

WHAT IS LAND POLICY ALL ABOUT?

HANDS ON THE LAND
FOR FOOD SOVEREIGNTY



Land is not just the soil of the Earth. Land is a social construct

Support to land policy is a relevant field of action in development cooperation. This paper provides some very basic information on what land policy is about.

What is Land Policy?

The phrase 'land policy' encompasses to all policies that deal with land – agricultural land, forest land, land for housing, infrastructure etc.... It typically includes laws and regulations as well as administrative structures and programmes. Land policy generally aims at shaping a specific type of land governance; generally including arrangements of tenure, access, use, security, management, control, distribution, property and administration. A land policy is essentially an expression of a government's perception of the direction to be taken on major issues related to land. As such, land policy always implies a political decision of setting priorities and following specific aims.

Land policy and development cooperation

The EU Land Policy Guidelines highlight that "land policy lies at the heart of economic and social life and environmental issues in all countries." This phrase explains the relevance of land policy as a field of action for development cooperation. Today donors are implementing some 300 programmes that are related to land policy around the globe, thereof around 200 by European donors.¹ Despite substantive activity, EU land policy remains somewhat undefined and uncoordinated and little recognition is afforded to the EU Land Policy guidelines.

Land Policy – different approaches

Indeed, there are many different approaches to face problem related to land like lacking access to land, issues of land concentration, adequate use of land.

Land as commodity: market-based approach

This approach is based on two assumptions. One is that land without a private individual property right is dead capital because it cannot be used for financial transactions or as a security for investments. Second, through land markets, this private land can be easily transferred to the most efficient user while making it easy for poor people to sell the land and exit agriculture.² Commons, public or state land are largely viewed as a wasted (economic) asset that ought to be put at the disposal of private individuals assumed to be rational economic actors. This concept includes catchwords like formalization of land rights and security of land rights, while the latter is focusing on protection of private property. This approach is strongly perused by the World Bank but also by many other donors.

Land as a human right: human rights-based approach

This approach starts with the fact that access to land and natural resources forms the basis for the realisation of a number of fundamental human rights, like the right to food, the right to housing, the right to culture etc.... People are understood as rights-holders. States are duty-bearers with the obligation to respect, protect and fulfil people's human rights. The resulting right to land is the right – individually and in community with others – to effectively access, use and control land and related natural resources in order to feed and house themselves, and to live and develop cultures and territories partly in a self-determined way. This approach involves peoples participation in policy design and systematically integrates policies like land (re-)distribution, communal land rights, and restrictions of transfers and has a strong focus on structural aspects like equitable distributional pattern of land access.

Pro-poor or anti-poor land policy?

You will hardly find a land policy that claim to be anti-poor. In reverse this means that most land policies claim to work out for the poor – to be pro-poor. The World Bank is a prominent example on how to argument and stamp all kinds of policies as pro-poor. They define pro-poor via economic growth. Policies, in our case land policies, that are expected to bring about average income growth are flagged as 'pro-poor'. No matter if the incomes of the poor are stagnant or even declining.³ Yet, pro-poor land policies cannot be crushed into a narrow economic frame and must directly and disproportionately benefit the poor. Key themes of pro-poor land policy are the protection or transfer of land-based wealth in favour of the poor, the transfer of land-based political power, the policy's benefit for landless and near-landless working classes, a gender and ethnic-sensitive concept, the contribution to increasing land and labour productivity as well as building diverse and sustainable livelihoods and to effectively securing the rights of poor people to occupy and use land for purposes and in ways of their own choosing.⁴ This includes putting land policy in service of the rural peoples' strategies like food sovereignty.

Notes

1. <https://www.donorplatform.org/land-governance/programme-map>.
2. World Development Report 2008
3. http://siteresources.worldbank.org/INTPGI/Resources/15174_Ravallion_PPG_Primer.pdf
4. <https://www.tni.org/files/propoorlandpolicydebates.pdf>

