x	X

<i>Institutional strengthening</i>											
Organisational change			x				X		x	X	
<i>Policy & legal</i>											
Policy review & change		X	X				x	X	p	x	X
Legal review & change	x	X	x				x	X	p	x	X

Type of land

Urban	X	X	X	X	X					X ¹⁾
Peri urban					X	X	X	X		X ¹⁾
Rural	X	X	X		X	X	X	X	X	X ¹⁾

Purpose

Land reform										
Customary land							X			
Areas with major land disputes										
Areas of government land where ownership generally clear & few disputes	X	X	X	X	X	X	X	X	X	
Length (years)	5	5	5	2.2	5	7	5	6	2.5	5
Time Period	'84-9	'90-4	'95-9	'94-6	'97-01	'95-01	'01-5	'86-92	'00-2	'02-6

Source: AusAid (2000a: 81); see also www.worldbank.org.ph

NOTES:

p = partial (NRMDP was an exploratory project rather than an operational project; land administration was only one aspect)

x = low degree

X = high degree amount

¹⁾based on information provided in www.phil-lamp.org

2. AusAid's Land Projects

The resurgence of land-related projects within AusAid is not unconnected to the global trend within key international development institutions, especially the World Bank (Holt-Gimenez, 2008) and other multilateral agencies such as FAO (Monsalve, 2008) and the European Union (Bergeret, 2008) as well as major bilateral agencies such as the United Kingdom's DFID (Craeynest, 2008) and the German Development Cooperation. Viewed from an Australian perspective, Williamson (1997: 25) notes:

“This was the result of a general trend for such organisations to increasingly move their focus away from building dams and roads to supporting national institutional and infrastructure initiatives such as land titling. This move was supported by the increasing recognition that land tenure was a major constrain in projects undertaken by these organisations. Increasingly land matters have become a regular component of sector work and structural adjustment operations supported by the World Bank. Hence a new generation of land titling and land management projects have commenced as a result of an improved willingness of the lending agencies and borrower countries to fund such projects.”

In 1999 the UN/FIG Bathurst Declaration had considered land administration important for sustainable development. Land administration was defined as ‘the processes of determining, recording and disseminating information on ownership, value and use of land when implementing land management’. An important implication of this declaration, which, as noted by van der Molen, gains lots of support and recognition, is that all countries in the world should install a mechanism for determining, recording and disseminating information on ownership, value and use of all lands in the country as soon as possible (van der Molen, 1999: 1).

The official declaration in 1999 simply formalised what was already gaining momentum half a decade before. As early as 1992 more than 90 projects related to land administration were already underway and were getting funding from international development institutions. These projects were being carried out in 63 countries, with more than US\$ 2.650 billion in funds. Much earlier than this, in 1984, the Ubon Ratchathani Project in Thailand became the first land-related project funded by official Australian development assistance. This is a 5-year project for regional planning. Later, Australia's aid involvement would continue through the Ubon Land Reform Feasibility Study in 1990 that was implemented along with the first phase of the Land Titling Project. From 1990 until 2000 AusAid invested around A\$ 234 million in 51 'land' projects (see Tabel 1). Around 23 projects had a total cost of about A\$ 130 million and included: (1) large scale land titling projects and improvements in land administration (generally in Asia and co-financed with the World Bank); (2) improvement of the administration of alienated land (mainly in the South Pacific countries); (3) strengthening national mapping and surveying agencies; and (4) establishment of land information system (LIS) (AusAid, 2000a: 2). With recipient Government and World Bank funding the total project value of these four types of 'land' projects was about A\$925 million, of which 95 per cent is associated with the large scale land titling and land administration projects co-financed with the World Bank. Over 70 per cent of the large scale project's cost came from Australia. The focus was Thailand, Laos and Indonesia, with the projects being co-financed by the World Bank (AusAid, 2000a: xiii). The most recent AusAid involvement in a land titling programme, currently in the preparation stage, is the Reconstruction of Aceh Land Administration System Project (RALAS). Implementation of this 3-year project has been funded with US \$28.50 million from the World Bank. The other is a massive and long-term project plan to deal with customary lands in the Pacific region, which is called 'The Pacific Land Mobilisation Project'.

AusAid also supports the new Government of East Timor to setup a land administration system. It provided both technical assistance and material support to a number of activities directly related to land administration such as training in the areas of land use, valuation, technical survey, development manuals, as well as development of a GIS capacity (Marquardt, Unruh and Heron, 2002: 11-12).

Table 2. AusAid's Land' Projects and Funding, 1984/1985 – 2000

Project Type	Number of Projects	Government of Australia	Recipient Government	Other Donors	Total
in Australian dollars					
Land titling & administration	11 & 1 partial	95	319	463	877
Alienated land administration	3 & 2 partial	6	1	0.1	7
National mapping agencies	3	27	10	0	37
Land information system	2	2	1	0	3
Natural resource management	15	47	2	0	49
Geological surveying	6	11	0	0	11
Planning & development	5 & 2 partial	46	55	48	148
Other	1	0	0	0	0
Total	46 & 5 partial	234	389	511	1,134

Source: AusAid (2000a: 2)

The land titling projects in Thailand, Laos and Indonesia were designed and co-managed by the World Bank. The only project fully designed by AusAid is the land titling project in Sri Lanka. The Laos land titling programme, modelled after the Thai programme (World Bank, 2001: 38), was developed in the mid-1990s and has been extended to urban and semi-urban areas. The long-term intention, following the completion of the Land and Forest Allocation Programme (LFAP) (Vandergest, 2003: 49), is to extend it throughout the country. In the Philippines, before establishment of the Land Administration and Management Project (LAMP), a 20-year programme designed for World Bank funding, AusAid funded a 5-year programme called the Natural Resources Management and Development Project (NRMDP). This is a project for a computational land registration system. In the LAMP project, AusAid also provided a technical assistance grant to prepare a series of policy studies to guide the reform of land management and administration at the national level.

Land administration projects in Southeast Asia primarily concentrate on delivering security of tenure to privately held land for fast, simple and unambiguous title registration (Dalrymple, Wallace and Williamson, 2004: 4). In the Southeast Asian model (Thailand, Laos, Indonesia, also in the Philippines and Sri Lanka, later in Vietnam) the evolving project strategy could be summarised as: (1) plan the project as a long-term (20 year) programme and execute in 5-year phases; (2) work within one agency and focus early, strongly and throughout the project on operational systematic adjudicated registration of titles in areas where it will be reasonably straight forward. Do the necessary training and reforms in land law to support the operational titling; and (3) treat as strategic issues the aspects of institutional strengthening, appropriateness of land policy, land law, land tenure, land management, and allocation of organisational responsibility for land administration (Wachter and English, 1992).

There are claims (e.g. Rattanabirabongse, *et.al.* 1998) that the Thailand Land Titling Project (TLTP), which began in 1984, is one of the largest and most successful land titling projects being implemented in the world. The project cost totaled US\$ 247 million and over 5.5 million land titles have been distributed, with over 10 million people being direct beneficiaries. This project was presented with one of the two 1997 World Bank Awards for Excellence. In this project implementation, the Royal Forest Department (RFD) and the Agriculture Land Reform Office (ALRO) were involved in certain aspects of land administration, especially to issue land use rights certificates. This project has been used as a model for other projects in Asia and throughout the world (Rattanabirabongse, *et.al.*, 1998: 3; see also Feder, *et.al.*, 1988).⁶

⁶ Feder, *et.al.* (1998) claims that there is empirical evidence showing the direct link between clear land rights and investment in agriculture (see also World Bank, 2001). The World Bank has picked up on this study to justify the promotion of a similar project worldwide. The Bank's document is presented in the Donor Consultative Meeting on Land Policy Issues in Washington DC, 24-27 April 2000. An important point related to the controversial issue of market-assisted land reform (MALR) was the World Bank's attempt to repackage the initiative into as a 'community-based land reform'. See: Quan's report (*no date*). This consultation was then followed up by regional consultations in four regions (Asia, Africa, Latin America, and Central Europe) that involved donor agencies, partner countries, civil society organisations and academics. See 'Land Policy and International Workshop: The Workshop and the Policy Research Report on Land Policy and Institution', a digital version of all regional consultation proceedings in a CD (World Bank, 2003). For a broader discussion on the initial outcomes of market-assisted land reform in Brazil, Colombia and South Africa, see Borrás (2003).

However, the Northern Development Foundation, an independent research institution based in Chiang Mai, Thailand, critically examined the titling programme and arrived at a different conclusion and appreciation of the project. Specifically, the research institution concluded that the TLTP project did not attempt at all to address the interests of the poorer farming groups in the country. Leonard and Ayutthaya (2006: 5-8) explained:

“The first was the issue of forest tenure. The TLTP dealt exclusively with ‘non-forest lands’. This is because all lands denominated as forest are considered as state property whether or not communities have been living and farming in those areas for several generation... Consequently, some of the poorest farming groups in the country, including Thai farmers and ethnic minority groups who occupy forests, especially in the highland areas, have been left in a precarious legal position. They continue to be threatened with eviction or forced restriction of their agricultural practices ... A second important omission was that no provision was made in the planning or preparation of the project for the recognition or registration of rights to village commons or common property resources. The TLTP was aimed at the registration of existing land rights in order to give them validity under the national legal framework. However, the only option open was the registration of individual rights.”

Another issue raised by Leonard and Ayuttaya (2006: 7-6) concerns local people losing their prior land claims and rights to, in certain areas, cultivate their common property because those lands were certified for other elite claimants, such as companies and wealthy individuals from outside the community.⁷ This has increasingly become an important problem.

⁷ This is of course a problem that is not unique to Thailand. See Sikor (2005), for example, in the case of Vietnam.

In Indonesia, the project that started in 1994 and now is in its second phase has three components: land titling, study of customary land registration, and policy reform. The latter has an orientation to change the Basic Agrarian Law 1960. AusAid has been involved in the two phases of the Land Administration Project (ILAP). They provided a grant of A\$26 million for the first phase and A\$10 million for the second phase, and the rest of the project costs were covered by a loan from the World Bank and International Development Association (IDA) as well as national government funds. Many civil society organisations, especially those consolidated within the Consortium for Agrarian Reform (KPA) have criticised this project. They have raised six main problems with ILAP, namely, (1) the project ignores and institutionalises the core problem of increasing unequal land distribution; (2) it changes the concept of land from its predominant social function to an economic commodity to serve market needs; (3) it strengthens non-participatory land management by a state institution; (4) it fails to grasp the root causes of land conflict and tends to ignore issues of people losing their prior claims to land; (5) it threatens customary land rights through a homogenisation process in order to facilitate its absorption into market schemes; and (6) the project automatically increases Indonesia's foreign debt (KPA, 1994, 1996, 1997a, and 1997b). These criticisms and KPA's stance to reject the project, which were delivered and presented to the Government and Parliament of Australia as well as to the World Bank and Government of Indonesia, have provoked strong reactions from the Indonesian government.⁸

In the Philippines, the land Administration and Management Project, or LAMP, has been initiated for broadly similar reasons as discussed above. It is basically to address so-called existing inefficient land administration systems that in turn become obstacles to economic development, especially in the countryside. Three key issues were identified: (1) there is a scarcity of land for urban development because of uncertainty over ownership brought about by unclear landed property rights; (2) there are problems associated with converting rural land to urban land; and (3) rural land prices and land markets have stagnated as the level of rural-urban population drift continues to rise (Roberts and Burn, 2003: 9). Two important

⁸ KPA has been working together with Australian-based NGOs such as Community Aid Abroad (CAA) and AID-Watch and have used these networks for their campaign against ILAP.

project sites were identified where the LAMP project was carried out; one was in an urban area in Metro Manila, and the other is in a rural area in central-eastern Philippines. It is now in its second phase, a phase that aspires to expand the project to a number of new provinces in the country. Meanwhile, a study by Borras, Carranza and Franco (2008) shows that two-thirds of the initial beneficiaries of LAMP in its rural area pilot site were non-poor and non-residents of the villages where formal land rights were being created and distributed. It is also to be noted that AusAid chose to finance LAMP in coordination with the World Bank despite the fact that there is ongoing nation-wide large scale redistributive land reform in the country, one that is extremely contentious politically (Borras, 2007).

Meanwhile, in the Pacific, Australian aid is facing a relatively different dynamic. The 'White Paper of Australian Government's Overseas Aid Programmes', (AusAid, 2006b: 36) admitted that: "In Asia, AusAid has had considerable success in... land titling programmes, but has had less success in the Pacific, where the problem is more pressing and more controversial because of widespread customary land ownership". Most of the land tenure systems in the Pacific are in the customary land tenure system, considered by western development experts, including by AusAid, as inefficient and inappropriate for economic development (Gosarevski, Hughes, and Windybank, 2004: 137). AusAid realizes that "programmes to promote agriculture and rural development are perhaps the most difficult to implement, without – and in some way, its success is often dependent on – resolving issues of land tenure and creating markets through appropriate economic policy settings" (Downer, 1997: 7). AusAid believes that customary land rights impose major disincentives for investments (Fingleton, 2006:6). So, maintaining customary land system in the current condition in those countries "will not meet emerging needs, especially given the fast-changing demographics and aspirations of Pacific citizens" (AusAid, 2006a: 82) who migrated in large numbers from rural to urban areas and frequently settle on other group's customary lands. "Without a mechanism to ensure landowners participate fairly in the benefits of wealth generated from their customary lands, the sort of devastating conflicts already seen in Solomon Islands and Bougainville may become increasingly commonplace" (AusAid, 2006a: 82). So, they believed "growth and poverty outcomes will depend, therefore, on how well land tenures in

the Pacific are adapted to emerging needs” (Fingleton, 2006: 11). In its assessment, AusAid (2006a: 1-5) believed that land tenure reform in a customary land system will encourage economic growth and stability in this region:

“The region has experienced low or negative growth in income per person. In the period 1990-2004, four of the five Micronesian countries have negative growth and, of the Melanesian countries, only Fiji achieved an average growth of more than 1 per cent a year. In general, the Polynesian countries have done better, but only when compared with the rest of the region. Their growth is well below the average for developing countries... In spite of the difficulties in land tenure reform, change is essential, not only to encourage economic growth, but also to promote social stability in the face of increasing demographic pressures and the changing aspirations of the Pacific islanders.”

Table 3. Land Tenure Arrangements in Pacific Island Countries

Countries	Land Tenure	
	State [%] Customary [%]	Freehold [%]
Melanesia		
Fiji	8 83	9
Papua New Guinea	2 97	1
Solomon Islands	n/a 95	n/a
Vanuatu	n/a 97	n/a
Polynesia		
Cook Islands	n/a 100	n/a
Samoa	16 81	3

Tonga	n/a n/a	n/a
Tuvalu	n/a n/a	n/a

Micronesia

Kiribati	66 n/a	n/a
Fed. States of Micronesia	-- 100	--
Rep. of Marshall Islands	n/a n/a	n/a
Nauru	n/a n/a	n/a
Palau	70 n/a	n/a

Source: AusAid (2006a: 81).

In the Pacific, AusAid has been promoting a formula of reform in the customary land tenure system that it claims to be a ‘middle way’ or ‘demand-driven’, combining customary ownership with long-term leases that are expected to unlock the commercial value of land (AusAid, 2006: 36; Fingleton, 2006: 14-15). According to this model, the customary land system will not be abolished, but will be protected (Fingleton, 2006: 14). Therefore registration of customary lands is an important step in this model. Registration will also improve the condition of what is known as ‘security of tenure’ (World Bank, 2003; AusAid, 2006a: 81-84) on one hand, and will create an increasing value of land economically, on the other. In this sense, AusAid shares, along with the World Bank and other multilateral financial and development institutions, the idea of registering customary lands:

“The World Bank’s report makes three points. First, the most appropriate and cost-effective method of increasing security and transferability of land is not necessarily individual title. Recognizing customary tenure and finding means to facilitate land exchange through long-term lease can be

just as effective in encouraging security. Second, improving security of tenure also requires the existence or creation of institutions to enforce legal rights. Third, property rights need not be static, and can respond to the changing demands for tenure security as countries develop” (AusAid, 2006b: 82).

However, AusAid recognises that the existence of customary land tenure in the Pacific region is complex and can be a major challenge to land titling initiatives:

“A feature of customary land is the wide variation in customs within country, let alone between countries. Customary land presents major challenges for land titling or leasing... In many South Pacific countries, e.g. PNG, Solomon Islands, Vanuatu, and Fiji there are high levels of land disputes. Many of these land disputes involve customary land that has never been titled, while other disputes involve land where titling is being considered for purpose of economic development... Another source of increasing land disputes in customary land is the population pressure competing for scarce cultivable land. This is already a significant problem in some areas of PNG, Fiji, Cook Islands, Kiribati, Tuvalu, and Niue” (AusAid, 2001a: 12-13).

The complexity of land tenure as a significant factor for growth in this region was discussed during the Pacific Islands Forum (a regional forum led by the Australian government). The main agenda concentrates on how to integrate existing customary land tenure within the development plan for economic growth called ‘Pacific 2020’. AusAid has been designing a comprehensive and wide-spread land project in the Pacific region, called the ‘Pacific Land Mobilisation Programme’. This programme will “explore ways to overcome the major land tenure constraints to growth in the region” (AusAid, 2006b: xii). AusAid is cautious in managing this project because of the past experience when it worked with the World Bank for land tenure reform in Papua New Guinea (PNG). This was a customary land registration

and titling programme in PNG that started in the mid-1980s but was criticised, rejected and protested by various civil society groups. The protests in June 2001 caused three deaths among the protesters and many others were wounded during the confrontation with the police. Since then there has been little political will to pursue any land mobilisation programme (Gibb, 2005: 5-6). AusAid itself wanted only a small and less controversial role in any land policy project in PNG. To date, it is supporting a project on strengthening government agencies in land mapping.

3. Land Projects Business: Export of Australia's Expertise and Services

Beside their significant contribution to changing the land administration system in such countries, especially in the Southeast Asia and Pacific regions, land projects have also become sort of a business engaged in export of 'expertise' and other services. A businessman in this area, Tony Burns, said that "one of Australia's strengths in this area is the range of organisations involved in various aspects in the export of land administration services" (Burn, 2001: 13). He explained that:

"Australia has been very successful in implementing systems – over a long period of time. Australia has a long history of innovation in land administration – starting initially with the title registration system introduced by Torrens in the 1850s, but extended with innovation such as strata titling and community titles. In fact, it is the flexibility of the Australian systems – the flexibility to handle the traditional quarter acre suburban parcel, yet still handle the increasingly complex range of other requirements generated by modern society – that has been a model for systems in many other countries... Australia has also devoted close attention to legislative reform and has invested heavily in technology... Australia has also been an innovator in making the land administration databases available to other users, such as local government authorities and utilities... Australia has also often led the debate in a range of policy issues that facilitate the development of land administration systems and has policy documents on these topics that are applicable to other countries. There has been much debate in Australia over the past 10-15 years over the issue of native title" (Burns, 2001: 13).

In this context, Australia's foreign aid was crafted as a specific instrument to facilitate Australian companies to operate in such recipient countries through the AusAid's technical assistance (TA) schemes. A Sydney-based watchdog organisation concerned with Australia's foreign aid noted that:

“the Government of Australia uses the aid budget as a vehicle to: showcase Australian expertise and goods to potential overseas markets, build preferences for Australian goods and services, assist Australian companies to internationalise, and sell Australian goods and services. In this sense, Australian companies receive their government subsidies and assistances in obtaining contracts for development projects in low-income countries. Invariably, this results in a focus on profitability, and a lack of accountability and transparency” (www.aidwatch.org.au).

In fact, various Australian companies are becoming AusAid’s contractors to provide certain services and to deliver its technical assistance. Any business assignment to those contractor companies usually includes a package of technical assistance grants. This is not unusual in the business of foreign aid; relationships between aid and trade/investment is a classic issue in the history of foreign aid worldwide (see, for instance, Erler, 1989; Raffer and Singer, 1996: 6-9).

Improving land administration and completing land titling in many of the partner countries takes decades to carry out. So it is appropriate for AusAid to focus assistance on increasing the capacity of counterpart staff and organisations so that they have the skills, systems and motivation to continue improving land administration and land titling after project completion (AusAid, 2000: xiii). Australian companies and/or government institutions are likely to gain profits through such technical assistance projects. Thus, in the end the grant funds are spent on Australian goods and services. Indeed much of the aid money just revolves within a country’s economy.

In general, AusAid’s Technical Assistance in land administration projects covers programmes such as project planning, institutional and management system development, surveys and mappings, and installation of survey and cadastral technology (for details see Appendix). In this sense, most project components of the technical assistance form part of extended Australian business. For instance,

the Land Equity Pty. Ltd. that is involved in all phases of the Thailand Land Titling Project (TLTP) won a project contract valued at US\$23.6 million, comprising 73.8% of the total fee provided by AusAid for Technical Assistance (see www.landequity.com.au). Beside that, the *expertise* promoted by AusAid also covers the control of key positions within the entire project management hierarchy. Most of these are occupied by Australian expats, technical experts and academics. This can be found, for instance, in the Indonesian Land Administration Project (ILAP), where the project director is an Australian expatriate designated from its contractor company, i.e. Land Equity Pty. Ltd.

Many companies and government institutions in Australia got long-term concessions or contracts of work in various aid recipient countries. Some of these are: Department of Land Administration of the Western Australia (active in Bangladesh and Vietnam); Land and Property Information of the New South Wales (active in Indonesia, China, and Trinidad & Tobago); the Overseas Project Corporation of Victoria and SAGRIC (which has a long track record in many countries, including in the National Resources Management Development Project in the Philippines). Similarly, BHP Engineering (active in Thailand), Land Equity International (active in Indonesia, Lao, the Philippines, Cambodia, Vietnam, Afghanistan, India, Samoa, Timor-Leste, Macedonia, Serbia, Peru, and Ghana), URS Australia (involved in the Land Management Project in Solomon Island), Hatch Associates, Hassells, Coffey-MPW (involved in the Forestry Inventory and Mapping in PNG), EGIS, Sinclair Knight Mertz, Kevron, and Aerial Mapping are also AusAid contractors that exported land administration, as well as engineering, survey and mapping services.⁹

It not surprising therefore that the business of aid in land administration projects policy was extended to the academic community. Several higher educational institutions in Australia have been motivated to organise specific courses and programmes in land administration. For instance, in 1996 the University of New

⁹ Information collected from various sources such as Burns (2001: 14-15), Rusanen (2005: 5-6), AusAid (2004), and www.landequity.com.au

South Wales established a new graduate programme for land administration (Graduate Diploma and Master Programmes), sponsoring some of the staff from their land projects.¹⁰ According to Forster, Trinder and Nettle from the School of Geomatic Engineering, the University of New South Wales, “following a review of the needs of [the Indonesian] ILAP and based on previous experience involving the Thailand Land Titling and other projects, existing subjects were matched to these needs. Where subjects did not exist, existing subjects were modified or new subjects developed” (Forster, Trinder and Nettle, 1996: 3).

¹⁰ The first intake of 12 students from the ILAP project joined the programme in the beginning of the first session in March 1996, and nine students joined the programme at the commencement of session 2 (July 1996).

Concluding Remarks

The discussion above shows that Australian official development assistance engages in land policies, focusing on technical land administration, for two fundamental reasons. First, it aims to promote western individual landed property rights regimes in different parts of the world, but focusing on the region of southeast Asia and the Pacific. Its long-term agenda is that of developing free land markets in these countries. This approach is thought to be a requisite for vibrant capitalist development, with the result being that the region could become a major market for Australian business. Second, while such land policies are being carried out, Australian business is in fact already gaining profits by exporting goods and services to many countries through AusAid. In short, it is like ‘killing two birds with one stone’, so to speak. It is most certainly a win-win initiative, perhaps not for the poor people of the recipient countries, but certainly for the Australian government.

The focus on technical land administration – recognition of land claims, formalisation of land rights, land registration, cadastre, land recording, land surveying, and so on – implies at least two things in relations to the rural poor and poverty eradication. On the one hand, AusAid’s land projects, while claiming to be pro-poor, are designed to produce, first and foremost, individual private landed property rights. In their projects, they are less concerned whether those who get such clean titles are the poorest of the poor. Their main concern is to produce as many clean land titles as possible because they assume that this will spur economic investments and development, and that the benefits from the latter will eventually trickle down to benefit the poor. On the other hand, evidence from critical scholarship shows that ongoing land projects supported by AusAid have not actually benefited the poorest of the poor and have not really resolved land conflicts. Certainly, AusAid avoids politically contentious land policies, such as redistributive land reforms even in national settings where these are the central land policy, such as in the Philippines and Indonesia.

To conclude, AusAid does not have its own land policy, it follows the broad land policies of the World Bank. What AusAid does is to carry out the World Bank's land policy, and by doing so, carry out its distinct, selfish Australian national and corporate agenda. Whilst land projects have mobilised millions of dollars from both the Australian and Southeast Asian taxpayers in the name of the rural poor, the latter seem to benefit less than the Australian aid business and Australian corporate sector.

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www.lguportal.org

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www.worldbank.org.ph

Appendix

LIST OF 'LAND' PROJECTS BY TYPE, SUB TYPE AND VALUE, 1984-2002

Date	Country	Activity Name	Land Titling/ admin; surveying/ mapping, LIS	Natural resources management	Minerals	Planning	Others
			PROJECT FOCUS				
1998	CHINA	Hainan Land Resource Application	X	X		X	
1996-9	CHINA	Hainan Land use Information System	X				
1994	ERITREA	Minerals Legislation			X		
1996	ERITREA	Build Capacity in the Minerals Sector			X		
1994-99	ERITREA	Mineral Exploration			X		
1998-00	FIJI	Native Land Trust Body	X				
1998-01	FIJI	Airborne Geophysical Survey	X		X		
1993	INDIA	Aeromagnetic Survey			X		
1991	INDONESIA	Geological Mapping IAGMP			X		
1994-01	INDONESIA	Land Administration Project	X				
1999-02	INDONESIA	Coral Reef Rehabilitation & Management	X				

Large Land Titling & Admin	Alienated land admin in South Pacific	National Surveying Organisation	Land Info System	Total GOA	Recipient Country	WB Loan or Other Donor	Total Projects Value	Remarks
Land admin, surveying projects – sub types				PROJECT VALUES (A\$m)				

X			X	0.1			0.1	Did not proceed beyond design
		X		5.4	6.1		11.5	
				0.04			0.0	
				0.06			0.1	
				0.5			0.5	
	X			0.3			0.3	
				4.3			4.3	
				6.2	na	Na	17.6	
				0.06			0.1	
X				26.0	25.9	73.9	125.8	
				9.1	1.4		10.5	

Land
Titling/
admin;
surveying/
mapping, LIS Natural
resources
management Minerals Planning Others

PROJECT FOCUS

Date	Country	Activity Name					
2001-06	INDONESIA	Land Administration Phase II	X				
1996-00	KIRIBATI	Urban Planning and Development	X			X	
1995-97	LAOS	Land Titling – Pilot Project	X				
1997-02	LAOS	Land Titling Project – Phase II	X				
1995-97	NAMIBIA	Land Information System Strategic	X				
1996-00	NIUE	Land & Marine Use Planning Project		X			
1993-97	PHILIPINES	Technical Ass to Physical Framework Plan				X	
1989-93	PHILIPINES	Natural Resource Programme (NRMDP)	X	X		X	
2000-02	PHILIPINES	Land Admin and Management Project	X				
1996-01	PHILIPINES	Regional & Municipal Development Project (PRMDP)				X	

Large Land Titling & Admin	Alienated land admin in South Pacific	National Surveying Organisation	Land Info System	Total GOA	Recipient Country	WB Loan or Other Donor	Total Projects Value	Remarks
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Land admin, surveying projects – sub types

PROJECT VALUES (ASm)

X				10.0	15.0	65.0	90.0	In design
	X			1.3	0.1	0.2	1.6	Other agencies: ADB
X				2.1			2.1	
X				7.5	1.4	21.9	30.8	
	X		X	0.8	1.1		1.9	
				0.4			0.4	
				4.9			4.9	
X				26.0	75.2		101.2	
				7.1	2.2	7.9	17.2	
				14.6	4.5	47.6	66.7	Other donor: ADB

Land
Titling/
admin;
surveying/
mapping,
LIS

Natural
resources
management

Minerals

Planning

Others

PROJECT FOCUS

Date	Country	Activity Name					
1990-93	PHILIPINES	Remote Sensing		X			
1993-97	PNG	Mapping Agriculture System Project		X			
1995-96	PNG	Western & Gulf Coastal Zone Management		X			
1994-00	PNG	Land Mobilisation Project (ACLMP)	X				
1990-95	PNG	Kandrian Gloucester Regional Development (Phase I-III)		X			
1991-95	PNG	PNGRIS PNG Natural Resource Information System (Phase II&III)	X				
1998	SOLOMON	Village Integrated Rural Development					X
1994-98	SOLOMON ISLAND	Forestry Resource inventory		X			
1998	SOLOMON ISLAND	Ministry of Land Technical Assistance	X				

Large Land Titling & Admin	Alienated land admin in South Pacific	National Surveying Organisation	Land Info System	Total GOA	Recipient Country	WB Loan or Other Donor	Total Projects Value	Remarks
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Land admin, surveying projects – sub types

PROJECT VALUES (ASm)

				9.3	1.1		10.4	
				1.1			1.1	
				1.1			1.1	Design complete; value \$12-16m
		X		13.2	4.1		17.3	Not incl. census mapping & other add
				14.9	0.9		15.8	
				2.8			2.8	
				0.1			0.1	
				4.5			4.5	
	X			0.3			0.3	

Land
Titling/
admin;
surveying/
mapping,
LIS

Natural
resources
management

Minerals

Planning

Others

PROJECT FOCUS

Date	Country	Activity Name					
1999	SOLOMON ISLAND	Forestry Management Plan		X			
1999	SOUTH AFRICA	Community Based Rural Landcare		X			
1998	SRI LANKA	Land Titling and Cadastral Mapping Project	X				
1990	THAILAND	Ubon Land Reform Feasibility Study				X	
1990-94	THAILAND	Land Titling Project Phase I	X				
1992	THAILAND	Bangkok Land Information System	X				
1984-89	THAILAND	Ubon Ratchathani Project				X	
1989-94	THAILAND	Land Titling Phase II	X				
1994-99	THAILAND	Land Titling Project Phase III	X				
1999-02	THE PACIFIC	PACIFICLAND Phase III		X			
1996-02	THE PACIFIC	PACIFICLAND Phase II		X			

Large Land Titling & Admin	Alienated land admin in South Pacific	National Surveying Organisation	Land Info System	Total GOA	Recipient Country	WB Loan or Other Donor	Total Projects Value	Remarks
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Land admin, surveying projects – sub types

PROJECT VALUES (A\$m)

				0.3			0.3	
				3.0			3.0	
X				0.6			0.6	GOSL contribution wa >> A\$0.1m
				0.02			0.0	
X				14.6	51.3	56.7	122.6	
			X	0.7			0.7	
				4.4			4.4	
X				7.3	65.2	47.3	119.8	
X				10.1	133.0	190.0	333.1	
				0.001			0.0	
				2			2.0	

**Land
Titling/
admin;
surveying/
mapping,
LIS** **Natural
resources
management** **Minerals** **Planning** **Others**

PROJECT FOCUS

Date	Country	Activity Name					
1998-00	THE PACIFIC	Melanesian Forest Conservation Programme	X				
1989-95	VANUATU	Forest Inventory Survey Project		X			
1995-00	VANUATU	Land Use Planning	X	X		X	
1997-99	VIETNAM	WB: Land Management Project	X				
1993	VIETNAM	UNDP Land Management Study	X				
1994-97	VIETNAM	Hanoi Planning and Development				X	

Total All Types

Total – Land Titling / Admin, surveying, LIS

Total – Large Land Titling & Administration Project

Total – Alienated Land in South Pacific Project

Total – Strengthen National Surveying Organisation

Total – Land Information System Project

Total – Natural Resource Management

Total - Minerals

Total – Planning

Total – Other

Large Land Titling & Admin	Alienated land admin in South Pacific	National Surveying Organisation	Land Info System	Total GOA	Recipient Country	WB Loan or Other Donor	Total Projects Value	Remarks
Land admin, surveying projects – sub types				PROJECT VALUES (ASm)				

				0.1			0.2	
				2.3			2.3	
	X			5.0			5.0	
X				0.4			0.4	
X				0.7			0.7	
				3.3			3.3	
				234.1	389.0	510.5	1133.4	

130.1	331.7	462.8	924.7
95.0	318.9	462.7	846.6
6.1	0.4	0.1	6.3
27.9	11.3	0.0	39.2
1.5	1.1	0.0	2.6

46.9	0.0	0.0	47.0
11.2	0.0	0.0	11.2
45.5	55.0	47.7	148.2
0.1	0.0	0.0	0.1

The **LAND POLICY WORKING PAPER SERIES** is a joint publication of the Belgian Alliance of North-South Movements (11.11.11) and the Transnational Institute (TNI). Activist researchers from various non-governmental research institutions have come together to carry out this collective undertaking.

Three quarters of the world's poor are rural poor. Land remains central to their autonomy and capacity to construct, sustain and defend their livelihoods, social inclusion and political empowerment. But land remains under the monopoly control of the landed classes in many settings, while in other places poor peoples' access to land is seriously threatened by neoliberal policies. The mainstream development policy community have taken a keen interest in land in recent years, developing land policies to guide their intervention in developing countries. While generally well-intentioned, not all of these land policies advance the interest of the rural poor. In fact, in other settings, these may harm the interest of the poor. Widespread privatisation of land resources facilitates the monopoly control of landed and corporate interests in such settings.

Local, national and transnational rural social movements and civil society networks and coalition have taken the struggle for land onto global arenas of policy making. Many of these groups, such as Via Campesina, have launched transnational campaigns to expose and oppose neoliberal land policies. Other networks are less oppositional to these mainstream policies. While transnational land campaigns have been launched and sustained for the past full decade targeting international development institutions, there remains less systematic understanding by activist groups, especially their local and national affiliates, about the actual policy and practice around land issues by these global institutions.

It is in the context of providing modest assistance to rural social movements and other civil society groups that are engaged in transnational land campaigns that this research has been undertaken and the working paper series launched. It aims to provide a one-stop resource to activists engaged in global campaigns for progressive land policy reforms. The research covers analysis of the policies of the following institutions: (1) Food and Agriculture Organization of the United Nations (FAO); (2) World Bank; (3) European Union; (4) International Fund for Agricultural Development (IFAD); (5) UK Department for International Development (DFID); (6) Belgian Development Aid; (7) German Technical Assistance (GTZ); (8) Australian Aid (AusAid); (9) Canadian International Development Assistance (CIDA).

The research is coordinated by Jun Borras (TNI), Jennifer Franco (TNI), Sofia Monsalve (Food First Information and Action Network, FIAN – International Secretariat), and Armin Paasch (FIAN – German section).

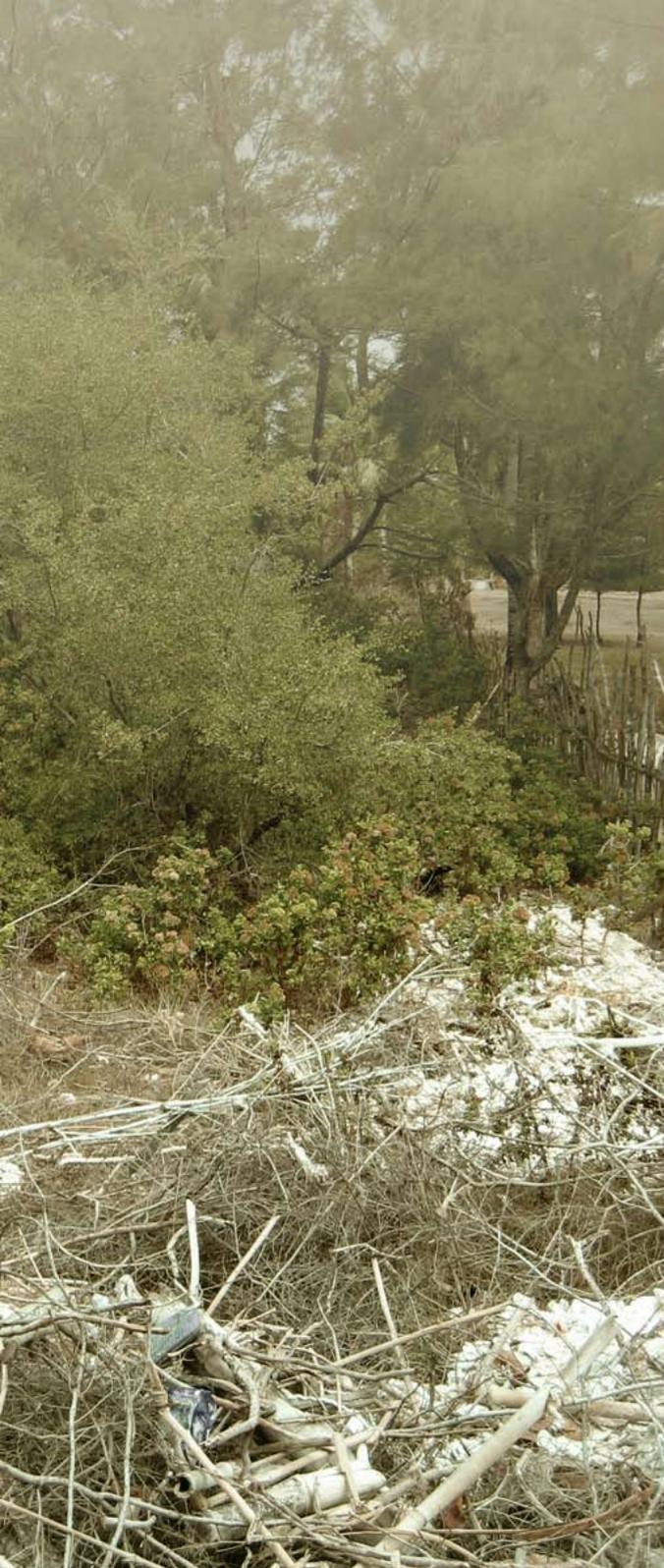
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11.11.11 is a coalition of the Flemish North-South Movements. It combines the efforts of 90 organisations and 375 committees of volunteers who work together to achieve one common goal: a fairer world without poverty.

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TRANSNATIONAL INSTITUTE. Founded in 1974, TNI is an international network of activist scholars committed to critical analyses of the global problems of today and tomorrow. It aims to provide intellectual support to grassroots movements concerned to steer the world in a democratic, equitable and environmentally sustainable direction. In the spirit of public scholarship, and aligned to no political party, TNI seeks to create and promote international co-operation in analysing and finding possible solutions to such global problems as militarism and conflict, poverty and marginalisation, social injustice and environmental degradation.

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Australian overseas development assistance is not simply driven by a desire to assist poorer countries in the Asia-Pacific region. The fundamental premise of Australian aid is, first and foremost, its own national interest. This includes promotion of Australian business and financial interests as well as national security enhancement. Whilst it is a relatively smaller player in the global donor community, Australia is a leading donor agency in Southeast Asia and the Pacific. Officially, it is assumed by the Australian aid community that the way to combat poverty is to push for vibrant capitalist development. In order to push for this kind of development, it is urgently necessary to help create dynamic land markets because, it is assumed, this will bring investments into the rural economy, which will in turn create jobs and reduce poverty. It is in this context that the central focus of Australian aid, in promoting technical land administration, which includes land registry, land titling, cadastres and so on, should be seen. Australian aid does not support and promote re-distributive land policies like land reform. It is therefore doubtful whether Australia's aid intervention will ever make any significant positive contribution to poverty reduction.