

## The 17th Annual World Bank Conference on Land and Poverty — moving forward

Key take-away messages from the LEGEND Core Land Support Team and insights that can help change the paradigm.



The **17th Annual World Bank Conference on Land and Poverty** took place from 14 to 18 March 2016 in Washington DC. Over 1,400 government officials, practitioners, academics and civil society representatives gathered at World Bank headquarters, as well as some representatives of the private sector.

As in previous years, land investments attracted much attention, and sessions explored the challenges of making them work for the poor. There was a focus on the implementation of the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the**

**context of National Food Security (VGGT)**, their use by the private sector and the need for companies to distinguish between a legal and a social licence to acquire and use land for large projects.

The conference also explored ways to strengthen land administration to record and track all types of legitimate land rights. The discussion highlighted the importance of approaching land administration not as a purely technical fix, but in terms of national political and historical contexts. The need to recognise community rights also featured high on the agenda, with the **Global Call to Action**

**on Indigenous and Community Land Rights** framing numerous debates. The legal empowerment of communities confronted with investments emerged as probably the most significant gap that needs to be addressed in order to ensure benefits for all.

Indeed, tenure security was a thread running through many sessions, with participants assessing the evidence on how it can be improved and the anticipated benefits. Attention also turned to the issue of *perceived* tenure security, with interesting implications for how to regularise land tenure at scale.

A number of sessions also explored the important role played by digital and mobile technology and aerial imagery in recording land rights and transactions or defining boundaries and how they can play a key role in strengthening land governance.

Landscapes and restoration, climate-smart approaches to agricultural production, and deforestation also featured on the conference agenda, following hot on the heels of the Paris climate agreement. Clarifying land and forest tenure was acknowledged as being central to incentivising sustainable and climate-compatible practices.

With the increasing importance of urban issues and **UN HABITAT III** fast approaching, the New Urban Agenda and the role of land

in this were important discussion points. Making land use planning more “tenure responsive” by mainstreaming tenure considerations from the start and improving the evidence base on tenure security in urban contexts were highlighted as two promising avenues.

CLST members played a significant role in shaping discussions and providing inputs, including through presenting papers on **legacy issues** and **corruption**. We report on these in this bulletin.

Finally, the conference was an opportunity for **LEGEND partners** to

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gather and take stock of the progress achieved in the first year of the programme. The meeting showed evidence of improved information sharing, coordination and synergies between partners, indicating that LEGEND is becoming more than the sum of its parts.

Contact **LEGEND Core Land Support Team** (click on contact names for email and on bold text for hyperlinks)



# Global evidence to make the most of land for economic development and poverty reduction

by Iris Krebber, Head of the Agriculture Team and Senior Land Policy Lead at DFID

**Worrying lessons from land investments so far, but we now know a lot better what works and have practical advice to offer.**

My top messages from this year’s global jamboree include:

- **Poor people lose:** commercialisation and land concentration dynamics in many countries reinforce social fragmentation and conflict potential. Political will to prevent this is low; opportunism and greed abound.
- **Women lose:** corruption in land is high, and as often, women are paying the highest price. Women are less able to pay bribes, so “sexploitation” is rife.
- **Everybody loses: “development” has become a scary word** for many poor people. There is no greater legal gap internationally between reality and good practice than in land expropriation, displacement, and resettlement. This is also a major risk for FDI and donors.

Is it any wonder that many stay away from the complex, political and tricky area of land governance?

Land is **THE** key non-renewable commodity on which our economic and social development and prosperity relies. Evading the issue will not work.

So what are the solutions? What can donors do? Key entry points include:

- Cutting through policy-speak around inclusive land investment and strengthening efforts to drive concrete impacts for poor people, especially women. It’s not rocket science, and we know what works. But it needs to be done at scale. Impact from private investments requires the political will of political and business elites.
- Many of our development paradigms are flawed (who benefits, how, who loses). Realism and granularity can help improve things, but more fresh thinking and transformative action is needed. Donors can start by driving improved programme and investment risk management on land.
- The greatest and most urgent gap is the (legal) empowerment of people and communities confronted with investments, to develop bargaining power and engage meaningfully. Solutions that work are known. All we need to do is fund programmes at scale to help people develop and exercise their bargaining power.

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Contact **Iris Krebber**

# Key take-away messages from the World Bank

By Klaus Deininger, Lead Economist, Development Research Group at the World Bank

**Global challenges from urbanisation to climate change and food security have a land use dimension. While useful international agreements are in place, implementation gaps including metrics, international monitoring and communication remain to be addressed.**

The wide range of evidence-based discussions during the conference showed that land governance can be part of the solution to the major global challenges of urbanisation, food security and climate change. Global agreements, including frameworks adopted by African heads of state, the **VGGT**, the **Paris Agreement**, the **Sustainable Development Goals** (SDGs), and discussions around **Habitat III** provide a strong mandate to build on.

While strong land governance and recognition of legitimate land and property rights can empower rural and urban communities — including women and other historically disadvantaged groups — to invest and make more productive use of their land, discussions highlighted the considerable implementation gaps that remain before this goal is achieved.

The conference highlighted that recent advances in remote sensing, connectivity and data processing offer opportunities to address these

challenges in ways that can be faster, more cost-effective, inclusive and

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transparent than was possible in the past. However, careful design, piloting, and real-time analysis of the extent to which programs achieve desired results, do not cause harm, and are sustainable is needed. If done transparently, this can also help to build local capacity, promote policy dialogue and create accountability, not only for the public but also the private sector.

## Going forward

We hope that by the next conference, the World Bank and its partners will have accomplished the following:

- An agreed methodology and operationalisation of the SDG

indicator on land (1.4.2) that is populated with data for at least 60 countries and can be used to chart strategies for improvement.

- Having in place effective multi-stakeholder dialogues at country level that build on publicly reported sub-national land governance indicators based on administrative data in at least five countries, and such an approach institutionalised in at least one region.
- A roadmap towards agreed data and interoperability standards to reduce duplication, allow sharing of land and spatial data and creation of rights layers in ways that reduce duplication, increase transparency and support evidence-based decision-making.

We will need all of your support to move forward on these issues and hope that there will be plenty of progress by the time we meet for the next conference on March 20-24 2017.

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Contact **Klaus W. Deininger**



# The real challenge of making agricultural investments work for the poor

**Local people in the developing world traditionally lose out when large agribusinesses arrive. There is a better way.**

As in previous years, the recent wave of land-based investments attracted considerable attention at the conference. The body of evidence is growing, and while perspectives vary there is also a significant convergence of findings.

Overall, a cautionary tale emerges about the real challenge of making large agribusiness investments work for poorer groups in low- and middle-income countries. There are also increasingly clear pointers on what needs to be done to promote investments that respond to local aspirations as well as commercial considerations.

Highlights included:

- Fine-grain **analyses** of different agribusiness investment models (eg plantations, outgrowers and varying combinations of the two approaches) that place operation-level outcomes in

their wider historical and social contexts. Understanding social differences shows how pathways to agricultural commercialisation are likely to create both winners and losers.

- New emphases on previously underexplored themes, such as the need for effective mechanisms to address **land grievances** and **'legacy' land issues**, the new opportunities to harness technology to locate land and resource contracts geospatially, and the need to consider how international **investment protection treaties** can affect land governance interventions.
- Greater consideration of how vested interests and power relations can frustrate interventions to improve land governance, and how to factor a solid political economy

understanding of land and investment into the design of land programmes.

Many positive initiatives are underway, particularly around the **VGGT**. They include **technical guides and capacity support** led by the FAO, private sector-oriented work to **strengthen standards and improve practice**, and a promising set of legal empowerment initiatives, for example schemes that aim to **protect community landholdings**. There is real scope for greater co-ordination between these different initiatives. Given the scale of the challenge, there is also a need to scale-up interventions to help more rural people secure their land rights and have a stronger voice in decision-making.

Contact **Lorenzo Cotula**

## Feeling at home

**Tenure security is not just a matter of law, it is an emotional state.**

The Land and Poverty conference routinely discusses which factors determine tenure security and the effect that security has on households' willingness to invest. Each year, researchers showcase recent and ongoing work to analyse if improvements in tenure security lead households to invest more to increase agricultural productivity or allow them to feel more confident about other people using their land for more productive purposes.

This year, eyes turned to the issue of perceived tenure security, drawing on data from Uganda, Nicaragua and Zambia. Differences in the tangible aspects of tenure security — the type of rights, forms of documentation and supporting institutions — don't fully explain why individuals with identical types of rights and documentation

can perceive their tenure security differently.

Perceived tenure security is affected by a variety of factors, many of which won't come as a surprise — wealth, social status, political connections and connections to the institutions that back up land claims. More surprising was the finding that the **co-existence of different tenure forms and documentation** is key in shaping perceived tenure security, rather than the form of tenure in itself. Evidence from Uganda indicates that perceived tenure security for customary systems is much lower compared to formal freehold in areas where there is **most variation in tenure form and recent attempts to register land ownership**. On the other hand, there is little difference in perceived tenure security between landholders under customary tenure and freehold in areas where most landholders are under customary tenure. This

implies that when new forms of tenure and new documentation emerge, this changes the context in which land use rights holders see themselves and have to navigate.

### Building perceptions into policy prescriptions

This supports current thinking that efforts to enhance tenure security need to move beyond formalisation to include broader issues, such as economic and political inequality, legal literacy and equitable access to institutions. It could also indicate a need to include all people in a specific area in a land tenure regularisation (LTR) programme. That way, all would feel that they are achieving the same level of tenure security. This may strengthen the case for systematic LTR as opposed to partial LTR in specific areas.

Contact **Anna Locke**

# Multinational companies taking steps to improve land governance: the view from the hill

**Large corporations — under pressure from increased public scrutiny — share their efforts to improve land governance at the far end of their supply chains.**

The adoption of the **VGGT** has brought new responsibilities — not only for governments but also for the private sector — to ensure that investments and operations do not violate the basic human right to secure tenure.

Even if corporations are increasingly committing to respect the VGGT, they do not always know how to meet these commitments or what exactly is expected of them.

This year's **conference** saw representatives of multinational companies, such as Nestle, Illovo and Coca-Cola, presenting examples of the challenges they face and the efforts they have made to ensure their operations do not violate the VGGT. Striking among the contributions from the **private sector** was the **agreement on the need to share experiences and draw lessons on better practices**. Six points stood out:

- Companies need to ensure transparency and accountability in global supply chains. As **Julian Oram from Global Witness** explained, this means understanding 'the tapestry of national laws' in both host and home states as well as human rights law and international instruments such as the **UN Guiding Principles on Business and Human Rights** and the VGGT. Companies therefore have to invest in new skills in order to

understand and respond to these interconnecting frameworks.

- Complex supply chains make acting on these commitments very difficult. Strengthening land rights requires companies to bridge the distance between themselves and the distant smallholders that form the initial links in their value chains. Several companies have made commitments to audit their supply chains. Civil society bodies hope others will follow suit.
- There is a lack of sufficient pressure to address land issues. While there are numerous examples of transnational investments dispossessing rural communities, few have reached court. One exception is a **motion submitted to the International Criminal Court** on behalf of Cambodian communities alleging that widespread and systematic land grabbing comprises a crime against humanity. This case could set a significant precedent.
- Companies need to consider abandoning investment plans in situations where national laws and conditions undermine community land rights. Kate Mathias from the Illovo Group argued that companies must consider whether it is feasible for them to operate responsibly, and walk away if the conditions do not exist for them to do so, even if they have already sunk significant costs.

- Civil society is critical to strengthening the 'democratic power' required to hold major companies to account. As Duncan Pollard from Nestle argued, 'we rely on NGOs and invite them to come and bring things to our attention. They are eyes and ears on the ground.'
- Land governance must be embedded in the heart of the business. As Chris Anderson of Yirri Global observed, it is essential that companies professionalise dealing with land rights and local communities: 'it's not just a sideline that someone can do'.

## Shame and reward

All these companies cited Oxfam's **Behind the Brands** campaign as a major factor pushing them to audit their supply chains. The campaign, which produces 'scorecards' for the producers of everyday products such as Oreo cookies and Ben & Jerry's ice-cream, has raised the risks for companies of being publicly identified as violating global norms on land rights, and the VGGT.

One clear take-away was that companies need to distinguish between a 'legal licence' to access land and establish operations and a 'social licence' to operate. Legitimacy in host communities is essential if investors' impacts on land rights are not to face scrutiny.

Contact **Ruth Hall**



# Community land rights: stronger together

**Across the world, local communities hold huge swathes of land. Less than 20 per cent is formally recognised. This situation needs to change, in particular as outside actors become more interested in the resources available in collectively held areas.**

Conference participants discussed how to secure group-based and community land rights and how to implement successful mapping and legal approaches. A growing range of standards of good practice is now emerging. Data availability on recognition of community land claims is also improving through the WRI-hosted **LandMark platform**, although rigour and comparability of country level data needs to be improved.

A **roundtable session** addressed the current **global call to action** for recognition of indigenous and community land rights, an open ended campaign which aims for a doubling of formally recognised community land holdings by 2020.

## Insiders and outsiders

**Participants agreed that real difficulties in protecting community land rights** are posed in the development of rural areas where other actors — such as firms acquiring land or governments promoting commercial development — have large vested interests. Several such cases have made the news, and conference participants suspected they are relatively common.

**An Africa Community Land Transparency Index** to compare the effectiveness of national legal and institutional frameworks on the continent is now being developed. Findings presented on land investment confirmed that the majority of intended local beneficiaries of mining and oil and gas projects have suffered livelihood losses and the projects as a whole have rarely produced the promised benefits. Investors' efforts at community consultation and the seeking of local consent are often weak.



Alongside legal recognition of community rights, legal empowerment through targeted capacity building among vulnerable communities is the highest priority. Participants appealed to the World Bank and other donors to engage with civil society initiatives and acknowledge the relevance of grassroots and community perspectives in diagnostics, impact assessment and implementation of land programmes. Recommendations included that development projects should: i) start with participatory planning; ii) address barriers to real participation; iii) ensure local knowledge informs project design; iv) utilise information from project monitoring; v) ensure accountability for any harm caused; and vi) take a human rights based approach to development.

Contact **Julian Quan**

## Land and Corruption

The CLST has just published an **analytical paper on corruption and land governance**, a key issue for policy which remains largely unresearched, despite a long-standing recognition of the problem. Land corruption has a disproportionate impact on women, poor people, youth and vulnerable groups, and impedes responsible investment. According to research by Transparency International, one in five people around the world report that they have paid a bribe for land services; and in a set of East African countries land was found to be the third most corrupt sector, after the police and the judiciary.

The CLST paper was presented at this year's conference, where it attracted strong interest from African policy makers. It found that routine corruption in land administration is endemic in many countries and the likelihood of 'grand' corruption involving land investment deals and abuse of human rights are linked, but have different dynamics, requiring specific analysis and action. Low-level land corruption can also become systematic, organised and politicised, frustrating access to land, housing and opportunities in urban areas. Findings were further shared at a recent meeting of the UK Land Forum.

The LEGEND partners hope to stimulate continuing attention to the issue, further investigation and targeted strategic action to address corruption in land and help create a fairer basis for economic development. Principal recommendations are: to increase transparency and accountability in land allocation by governments; to integrate anti-corruption measures into both land governance and investment support programmes; and to link these more effectively to ensure that citizens and communities get a fair deal.

Contact **Julian Quan**

# Practical experiences with new approaches to land administration: information revolution?

**New technology allows better management of land issues. But computing power and aerial photography alone is not a panacea, and existing land authorities can be resistant to change.**

A number of **sessions** focused on **practical advances** in land administration. A key question was how to introduce and **scale up fit-for-purpose systems** for **recording all types of legitimate land rights** and tracking land transactions across the full range of tenure arrangements, including customary rights.

An integrated approach for inclusive land administration based on the inter-relation between spatial, legal and institutional frameworks has been developed by the **Global Land Tool Network (GLTN)** and the **International Federation of Surveyors (FIG)**. Their work also provides **lessons on scaling-up delivery, capacity development and changes involved**.

## Rough but ready

A key feature is the use of visual boundaries identified on aerial imagery by land users and communities. This measure enables cheaper, faster recording of land rights. The highest possible levels of accuracy are unnecessary for most land users and increase costs and limit opportunities for scalable delivery.

Workable technical solutions are already available and in use at scale, as presentations from **Ethiopia, Uganda and Bosnia-Herzegovina** demonstrated. Examples include low cost, participatory land rights mapping and registration,

more inclusive Land Information Systems with improved supporting infrastructure, and better customer-oriented administration systems.

Although land administration agencies remain resistant to change in many countries, technologically advanced and fit-for-purpose approaches are now widely accepted. A recently completed programme in Rwanda, and ongoing initiatives in Ethiopia and Uganda, demonstrated practical experience of improvements made using visual boundaries as a basis for rights registration.

## Fit-for-purpose land administration is not just a technical fix

One **session** discussed how inventories of land rights — and satellite imagery itself — can become rapidly outdated due to inheritance and informal land market transactions. Further examples here came from Rwanda and Ethiopia. Updating is essential and this will need to take place without recurrent reliance on donor projects.

Front offices providing low-cost customer services and the presence of local “land governance experts” in communities have also proved effective in improving access and reducing user costs.

**Other sessions** explored the potential for increasing the use of **geo-spatial data**, mobile technology and **open-sourced data** and software, strengthening valuation systems and the financial requirements and **business models for better delivery of land services and use of electronic and on-line systems**.

## No magic wand

A central conclusion is that fit-for-purpose land administration is not just a technical fix. Legal recognition of socially established and customary land rights is needed, taking in resources held in common, and requiring change in land agency practice. Service delivery should be planned according to the type and level of customer demand across locations.

This requires not only capacity development for land administration systems, but vision and leadership for transformation, and appropriate external support. Political economy and institutional analysis of the factors enabling change should become standard practice in designing projects. Otherwise, projects can ultimately fail, leaving thousands of land parcels without up to date information on rights-holding and boundaries, and countless more entirely unmapped.

Contact **Julian Quan**



# Keeping it green

**Land tenure has an environmental dimension, but rights holders need incentives to engage in conservation and ecological best practice.**

The conference streams on land and sustainability — particularly in the context of climate change — focused on three main topics: **landscapes and restoration; climate-smart approaches; and deforestation**. Presenters reaffirmed the need for an integrated landscape approach in land restoration initiatives, defining a landscape as a “mosaic of ecological, socio-cultural and economic systems, which can take on ecological formations (eg, watershed) or **institutional formations** (eg, district)”. With the process of implementing post-2015 goals all aiming at the same piece of land, a **landscape approach**, integrating multiple objectives for the best possible benefits, is needed to capitalise on the synergies of different land uses and minimise trade-offs.

Deforestation discussions highlighted opportunities for **zero deforestation** following the 2015 Paris agreement and the use of high carbon stocks (HCS) to identify which forest cannot be cleared. Discussions of climate-smart techniques focused mainly on agro-forestry.

## Success in Ethiopia, less evidence in Zambia

Most presentations acknowledged that **clarifying land and forestry tenure is an important piece of the sustainability puzzle**, with the assumption that this clarification will improve incentives to invest in conservation and adopt innovative practices. Ethiopia’s land certification programme has played a part in the successful **re-greening** of millions of highland hectares and has produced a positive impact on the number of hours spent on conservation. This supports other evidence in Ethiopia that demonstrates that insecure land tenure undermines incentives for farmers to invest in soil and water conservation measures.

However, the one presentation on climate-smart techniques — **agroforestry in Zambia** aiming to meet food security and climate challenges — did not find that higher tenure security incentivised agro-forestry and the higher crop yields that this practice was expected to generate.

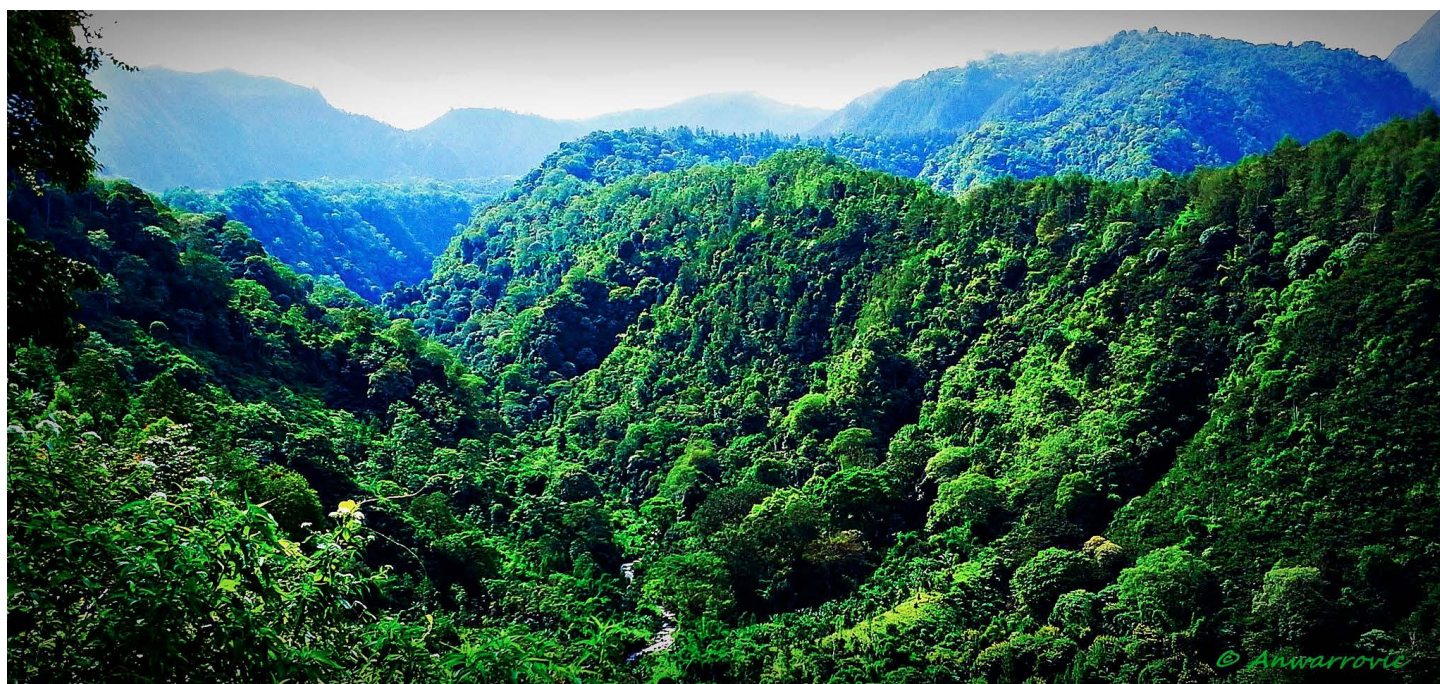
## The form of tenure — the final piece of the puzzle?

While the discussions noted the importance of clarifying tenure for sustainability, it would be useful if this could contribute to the debate on the form that land tenure needs to take to incentivise sustainable and climate-compatible practices — formal title, customary tenure or somewhere along the **continuum**

## Clarifying land and forestry tenure is an important piece of the sustainability puzzle

**of land rights**. Discussions also need to think about **who** is involved in these landscape initiatives and their relationship to land that is the target of restoration or zero deforestation programmes. Without these elements, researchers are still missing an important piece of the puzzle.

Contact **Anna Locke**





# The rise of cities

## Urban land: moving up the agenda

Urbanisation is moving up the agenda of many donor agencies, with a recognition that it is inevitable and gaining pace. The conference reflected this interest, with a wide range of topics covered in the urban sessions, including: the eradication/ conversion of **slums; urban land use planning; affordable housing; urban land management**; financing urban development; and people's hopes and fears for UN **HABITAT III**.

Several links to land tenure security were highlighted, including the discussion of how land use planning can be used as a means of increasing land tenure security, noting that planners will need to change the way that they do things to ensure that planning is "tenure responsive". Rather than tackling tenure security issues separately from planning, planners need to mainstream tenure issues and considerations into land use planning, eg by incorporating participatory consultation at the start of the process.

One **presentation** by Jean du Plessis pointed out that **studies of land tenure have not kept up with the evidence of high urbanisation rates in Africa and urban tenure issues have tended to be lumped into "informal settlement" or "slum" discussions**, with a focus on the problem of slum eradication. Southern Africa has received less scholarly attention than West and East Africa — with the exception of South Africa and Zimbabwe.

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## Financing the New Urban Agenda

As **HABITAT III** approaches, several sessions in the conference focused on what should be the main focus of discussions there to take forward the **New Urban Agenda** — particularly how to finance urban development.

Infrastructure is the biggest financing challenge for the New Urban Agenda: globally, we need US\$91 trillion in the next 15-20 years — US\$4-6 trillion/year — and another US\$1 trillion for climate-adaptive infrastructure. Compare this to a global GDP of US\$75 trillion and you can see the problem. The conference hosted a stream of discussions on the possible use of **land value capture and property tax as the main source of funds both for up-front investment and ongoing expenses**.

Value capture is a type of public financing that recovers some, or all, of the value that public infrastructure — power, water pipes, roads and

so on — generates for private landowners. Value capture is based on the fact that when governments invest in new infrastructure, property values in the vicinity of the project increase and can be taxed to help pay for the project. In many countries, private owners of land get almost all of the value of that public investment.

However, certain conditions have to be in place for land value capture to work: a buoyant real estate market, a robust financial market and considerable expertise on the part of the public servants who establish and manage the auction. Many developing countries do not have the combination of these conditions and may have to rely on more standard taxes and a strong system for allocating the revenue to ensure that the poor are not left behind as urbanisation progresses on its inevitable trajectory.

Contact **Anna Locke**



## About us

Land: Enhancing Governance for Economic Development (LEGEND) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants, MoUs and contracts, and supported by a Core Land Support Team.

Future issues of this bulletin will feature updates on our most interesting findings and results, keeping you posted and

You can send suggestions and comments on this bulletin to [legend@odi.org.uk](mailto:legend@odi.org.uk)

