



Viewpoint

Systems approach to pro-poor land reforms: A concept paper



David Anafo

University of Tasmania, Institute for Regional Development, Cradle Coast Campus, Burnie, Tasmania, Australia

ARTICLE INFO

Article history:

Received 16 January 2013

Received in revised form 23 April 2013

Accepted 28 April 2013

Keywords:

Land tenure system

Pro-poor land reforms

Drainage system and general systems theory

ABSTRACT

There has been renewed interest in the academic discourse on land reforms due to recent high profile works suggesting a positive correlation between reforms and poverty reduction. Land is held under different tenure regimes in different regions, countries and communities. These are often in the form of community tenure, state tenure, individual tenure or a mixture of two or three of them. However, land reformers are in constant debate as to which of the three offers the most appropriate pathway to poverty reduction. The policy outcomes of such debates have been to superimpose one tenure option over the other in differing situations. This article conceptualises a metaphorical approach to land reforms grounded on general systems theory. It advocates for contextualised methodological rigour and an approach to land reforms reliant on the influencing variables of alternative land tenure regimes as opposed to wanton superimposition of one form of tenure over the other.

© 2013 Elsevier Ltd. All rights reserved.

Introduction

Land is a key factor of production. In its corporeal and incorporeal terms, land is the basis of our existence. It is a store of wealth for individuals, groups and communities and the source of production of food, fibre, fuel and other biotic materials for human consumption. Economists, since the days of Adam Smith have perceived land together with labour, capital and entrepreneurship as the core factors of production.

The centrality of land to the human race means that there must always be alternative ways of allocating land resources in a manner that is equitable and efficient. This raises the question of land reforms. ... “the generic term for modifications in the legal and institutional framework governing land policy” (FAO, 2003, p. 69). Different countries the world over have at one point or the other attempted to reform land tenure relations as a way of realising desired changes in a changing national, political, economic and social environment. It is against this background that Bruce recalls that:

“The role of land tenure—property rights in land—has been a major preoccupation in development discourse from the time of giants like Adam Smith and Karl Marx through to today’s luminaries, such as Hernando de Soto. In spite of their substantially different perspectives, none of these worthies ever doubted the critical importance of land and property rights in the development process” (Bruce, 2006, p. 1)

According to Needham (2006, p. 42) Property theory has often distinguished between four main kinds of property—private property, public property, common property and non-property. Suffice it to indicate that these property classifications are also construed by land reformers as private tenure, state tenure and community tenure and management over land and natural resources. In this paper, land tenure would be used broadly to encompass property and or land ownership. This understanding is reflected in the observation by FAO (2003, p. 20) that “the land tenure system in a given jurisdiction comprises the set of possible bases under which land may be used”. FAO (2003, p. 20) equally observes that these comprise both rural and urban tenures and encompasses “ownership, tenancy and other arrangements for the use of land”. Demsetz (1967) distinguishes between the three forms of land tenure types governing reforms. He indicates that under communal tenure, the community wields the power to determine who exercises communally owned rights over land. In exercising these rights, the community can deny the state and other individual citizens the right to interfere with the rights of persons enjoying communally owned rights. Private land tenure, on the other hand, empowers an individual citizen to exclude others from exercising the owner’s private rights. The community and or state recognise and respect the exclusionary rights of the private owner. Under state tenure, the state, reserves the right to exclude anyone from the use of a right through the recourse to accepted political procedures. Interestingly, these rather steeped notions of tenure have also largely become the basis for land reforms in the world.

This article questions the growing need to tackle land reforms from the position of one dominant theory or the other, without necessarily looking at the influencers of land tenure systems. This need arises because the various tenure reform initiatives have achieved

E-mail addresses: David.Anafo@utas.edu.au, david.anafo@gmail.com

successes and failures in equal measures under differing conditions. Ostrom (1990) catalogues the successes and failures of egalitarian systems in places as disparate as Switzerland, Japan, Spain and the Philippines; de Soto (2000) claims capitalism “triumphs” in the west because of libertarian land tenure systems while the CSD (2008) revels the pro-poor potency of public tenure regimes.

The issue is that land policy formulation and implementation is approached as a “muddling-through” exercise. This is the case whereby one reform approach is mooted, experimented and discarded for another when the desired results are not realised. In this regard therefore, it is perhaps better to “muddle-through” existing systems in an attempt to attain equity and efficiency in the land environment than resort to wholesale changes and superimposition of one tenure system over the other. This claim represents the overarching position of this paper.

The article is divided into two broad sections. In section one; I will explore the three dominant positions on land reforms—individual, state and or community tenure of and management of land. I will also briefly delve into their merits and demerits as espoused by their popularisers. I will move on to provide a brief account of the emerging issues on land reforms emanating from the literature. In the second section, the metaphor of a geomorphological drainage system will be introduced, discussed and suggested as an alternatively superior approach to pro-poor land reforms. Summarising thoughts from the debates, I argue that efforts to land reform approaches are not mutually exclusive and that it is time to examine reforms in a contextualised and systemic manner. I will then open up the debate to other academic and land policy researchers.

Dominant land reform positions

Land reforms can entail one or more of several interventions, implemented broadly in a complementary manner or phased out into various components and over longer time periods. The World Bank (2005, p. 17) distinguishes between the following as measures often undertaken to reform land tenure relations:

- market driven privatisation of land rights;
- formal acknowledgement of land rights derived from occupation and use;
- conversion of one legal regime to another;
- introduction of a land registration system or alteration of the documentation of rights from one system of registration to another;
- introduction or strengthening of land valuation and taxation practices;
- establishment or improvement of land use planning and regulation, including land consolidation and reordering;
- development or enhancement of dispute resolution approaches; and
- changes in organisational structure and or procedures.

Plateau (1996) observes that reforms of whatever nature seek to either achieve efficiency and or equity in the land use environment. He indicates that there are three idealised and diametrically opposing views as to the best possible way to achieving these goals. These are private/individualised approach, state/hierarchical approach and communal/egalitarian approach. Under private/individualised systems rights to land are held privately, whether individually, jointly or corporately. Under state/hierarchical systems, however, rights to land are vested in and negotiated by the bureaucratic machinery of the state while under communal/egalitarian systems, rights to use land resources are communally held (FAO, 2003).

A review of the approaches proposed by the World Bank reveal that the first four all have to do with providing titles

in one form or the other to various categories of rights holders to land and the commodification of land resources. These arrangements broadly fall under the private/libertarian view to land reforms. The fifth, sixth and eighth arrangements can be categorised under centralised governmental planning and administrative arrangements that strengthen the governability and tax mobilisation position of states. It is largely an intervention mechanism under state/hierarchists arrangements. The third and seventh arrangements involve titling communal land and improving dispute resolution mechanisms and can rightly be classified under community/egalitarian arrangements. These measures have also received varied theoretical reviews and interpretations. Proponents and or advocates of the various views of each of these dominant approaches perceive their claim as the most appropriate way to attain harmony in the land and natural resources environment and reduce poverty.

The libertarians (Cooter, 1982; de Soto, 2000; Demsetz, 1967; The World Bank, 2002, 2013) argue that efficiency and or equity can only be realised under conditions of privatised tenure. Their arguments are constructed along Hardin’s tragedy of the commons thesis that, that which belongs to all has the least care bestowed on it. The proponents of private ownership of land rights argue that it is the only way of ensuring the internalisation of beneficial and harmful effects emanating from land use.

de Soto (2000), one of the leading proponents of libertarian principles in pro-poor land reforms in contemporary times posits that it is only within the legal environment that the poor would have the framework to turn their assets into capital. He argues that the absence of essential representations such as deeds, titles and statutes of incorporation are the reasons behind the failures of the domestic economies of developing countries. The central issue in de Soto’s argument is that privatised land holdings enable land owners to mortgage land as collateral for loans, and also invests in making it productive. This is the underlying principle of the individualist approach to pro-poor land reforms.

The World Bank (2002) supported the views of de Soto by arguing that poor people in the developing world, without formal title to their land are unable to use it as collateral to access credit. They conclude that, formal title to land can increase access to credit and lead to increases in investment in land. In its most recent report on Africa titled *Growing Africa: Unlocking the Potentials of Agribusiness*, The World Bank (2013) argues that until the land rights of communities and individuals are formalised, and governance of land resources enhanced, agribusiness in Africa will continue to falter.

Hierarchists (Banik, 2008; CSD, 2008; Morsink, 1999) on the other hand argue that the most efficient way to deliver land to the poor is through state negotiation of the processes. Locke, for example, contends that the state has the ultimate responsibility to ensure equitable land delivery by virtue of its role as an arbiter and mediator under social contract theory (Locke, 1698 cited in Davy, 2009). The position of the hierarchists in seeking secure, pro-poor land rights for all, is expressed in terms of rights:

“With all due respect to customs and traditions, it is each government’s obligation to ensure that land management is not discriminatory, particularly with regard to women and the poor, and does not violate other human rights” (UN Habitat & GLTN, 2008, p. 12).

The position of the hierarchists is that the state must intervene presumably through spatial planning, legislation and land policy in the equitable delivery of land resources to various socio-economic actors. The Commission on Sustainable Development (CSD, 2008), who support this view and are seemingly at the forefront of this debate in recent years, have indicated that with growing population pressures, economic development and urbanisation driving demands for food, water, energy and raw materials, it is

Download English Version:

<https://daneshyari.com/en/article/93198>

Download Persian Version:

<https://daneshyari.com/article/93198>

[Daneshyari.com](https://daneshyari.com)