

Land Tenure Issues in the Next Decade: Reflections from Honduras, Albania, and Cambodia

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Starting point:

- The land tenure problems of the post-colonial world order have not been solved
- And, the way they impact society has become more diverse (governance, environment, urbanization)



Three main issues:

- Access to productive land for small-medium scale agriculture
- Management of urban growth
- Management and protection of natural resources



Traditional views of poor rural people are no longer adequate:

- Chayonovian view: “stable peasantry” (yes, but high barriers to entry, and squeezed on both sides)
- Lenin—
Junker Path--capitalist agricultural expansion—yes, but with multinationals

Farmer Path-smallholders disappear—doesn't happen, population growth and stagnant urban employment /safety net



Instead, “agrarian” and “non-agrarian” livelihood strategies overlap and land access has multiple contexts:

“poverty refuge/safety net”

“urban migration”

“frontier migration”

“rural (semi)proletariat”

Carter and Mesbah. 1993. “Can Land Market Reform Mitigate the Exclusionary Aspects of Rapid Agro-Export Growth?”

World Development. Vol 21, No.7.

Answer: Not too much....but efforts are being made.



Three cases show land tenure issues in next 10 years:

Honduras

- Population 5.7 million
- 114/174 on Human Development Index
- 112,000 square km.
- 1990s—attempted to articulate better with global market, encourage agricultural investment



Land policy in Honduras 1990s:

- Agricultural Modernization Law (1992) ends Ag. Reform and liberalizes macroeconomy
- Titling (56% of landholders titled)
- Protected Areas established
- Land Fund Pilot (2001)



Honduras results:

1990s—

- 5.0% agricultural growth until 1998
- Rural poverty 1991=59.9% in extreme poverty
- Rural poverty 1999=60.9% in extreme poverty
- Slight decrease in urban poverty
- Increase in inequality (Gini 59.9)
- Natural resource degradation (estuaries, forests, hillside erosion)
- Impact of titling? Perhaps a little in coffee trees, but little for credit
- Big impact from Hurricane Mitch in 1998
- Increase in maquiladora employment from 9,000 to **130,000**



Albania:

- 3.2 million population
- 28,000 square km.
- 104/174 on Human Development Index
- 1990s: Transition from communist regime to market-based economy
- 1997—crash of investment schemes



Albania Land Policy in 1990s:

- Rapid privatization
- Created about 4 million new properties
- 480,000 new farms
- 2 million urban properties
- Legal framework and registration



Cambodia:

- Population 10 million
- 181,000 square km
- 156/174 on Human Development Index

Land policy in 1990s

- Decollectivization, repatriation, concessions
- 50,000 women in garment industry



Post-war reconstruction has meant land conflict



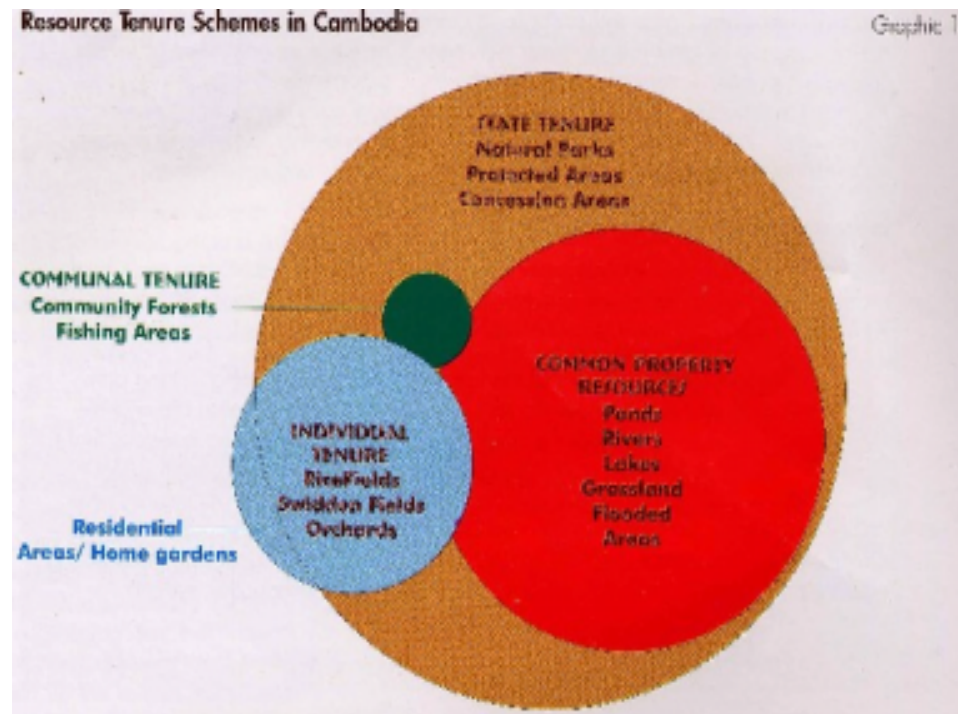
Seizures, Concessions and Logging

- Estimate 200,000 people affected by on-going cases
- Seizures by military and government
- Issuance of agricultural and forestry concessions
- Illegal logging



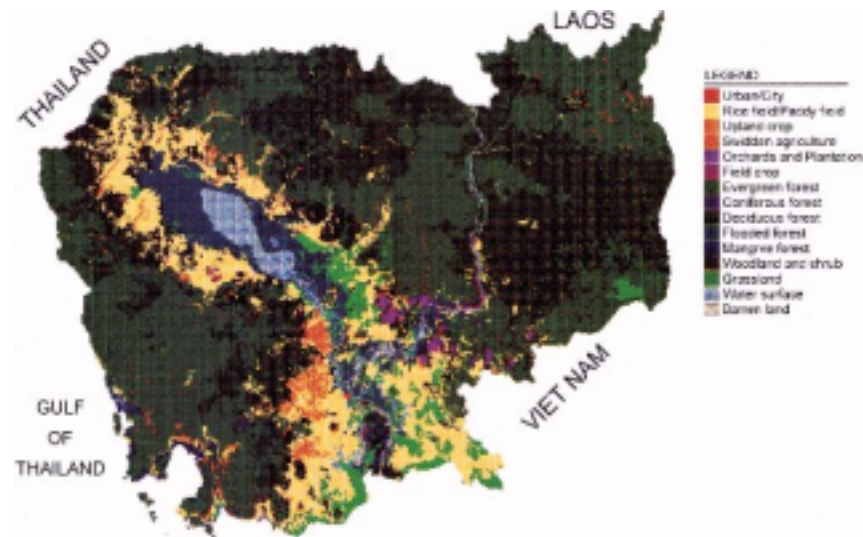
Conditions enabling land seizure

- Large areas of military control during demobilization
- All property rights from before 1979 extinguished (1992 Land Law)
- Decollectivization—5 ha. maximum
- Weak legal framework for state land and concessions
- Registration “for sale”
- Elite involvement



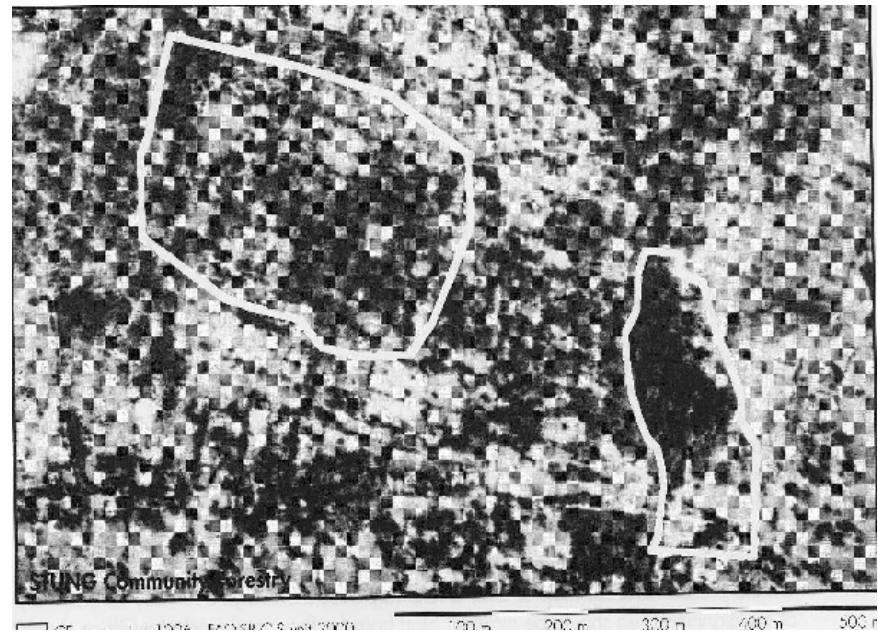
Concessions

- 4.6 million hectares in forestry concessions
- 1 million hectares in agricultural concessions
- Government revenue from concessions negligible
- No planning about people living in the concession area



Responses

- NGOs—Cambodia Defenders Project (CDP); Legal Aid of Cambodia (LAC); ADHOC, CDRI, Oxfam GB advocacy
- New Land Law (2001) recognizes possession, strengthening claims of occupants
- Creation of Cadastral Commissions
- Will be systematic registration of land in 11 provinces (WB-LMAP Project)



Governance issues

- Demobilization and military development areas—return of spatial planning authority to civilian control
- State land management—MAFF issues concessions, new Land Law calls for reduction to 10,000 ha, no law on State land allocation.
- Decentralization: Elected Commune Councils operating
- Women's involvement, gender and property rights, staffing
- Indigenous rights and communal titling
- Are elites committed to rule of law—"post-conflict social contract?"



Expanded Inquiry

Expanded Partnerships

Improved Results



Land tenure issues in the next 10 year will require expanded forms of inquiry



Inquiry—

- Household economics and ecology (multiple streams of income and subsistence)
- Ecosystem analysis and land use planning (how to make community management work?)
- Access and control of land information (appropriate technology, transparency, cost)
- Informality (de Soto is right, but he is still not effective; how to use informality?)
- Institutions (corruption, levels of government/decentralization, construction of markets, role of civil society, interface with financial market)
- Development paradigms (“sustainable livelihoods” vs. “green revolution,” “human rights approach.” “traps and shocks,” “insertion into global economy”)

Land tenure issues in the next 10 year will require expanded of partnerships:



Partnerships

- Local social movements
- International social movements
- Public-private endeavors in land development and agriculture
- Local civil society (including universities and research institutes!)
- NGOs
- Community management of natural resources

Land tenure issues in the next 10 years will require improved results (post-Seattle, post-Sept. 11 “heterodox” land reform or “recontextualizing” land rights”?)



Results—

- Land rights as element of agricultural intensification/sustainability
- Land rights as element of environmental/resource management
- Land rights as element of urbanization
- Land rights as element of human rights, democratization and governance—global security
- Land rights as element of national reconciliation (indigenous rights, post-conflict)