

Land Governance in South Asia

Dr. Ujjaini Halim

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Scope of this presentation

- To review existing patterns/general trends of land governance in different South Asian countries in order to report on status of poor people's access to land and (agricultural) livelihoods,
- Document emerging challenges in Land Governance in SA and responses of multi stakeholders
- To identify new directions of policy thinking and action.

Sources:

- Secondary literature review
- Empirical studies in five South Asian countries
- Coordinated research on land governance in SA: A discussion paper

- South Asia is a region with 22 percent of the global population, 2 percent of Global GDP and 1.3 percent of world trade. Thus no wonder South Asia accounts for 44 percent of the poverty stricken segment of the world.

Land, Livelihoods & Poverty

- Land is a principal source of livelihood in the rural belt of South Asia and millions of rural dwellers depend on land-be it agriculture, forests, common pastures or coastal land for food security.
- South Asia has in all 4.77 million sq. km. of land, (World Bank 2008) and 2.62 million sq. km or about 55 per cent of this area is agricultural land. Arable land constituted 41.9 per cent of total area (FAO 2010). The arable land available per person in South Asia was calculated to be 0.1 hectares.
- Across South Asia, the primary use of land, even today, is for agriculture. Agriculture still continues to provide the major source of employment (despite declining contribution in GDP in some countries)
- Smallholders/food producers, who are the majority in agrarian economy are the worst sufferers of poverty, hunger, ill health, vulnerability to natural disasters etc. Rural poverty report 2011 confirmed that 500 million

Thus reduction of poverty and broader measures to address poverty are directly linked with the question of socio-economic equity and justice in the rural belt, *primarily in terms of ensuring secure and equitable access to and control over land and natural resources by the poor, without discriminations and their effective participation in overall grassroots governance (development planning and management of land & other resources)*. In this larger socio-economic context discussion on 'Land Governance' in South Asia becomes relevant and important today.

What do we understand by Land Governance

Inclusive & effective Land governance (changing power relation in favour of poor) would ensure poverty eradication. Here effective and inclusive land governance include:

- **Participation:** enabling communities to determine and design their land tenure systems within a broader policy framework,
- **Equity:** the fundamental principle to share the benefits with all (individual and community) without discrimination
- **Gender equality:** equal rights for men and women to access, occupy and use land and
- **Human rights:** prioritising livelihood security for people (over profit), ensuring equal access to resources by all and recognizing the importance of individual as well as collective rights to land (including customary rights).

Sharing common concerns

- Most of the countries in SA share a **common colonial past**.
- Moreover, all these countries face **rising populations, the need to grow economically to support them**
- In most of these countries, agricultural population is polarized according to semi-feudal relations; however, overlaid on these is the increasing trend of capitalist growth in the agricultural sector.
- This has happened at the continued cost of small farmers, tenants and agricultural labourers. In fact South Asia has extremes: on the one hand feudal relations in their worst form – debt bondage – continue to exist in some parts of India, Nepal and Sri Lanka and on the other strong capitalist trend (even in the same country).
- **South Asian countries have embraced neo-liberal model of growth, often at the cost of lives and livelihoods of poor.** Within the broader class of the poor, moreover, **the worst hit in the area of land governance are women and indigenous communities**, who face multiple burdens of poverty and social exclusion.

Challenges in Land Governance

- Land concentration (skewed distribution of land)
- Land Fragmentation
- Growing landlessness
- Unemployment, disguised unemployment in agriculture (migration)
- Tenancy insecurity (nowadays reverse tenancy)
- Degradation of land (Land slaughter)
- Emergence of 'Water Lords'
- Small-scale agriculture: Viability issue

Challenges contd...

- Inadequate land policies to ensure genuine redistributive land reform measures and agrarian reform
- Absence of policy to revive agro-based small scale rural industries to absorb rural work force
- Neo-liberal policies: abandoned interests of smallholders (policy contradictions and decreased investment in agriculture)
- Poor Land Management
 - Poor and inadequate documentation of records
 - Poor land-use planning
 - Poor scope of community participation
- Corruption and red-tapism
- Information gap
- Poor coordination between departments and ministries dealing with various patterns of land-use
- Poor awareness of peasants and other land-users (particularly vulnerable groups)

Legislations related to land governance and their limitations

- Most countries have passed legislations relating to redistributive land reforms. Many countries have a currently existing policy of land ceiling and tenancy reforms. However, these policies have major lacunae in both their conception and their implementation.
 - Land reform is understood, in the policies of the South Asian countries, as being an end in itself. It is not; indeed, as the India country paper notes, it is merely the first step in genuine agrarian reform (Which challenges the culture of exclusion)
 - Another lacuna in the legislations is that though they claim to be distributively equitable, they leave out the rights of major sections of the population – most remarkably, women (in conceptualization and/or implementation)
 - In all countries, without exception, even where the law gives equal rights to women, women do not *in practice* have access or control over land or resources; these continue to vest with the male members (some time due to prevailing social norms) – a situation that creates intense difficulties in most households, but even more so for widows and female-headed households.

Limitations contd...

- Yet another shortcoming is that these **legislations do not recognize traditional rights over land and natural resources**, which are not backed by documentary evidence. This is the reason why, in the wake of neo-liberal economic reforms, habitations of indigenous communities have been overtaken by state and corporate interests without leaving the original inhabitants any means of redress (FRA 2006 in India is an exception to be mentioned)
- A common factor in South Asia is that after a few years of (partial) implementation of land reforms, **the governments withdrew from the model of state-supported development and initiated a 'market-friendly' approach** – viz. opening up of all sectors to the market, privatization of ownership, and promotion of large corporate in the name of development. This meant that even the lip service that was previously paid to equitable distribution stopped.
- Instead privatization intensified in agrarian sector and **systematic campaign, that small scale production is economically not viable**, is being done so as to destroy smallholders' access to and control over land/water/natural resources, seeds, traditional knowledge, and state supports in forms of subsidies & other infrastructure, credit etc. Thus in general agenda of redistributive land reform and genuine agrarian reform has taken a back seat, while market based 'solutions' are being projected as the 'best practices'.

Impact

- Smallholders have poor access to land and they are suffering from poverty and hunger (most vulnerable are women, children and indigenous groups)
- Increase in rural-urban migration (urban poverty increased)
- Corporatisation of agriculture
- Loss of sovereignty, dependence on corporate for agricultural inputs (cost of which has increased very much), contract farming, only middlemen profit in case of price hike
- High indebtedness of smallholders (farmers suicide)
- Monoculture and /or unsustainable mode of production leading to further degradation of land and environment (loss of biodiversity)

Impact contd...

- Conversion of agricultural land for non agricultural use
- Large scale land grabbing by corporate actors
 - For non agricultural purposes (e.g. SEZs, Tourist zones, development projects, real estate projects, etc.) or
 - For non-food crops (cash crops e.g. plantations, agro-fuel)
- Land grabbing is facilitated and supported by the state in the name of Public purpose (sometime PPP)

(e.g. in India in last 24 years 750,000 acres for mining & 250,000 acres for industry/development)
- Human Rights violated in Land grabbing process
- In neo-liberal paradigm land is considered as commodity, linked with market demand and supply and not perceived in a comprehensive way as livelihood, asset and territory.

'Public Purpose'

- Land acquisition for 'public purpose' raises various issues in almost all South Asian countries.
 - Firstly, it is not clear in most legislation how 'public purpose' is defined.
 - Secondly, there is no discussion with the original users of land or a natural resource before such a resource is taken over for the supposed 'public purpose'(FPIC)
 - Neither is there adequate discussion regarding compensation, relief and rehabilitation packages for the victims of such 'public purpose' acquisition.
 - It is noteworthy that the UN guidelines to govern rehabilitation and compensation in case of Development induced displacements and other human rights are often ignored by the state. (India & LA Bill 2011)

Violation of rights

- All this has led to large scale discontent and conflicts among the land losers (original inhabitants/ users of land and natural resources) on the one hand, and the **state-corporate-military combine** on the other. In many cases, as in India and Nepal this has led to the rise of militant Left movements.
- In other cases, **CSOs and CBOs have taken the lead in mobilizing people** to demand their rights, supported by many big NGOs, nationally and internationally.
- In yet other cases (such as Okara in Pakistan, Singur and Nandigram, Noida in India) people's movements have arisen which have forced the state to compromise on its efforts to displace people in the name of development.

The resistances of right holders against land grabbing have often met with state led repressions and brutal attacks of the private sectors. Increased 'Criminalisation' of defenders of land rights and increased violations of human rights committed against them are matters of serious concerns in all South Asian countries.

Sustainable Solution

Food Sovereignty (Right to Food + Sustainable mode of production + community control)

- **Food: A Basic Human Right**
- **A genuine agrarian reform** is necessary (addressing inequality in access)
- **Protecting Natural Resources** (agro-ecological way of production, control over seeds etc.)
- **Reorganizing Food Trade** primarily to meet the food need of the community
- **Ending the Globalization of Hunger** (Community driven & controlled production, free from MNC/TNC & WB, WTO control)
- **Social Peace** (culturally appropriate)
- **Democratic control.** Smallholder farmers must have direct input into formulating agricultural policies at all levels (Participation)

Sustainable Solution contd...

- “Agro-ecology is seen as one way to address significant challenges of mainstream land-use and production patterns. It allows small holders to derive livelihoods from agriculture by using the traditional knowledge and technologies which are superior in terms of ensuring biodiversity and protecting ecology/environment. It is also the most efficient way of contributing to overall rural development due to its relatively labour-intensive nature and as it is most effectively practiced in relatively small plots of land” (Schutter 2011, special rapporteur on RTF).
- This would be the best way of preventing small farmers from losing their land and becoming landless any more. Since land becomes much more productive, cost of production becomes less and land becomes much more fertile. It also helps more water conservation and less poisoning, gives much more nutrition, food diversity and improves health (e.g. Sri Lanka, Nepal examples)

Global initiatives for good land governance

- ‘The agro-ecological model of production is being increasingly acknowledged by different global actors as most efficient way of food production and poverty eradication/rural development
- Similarly various negotiations are in place at FAO of UN to highlight the need for redistributive land reform and agrarian reform as a precondition for food security, poverty eradication and rural development. **Voluntary Guidelines on Right to Food** and Declarations adopted in **International Conference on Agrarian reform and Rural Development (ICARRD)** provided the main arguments in favour of redistributive land reform. SA governments are party to these processes.
- Presently a **VG on Land Fisheries and Forest** is being negotiated, **VG-SSF is in pipeline**
- There are other exiting UN human rights instruments like UN declaration on Rights of Indigenous people, CEDAW, FAO-CCRF etc. which ensure right to land and natural resources for vulnerable groups and supports good land governance
- ENFORCEMENT IS THE NEED OF THE HOUR

Recommendations for Specific directions of policy and programmatic interventions in South Asia

- Further sensitization and awareness building of multi stake holders on existing human rights instruments related to land governance through popular forms of participation at national, regional and international levels.
- Advocacy and lobby for
 - Implementation of existing good policies (social entitlements: NFSB 2011) and inclusive good governance at all levels.
 - For reviewing existing land policies in light of VGRF, ICARRD etc. to make it more rights based and pro-small food producers
 - For promotion/enactment of pro-poor land reform, GAR and Sustainable agriculture policies
- Capacity building of all actors, including state actors for realization of land rights, better policy coherence on land issues, introduction of better land management practices and better coordination among concerned government departments on land issues.

Recommendations contd...

- Integrate Land Governance issue with broader issue of Climate change and Sustainable Development (e.g in Durban, Rio +20)
- The critical policies, acts which could be reviewed may include: Land reform/tenancy Act, Land ceiling Act, Land Acquisition Act, Act for land rights of indigenous people (including recognition of customary laws), Acts/Policies for equal land rights for women, Acts (or policies) associated/governing with agricultural investments in various south Asian countries,
- Creation of Peoples watches for governing/monitoring implementation of existing good policies, acts and also above demands.

Recommendations contd...

- Developing appropriate and adequate database on land related issues in South Asia. Making gender disaggregated data available at the regional level on land governance
- Policy and action research is another key to effecting pro-poor agrarian change in knowledge; about the impacts of reforms and of current agrarian structures, tensions, movements and peasant organizations which will influence policy formulation of various nation states and will expedite the process of reforming land governance,
 - Developing a contemporary study circle in South Asia among multi stakeholders of Civil Society
 - To this end developing a Peasant's institute (which so far is non-existent in South Asia) could be considered.

Recommendations contd...

- Further action researches and documentations needed on
 - Capturing successful Agro-ecological models of production and its modalities (as an alternative to corporate agriculture and land grabbing) and replication of the same
 - Alternative practices like land consolidation, cooperatives, community framings
 - Alternative trades at national/regional level
 - Capturing how South Asian peasants are coping with climate change threats, government's responses and steps need to be taken
- Better coordination, networking among regional NGOs/CSOs/CBOs/POs for sharing experiences and learning from good practices as well as expressing solidarity to ongoing people's movements for land rights.
- CS space in SAARC for discussing land governance issues at regional level & organising further dialogues on alternatives

Food Justice the need of the hour

- **The global crisis of food is rather more closely related to the entire question of availability of food and food producing resources (land) than total amount of food produced in the world.**
- **The sustainability concern has also becoming prominent in the context of existing patterns of land-use and production patterns, which are clearly endangering food security of next generations and polluting the planet.**

Land & Livelihoods

- **“Access to land and security of tenure are necessary for people to raise and stabilize their incomes and to participate in economic growth. They are also prerequisites for diverse land-based livelihood, sustainable agriculture, economic growth, poverty elimination, for achieving power in markets, managing natural resources sustainably, and preserving a people’s culture” (Oxfam 2007)**

Resource Constraint ???

**“ There is enough for everybody's need, but
not enough for anybody's greed,”
said Gandhiji**

THANK YOU