

Commercial pressures on land: rethinking policies and practice for development



Colophon

This document reports on the process entitled 'Commercial pressures on land: rethinking policies and practices for development'. This process was carried out within the framework of the Development Policy Review Network (DPRN) and organised by the Centre for Development Studies (CDS), International Land Coalition (ILC), and Oxfam Novib. With a view to stimulating informed debate and discussion of issues related to the formulation and implementation of development policies, the DPRN creates opportunities to promote an open exchange and dialogue between scientists, policymakers, development practitioners and the business sector in the Netherlands and Flanders. For more information see www.DPRN.nl and www.global-connections.nl.

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Report on ‘Commercial pressures on land: rethinking policies and practices for development’

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Responsible organisations: Centre for Development Studies (CDS) University of Groningen, International Land Coalition (ILC), and Oxfam Novib.

Introduction

In February 2009, the Centre for Development Studies (CDS) of the University of Groningen, the International Land Coalition (ILC), and Oxfam Novib started a one-year process within the framework of the Development Policy Review Network. The objectives were to:

- provide an evidence base for influencing global, regional and national policy processes relating to rural land, to enable secure and equitable access to land for the vulnerable poor facing increased commercial demand for their land;
- assess community-private sector partnership practices to identify approaches that can maximise benefits to the poor, whilst also remaining attractive to investors;
- explore how national governments, donors and other development practitioners can best facilitate the establishment of mutually beneficial partnerships, pilot such approaches and document best practices;
- support DPRN network partners’ ongoing processes aimed at international cooperation and policy review of land issues, by linking them with other relevant processes that co-applicant of this proposal are engaged in for knowledge exchange and mutual learning;
- enhance the practical use of available knowledge about relevant issues, and the capacities of Dutch Researchers and research organisations, in undertaking land policy research;
- support the interconnectivity of Dutch policies and relevant organisations operating at international level, and improve their effectiveness by emphasising the comparative lessons learnt from different partner countries of the Dutch government.

The process was specifically meant to facilitate communication, exchanges and debate relating to the analysis of land rights problems, approaches and policies. Therefore, one of the main activities during the process was a seminar which was organised in close collaboration with the Sustainable Economic Development Department (DDE) of the Dutch Ministry of Foreign Affairs, which was keen to review its current land policy, its linkages with the proposed theme, and improve its policy effectiveness. The seminar, as well as the other activities included in the process (e.g. carrying out a policy review, paper and proposal writing, and setting up an online interest group), focused on discussing possible mechanisms for promoting socially and environmentally responsible land-related commercial activities that respect local livelihoods and natural resource use systems.

Due to the different professional functions of the stakeholders involved in the process, the ultimate aim was to rethink policy as well as practice at all levels of intervention: that is at local, national and international levels, with particular reference to Dutch and EU policy codes. To this end, a session was organised in conjunction with the seminar with the EU Task Force on Land Tenure that is responsible for the formulation of EU Land Policy Guidelines. The policy and practice review is meant to allow increased cooperation between stakeholders engaged in policy analyses, increase the credibility of the policy recommendations developed among all partners and lay the foundation for continued knowledge exchange and future collaboration.

This report consists of several parts which each refer to the outcomes of the different activities of this process.¹ Following this introduction, some background information on the theme of the process is provided and the report then continues with an overview of the different activities carried out during the process. The following section shows the results of the seminar and the policy review that was carried out. This leads to some specific policy recommendations. The last part of this report considers how the process contributed to the DPRN objectives and comments on the process. The report ends with the follow-up plans to the process.

Background to the theme

Global economic and policy trends have emerged that boost the commercial value of land and investors' interest in land worldwide. Fostered by population growth and increased affluence, long-term increases in food consumption (and therefore demand and prices), and increasing consumption of agrofuels, are creating new demands for large tracts of agricultural land. Moreover, carbon-trading mechanisms are placing a commercial value on standing forests and rangelands that have previously been marginal to commercial production. Coinciding with the liberalisation of trade, there is more and more direct competition for land between local land users, national economic elites and transnational investors. Many transnational investors are private companies, although a significant number are financed by sovereign funds with the aim being to achieve food security for the investing country by producing food for export back to their own populations.

Despite the magnitude of this phenomenon, most evidence relating to these processes and their effects on the situation of poor people is currently indicative or anecdotal. As yet, there has been very little systematic monitoring, research into the impacts, or exploration of the opportunities that may be created for rural development. These trends pose both threats and opportunities to the rural poor and, what is more, secure land rights do seem to be the key point at stake.

As for the threats, poor people are increasingly prone to lose their land rights, which in turn triggers further marginalisation and impoverishment. Dispossession is particularly likely to occur in situations in which their land tenure rights are weak and unrecognised. Those most

¹ The decision was taken to include the seminar proceedings and the policy review in this process report in order to present the information as a whole.

at risk are land users such as farmers, pastoralists, indigenous people, women, and others dependent on customary and common-pool resource rights that are insecure and undocumented. The vulnerability of these groups is often compounded by corruption that can accompany large-scale land transfers. There is already evidence of agrofuel production displacing poor resource users, while others are thought to lose access to resources, such as rangelands and forests, which may constitute an important safety net and livelihood source for marginalised groups.

Land users' loss of control over land resources will aggravate poverty, as they typically do not have the necessary capital, expertise and connection to markets to take advantage of the opportunities posed by increasing demands for agricultural products. Being unable to capitalise on their land assets, they may have few viable alternatives to selling land to commercial investors at a price which is below its potential value in today's global marketplace. Such investment in land and in large-scale commercial production may generate limited benefits for the poor, but the returns on them can be expected to be lower than what they could potentially receive were they to retain control of land as a key productive asset.

As for the opportunities, rising prices for agricultural products, including new markets for agrofuels also present an opportunity for small-scale rural producers that could contribute significantly to rural development. Higher world market prices may potentially be translated into higher farm-gate prices, increased flows of capital and greater government and donor interest in supporting and facilitating such production.

However, realising this potential will depend on more secure land rights for the poor to stop land-grabbing by more powerful actors and create the conditions for investment in small-scale production. It will also depend on an enhancing of the market access and expertise available for smallholder producers.

The current situation presents a paradox: the poor are in possession of land but lack capital, whilst investors are bringing increasing flows of capital to the agricultural sector, but lack land. In contrast to the dominant tendency towards facilitating the transfer of land from the poor to investors, leaving the poor with neither land nor capital, community-private sector partnerships have been proposed as an approach to marrying the needs and resources of both sides.

Community-private sector partnerships can take various forms in which private sector organisations may not require ownership of land, but may seek to acquire land in order to secure a reliable supply and quality of agricultural products. Different community-private sector partnerships arrangements can help achieve this aim without the full transfer of control of land subject to secure land rights for communities. Undefined and insecure land tenure rights are likely to discourage investments by both community members and private sector organisations. Community-private sector partnerships may be a way of achieving the delimitation and registration of community members' rights. Private sector organisations may also have an interest in partnering during such a land regularisation process as it may make available land suitable for an investment partnership in instances in which such land is otherwise scarce.

Under emerging conditions of intense investor interest in land in developing countries, community–private sector partnerships present a potentially valuable approach to reducing poverty and stimulating rural development. However, there may also be downsides, especially when marketing chains are monopolised by single enterprises, or when the partnerships do not reflect the interests of the poor. Moreover, various trends in the development of community–private partnerships differ per region and country. In general, some of the most common forms are the following:

Joint ventures – The private investor and the community enter into an agreement with the community holding an equity stake, and the proceeds are shared according to the value of each party’s input. While the land belongs to the community, it is valued and this forms part of their stake. Joint venture partnerships are often characterised by processes of negotiations in which the roles and ambitions of both parties are discussed and agreed on. Most importantly, they are based on trust, transparency and on equity and mutual benefits.

Contracts – The private company provides individual growers with incentives such as loan advances for establishment, technical expertise and subsidised inputs. The community or individual provides land, labour and is conditioned to sell the matured product to the private company. Unlike joint venture partnerships, contracts often lack joint decision–making by both parties whose interests could be diverse.

Leases – The investor signs an agreement with the community based on the use of communal land and then develops the facility. After that it pays a lease fee to the community. Depending on the agreement, the community may or may not be involved in the running of the enterprise.

Co-Management – Involves a joint management of resources by an agency and a community. In this case, the rights and obligations of each party are clearly spelt out. Private investors are expected to join the partnership for further development of an area.

In any case, there is a clearly felt need for an assessment of community–private sector partnership practice to identify approaches that can maximise benefits to the poor, whilst also remaining attractive to investors. Moreover, it is necessary for the process to explore how national governments, donors and other development practitioners can best facilitate the establishment of mutually beneficial partnerships, pilot such approaches and document best practice.

Activities

Getting the issue on the agenda (preparation)

Starting in March 2008, in preparation for the proposal writing for this process, the CDS has had various consultation meetings with the process co–applicants, as well as the Ministry of Foreign Affairs (DDE), to discuss various issues about collaboration. The meetings were constructive and allowed all the parties to explore their interests, discuss key issues and reach agreement on finalisation of the proposal. All the participants developed a good

understanding of the benefits of cooperation and there was also agreement on the collaboration mechanisms.

The CDS also held several discussion meetings with the other national and international collaborators, such as the Institute of Social Studies (ISS), the International Development Studies (IDS) of the University of Utrecht, Wageningen University and Research Centre (WUR), the International Alliance on Land Tenure and Administration (IALTA), and the International Institute for Asian Studies (IIAS). These partners all demonstrated an interest in engaging in the process activities, first and foremost by participating in the seminar and by disseminating information via their existing networks to encourage further connections to be made.

Launching a blog on ‘commercial pressures on land’

During the preparation phase, the partners in this DPRN process decided to use the existing ILC blog on ‘commercial pressure on land’.² The blog had been designed to inform the public about press reports, research papers, case studies, and any other relevant information on ‘commercial pressures on land’ that poor rural land users are facing all over the world. This knowledge sharing tool seeks to provide updated information to all those trying to monitor, quantify and understand the extent of this ongoing phenomenon.

As discussed during the first partners’ meeting, it made sense to use the blog as a repository for documentation for this DPRN process as well (see Appendix 3 for background literature collected for this process), and as a space for online discussions and the involvement of interest groups.³ The primary goal was to raise awareness on some key questions and to stimulate thinking on these in preparation for the seminar.

A specific item posted on the blog was intended to inform people about the DPRN seminar.⁴ People who registered for the seminar, as well the people who had already subscribed for the ILC blog, were informed of the possibility of participating in the online discussion which followed the seminar. Those who registered also receive a weekly newsletter with information on upcoming events and literature updates on the issue of commercial pressure on land.

Paper writing

In preparation for the seminar, Michael Taylor of the ILC published a discussion paper

² See <http://www.landcoalition.org/cpl-blog/>. This blog built on the flow of information from the 65 ILC member organisations, the work of other committed partner organisations and the daily research carried out by the ILC secretariat, with the aim being to organise and rationalise all this information according to specific categories and tags in order to make it more accessible to users. The blog is accessible to all those who want to register and has also relied on contributions from members and visitors both to increase the availability of information by submitting all manner useful reports or published articles, and to enrich understanding by sharing different thoughts and comments with other users.

³ As a result, the DPRN process webpage that is available on the Global Connections webportal (see <http://pressuresonland.global-connections.nl/>) is closely linked to the ILC blog.

⁴ See <http://www.landcoalition.org/cpl-blog/?p=2561>.

entitled *'Increasing commercial pressure on land: Building a coordinated response'*.⁵ The paper takes stock of current understandings of, and responses to, commercial pressures on land by organisations within and beyond the ILC's membership. It outlines key current initiatives for engaging with the phenomenon and comments on recent trends in land transactions. It also discusses ten myths that are commonly associated with 'land grabbing', and outlines key emerging concerns that responses to the phenomenon should address. Lastly, the paper puts forward some key considerations and questions for building a coordinated response. The paper was sent to all the seminar attendees and discussed during a presentation by the author at the seminar.

Seminar

On 8 July 2009, a seminar was organised at the University of Utrecht's centre De Uithof, which was attended by more than one hundred representatives of CSOs, NGOs IGOs, research institutes, governments and the private sector. The focus of the seminar was on the phenomena of 'land grabbing', its effects on the poor and the opportunities presented by community-private sector partnerships. Details on the proceedings can be found in the next section ('Results') of this report.

The first half day of the programme (see Appendix 2) was set aside for a number of keynote speeches and presentations of overviews relating to commercial pressures on land (see Appendix 4).

After that, the seminar was organised around three different panels, each generating several presentations and a plenary discussion. The three panels each tried to capture a different aspect:

- The Southern stakeholder perspective, which included representatives from Southern governments, research institutes, and CSOs;
- The corporate and multi-stakeholder initiatives, which analysed possible ways of redressing social and ecological effects caused by foreign corporate activity in Southern countries and
- The international community perspective, via which IGOs and NGOs explored possibilities for a sustainable way forward.

The seminar closed by taking a closer look at a case of land governance in China, after which one of the organising parties made some closing remarks.

It should also be noted that the DPRN initiative has led to the formulation of a fact sheet (see Appendix 6) presented to Bert Koenders, the Dutch Minister for Development Cooperation. This was used during the seminar as material for the speech by Mr Maarten Brouwer, the Ambassador for Development Cooperation at the Dutch Ministry of Foreign Affairs.

Policy Review and formulation of recommendations

In order to work towards more secure land rights for the poor, it is important to have a proper overview of the various land policy documents that might have a potential influence

⁵ Available at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/09_07_cpl_discussionpaper.pdf

on international and national land policies, either in a positive or adverse manner. An overview of policy documents has therefore been made (see Appendix 3 for a list of the literature and abstracts). A synthesis of these documents and the five policy recommendations that resulted from the analysis, is shown in the second part of the Results section.

Proposal writing

By way of a major follow-up to this process, the organisers set up a potential consortium which could play a significant role in facilitating and fostering multi-stakeholder participation in land policy review and address the pressing need for innovative approaches to food security, safeguarding poor peoples land rights and sustainable rural development. The consortium developed a research proposal that was submitted for an IS academy grant (see also the Appendix 5). Unfortunately, however, the proposal was not granted and the consortium is now looking for other opportunities.

Results

This section is divided into two parts. The first shows the proceedings of the seminar. The second part concerns the policy review of the literature and concludes with policy recommendations.

Seminar proceedings

Keynote addresses

Mr Maarten Brouwer, the current Ambassador for Development Cooperation of the Dutch Ministry of Foreign Affairs (MFA) gave the first keynote speech. He stated that the MFA defines access to land as a key strategy in poverty reduction and equitable growth, reflected in increasing support for this sector. As regards the importance of learning from the divergent development trajectories of Africa and Asia, he stated that there is a striking difference between the rural priority that has always existed in Asia, and the emphasis on industry instead of agriculture, as has been the case in Africa.

Mr Hendrik Westerbeek, representing the Dutch Cadastre Land Registry and Mapping Agency, sees land as a key asset for the rural poor. The Dutch Cadastre is working with NGOs to set up pilots for land registration in developing countries. Land administration in this respect can be described as a peaceful weapon to combat poverty by empowering the communities as well as by building capacity at the governmental level.

Professor Peter Ho, Director of the Centre for Development Studies, gave a presentation about the latest edition of the book *Developmental Dilemmas: Land Reform and Institutional Change* (Routledge, 2nd edition, 2009). The book highlights the need for credibility in land governance, as expressed by the social support that institutions rally. What matters is not whether land-based institutions are secure or insecure, formal or informal, private or common, but whether social actors perceive these as credible. The concept of credibility moves the debates on land tenure beyond the dichotomy of formal or informal rights, and

therefore away from a neo-classical conceptualisation of tenure. Credibility can be seen as opposed to the creation of ‘*Empty Institutions*’ in which institutional arrangements – or land registration and formal rights, for that matter – are imposed and remain an empty shell, or even lead to resistance and disputes over land.

Overviews on commercial pressures on land

Mr Jun Borrás of Saint Mary’s University, Canada, presented the issue of ‘Land Grabbing’ as something that has proved an effective way to bring onto global agendas the links between the food/fuel crisis and land. Nevertheless, practitioners should broaden and deepen the discussion as a narrow focus on land grabbing for offshore food production ignores many related dynamics of demand for land. Prof. Borrás accordingly made an initial attempt to frame the land grabbing issue analytically.⁶

Mr Gaëtan Vanloqueren, representative of the UN Special Rapporteur on the Right to Food, addressed the human rights challenge through the 11 principles issued by the Special Rapporteur on the Right to Food. These principles are aimed at inhibiting large-scale land acquisitions from infringing on the right to food. Mr Vanloqueren briefly summarised the obligations for a state to implement the Right to Food by protecting, respecting and fulfilling the Right to Food. The principles should not be seen as a constraint to investment, but as an important opportunity for sustainable investment and development that could be of benefit to the local population.⁷

Mr Michael Taylor of the ILC Secretariat outlined key current initiatives to engage with commercial pressures on land. Based on our current knowledge, he presented ten myths that are commonly associated with ‘land grabbing’. He also put forward some key considerations and questions for building a coordinated response to ensure the adequate inclusion of local stakeholders. Based on strong evidence, various stakeholders should work to find solutions in the form of codes of conduct, guidelines for decision-making, alternative models for agricultural investment, securing land rights of the poor and building capacity for collective action⁸.

After these presentations there was a short session of questions in which the importance of the concept of Land Sovereignty (the control of local communities over land, resources and territory) was raised as a cultural concept going beyond the idea of land reform. Another aspect that has been highlighted is the fact that there is no clear view of reality at grassroots level and this has, therefore, not been sufficiently taken into consideration. Finally, the discussion addressed possible ways of integrating obligations of the Right to Food which,

⁶ The presentation can be found at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/borras_utrecht_july_2009_presentation.pdf.

⁷ The presentation can be found at: <http://www.srfood.org/images/stories/pdf/otherdocuments/22-srrtflarge-scalelandacquisitionsrprinciples-9.6.09-2.pdf>.

⁸ The presentation was based on the paper written by Michael Taylor which can be found at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/09_07_ilc_presentation_dprn.pdf.

although it has only recently been developed as a universal human right, has already been integrated into the constitution of 20 countries.

Panel discussions

Panel 1: Southern stakeholder perspective: promoting socially and environmentally responsible land-related investments that respect local tenure systems (Chaired by *Mr Nathaniel Don Marquez* of the Asian NGO coalition (ANGOC), Philippines).

Introduction: Governments in the South face the challenge of attracting investment to stimulate economic growth, a particular challenge in rural areas. Offers from investors to invest in agribusiness are therefore in many cases accepted, but land may be offered without putting in place adequate mechanisms to mitigate risks and promote opportunities for the poor. CSOs and local stakeholders are often not consulted, and have in general opposed the handover of land to investors.

This panel addressed the following questions:

- How could host governments be better supported with the implementation of effective legal and land-related tools, enabling local land users to benefit from commercial interest into land and to prevent or mitigate its social, environmental and labour consequences?
- How could CSOs in host countries, including producer organisations, lobby more effectively for a general and transparent set of rules, enabling them to preserve and protect their livelihoods in the face of wealthy stakeholder's interests?
- What could local CSOs and governments do to ensure the effective and adequate inclusion of local land users in the decision-making processes on land and natural resources transactions that are directly or indirectly affecting local communities.

Mr Abdoul Karim Mamalo, permanent secretary of Code Rural, Niger, discussed the case of commercial land pressure in Niger. He argued that Niger's poverty situation is serious and food insecurity in the country is high. This makes Niger extremely vulnerable to foreign investments in agriculture which, at the same time, are badly needed. There are considerable risks involved in the quick liberalisation of the land market and attention needs to be paid to the social, economic and environmental effects of land-related investments, particularly at household level.⁹

Ms Pamela Cartagena of the Centro de Investigación y Promoción del Campesinado (CIPCA), gave a presentation on peasants and indigenous social movements in Bolivia. She explained that Bolivia has undergone several agrarian reforms since 1953. Legislation on the sale of land in Bolivia has been enacted which focuses special attention on indigenous communities and women. Nonetheless, increasing land markets still create considerable risks at local community level. The current constitution still favours large landholdings, and intense corporate interests in natural resources may pose a threat to community land property.¹⁰

⁹ The presentation can be found at:

http://www.landcoalition.org/cpl-blog/wp-content/uploads/communication_spcr.pdf

¹⁰ The presentation can be found at:

http://www.landcoalition.org/cpl-blog/wp-content/uploads/Presentacion_CIPCA_Utrecht.pptx

Mr Le Quang Binh of the Institute of Studies of Society, Economy and Environment (ISEE), Vietnam gave a presentation on industrialisation, urbanisation and land conflicts in Vietnam. He stated that increasing industrialisation and urbanisation are putting considerable pressure on agricultural land in Vietnam and are creating landlessness and massive unemployment in rural areas. Conflicts also develop because the compensation that is received for lost land, is lower than what would be received if it was sold for the market price. Possible solutions can be found in a reform of the land law, the securing of land rights for the local populations, as well as participatory mechanisms in which farmers can have a say in commercial investment and the future of their livelihoods with investors and government authorities.¹¹

Mr Vidya Bhushan Rawat of the Social Development Foundation, India, assessed the issue of land acquisition in India through a human rights perspective. He argued that, in 2005, the Indian Parliament passed the 'Special Economic Zones Act' with one of the declared objectives being to pursue the generation of additional economic activity and promote the export of goods and services, as well as domestic and foreign investment. This has led to a situation in which very large tracts of agricultural land are being allocated without the prior consent of local communities.¹²

After this presentation, a short discussion focused on the crucial importance of local peasants' organisations to overcome the land grabbing, and on the inability of tribal people to organise in India, due to them not being politicised.

Addressing the questions formulated for this panel, panel chair *Mr Nathaniel Don Marquez*, highlighted some of the key points that arose during the discussions and integrated them with other reflections:

- We should not forget that the majority of Southern governments have not exerted the necessary political will to enforce redistributive land and asset reforms, as well as environmental laws;
- In most cases, the economic development agendas set by national governments favour the granting of land concessions, the expansion of mono-crop plantations, operations of large scale mining, contract/corporate farming especially of agrofuels crops, the establishment of economic zones and the unregulated conversion of agricultural lands;
- In a sense, the current dominant framework has reduced land to a pure economic asset, valued for bringing profit rather than for ensuring the country's food security and promoting a people-centred sustainable development;
- Land grabbing has led to displacement of communities, hunger and poverty, destruction of the environment and violation of human rights;
- Social and environmental costs, together with the costs of rehabilitation and restoration are not internalised or included in the equation.

¹¹ The presentation can be found at:

http://www.landcoalition.org/cpl-blog/wp-content/uploads/land_cso_state_isee1.pdf.

¹² The presentation can be found at:

<http://www.landcoalition.org/cpl-blog/wp-content/uploads/presentationutrect.pdf>.

Mr Marquez then made some proposals relating to various cultural, policy and legal aspects of commercial pressures on land:

- The international community should recognise that land is not just an economic commodity, but a necessary instrument of equity for the poor. Access to land contributes to peace and social justice, enhances food security, and leads to sustainable management of resources;
- In the hierarchy of policies, the highest consideration should be given to domestic staple food production;
- There is a need to suspend and review the conversion of agricultural lands to other uses;
- There is a need to uphold the right to food and stop human rights abuses;
- Governments and corporations can be held accountable through international agreements (e.g. voluntary guidelines on the right to food; ILO Convention 169);
- Trans-National Companies and investors should be required to adhere to best practice, international standards, and full respect for national legislation and food sovereignty;
- Governments should establish effective legal mechanisms to hold companies/investors accountable for environmental damage, human rights violations, and all practices involving any form of bribery and corruption;
- The international community should uphold the right to self-determination and the right to free and prior informed consent. It should ensure that the right to self-determination and priority rights to ancestral domains are given precedence over economic interests;
- The international community should challenge inappropriate and non-participatory environmental and social impact assessment processes. There is need to raise the awareness of transparency and a more inclusive process, with a strong emphasis on women's participation;
- The international community should empower communities, social movements and CSOs for common action and joint negotiation towards food sovereignty and sustainable livelihoods. At all times the diversity of these stakeholders should be recognised and their differences respected.

Panel 2: Corporate codes and multi-stakeholder initiatives: redressing social and ecological effects caused by foreign corporate activity in Southern countries (Chaired by Mr Ujjaini Halim of the Institute for Motivating Self-Employment (IMSE), India).

Introduction: It is attractive to corporations to operate or invest in countries with low costs. However, Low costs can be both a cause and consequence of inequity and an unsustainable exploitation of resources. During the last few years, international companies have become increasingly interested in accepting social and ecological rules in such circumstances, often in partnership with international NGOs and/or domestic CSOs in so called Roundtables of Multi-Stakeholder initiatives, which try to agree corporate codes or certification. Their motives may be to protect their brand for their own constituencies (consumers and shareholders) from pressure exerted by CSOs, governments or other stakeholders and to bring about a recognition of the value of a secure, stable and sustainable operative environment or, of course, a sense of decency.

This panel addressed the following questions:

- How can non-domestic corporations mitigate social and ecological effects caused directly or indirectly by their investments or other commercial activities concerning domestic natural resources for food and energy production?
- Do we expect companies to restrict their operations and forgo the competitive edge, even if national or international laws and authorities do not force them to?
- Are the current corporate-CSO/NGO regulatory mechanisms effective (i.e. do they contribute to local sustainable land use, mitigation of food insecurity)?
- Do the current corporate-CSO/NGO regulatory mechanisms replace government regulation to the degree that they become illegitimate?
- Why do many of these mechanisms revolve around European companies and NGOs, and why do corporations and other stakeholders from developing countries rarely participate?

Mr Abetnego Tarigan, of Sawit Watch, Indonesia, gave a presentation about multi-stakeholder initiatives in the palm oil sector in Indonesia. The palm oil sector has experienced a significant amount of regulation through codes and legal frameworks, particularly the Roundtable on Sustainable Palm Oil. The plans of the Indonesian Government for palm oil production are ambitious, given that it wants to become the ‘best sustainable palm oil industrial country in the world’. In order to achieve this sustainability the sector is driven by various multi-stakeholder mechanisms. Yet, their effectiveness is compromised by their voluntary nature as well as their inability to change existing legal and policy frameworks. Concerns also exist regarding the limits of the multi-stakeholder initiatives in improving local sustainable land use and in mitigating food insecurity.¹³

Mr Walter Hetterschijt, of the Annona Sustainable Investment Fund, the Netherlands, discussed how sustainability can be made core business through the case of Mali Biocarburant SA (MBSA), a Malinese private company with small farmers as shareholders that produce biofuel in a way that supplements farmers' incomes and contributes to poverty alleviation. MBSA enables sustainable jatropha production in Mali through close collaboration with farmers and local communities that are encouraged to become shareholders in the company. According to MBSA, this way of cultivating jatropha promotes local governance, increases farmer registration and ensures responsible land management, while generating income opportunities without competing with local food security.¹⁴

Ms Marieke Leegwater, of the Product Board for Margarine, Fats and Oils (MVO), the Netherlands, explained how MVO is ensuring sustainable production and basic human rights in local communities. MVO is a foundation which brings together several corporations, mainly in the palm oil sector. It provides space for dialogue to all stakeholders, while focusing on investors and communities in the context of palm oil production. Conflicts are a problem in relation to many plantation areas, but free prior and informed consent, increased production standards and performance levels can play a key role in reducing them. Another

¹³ The presentation can be found at:

http://www.landcoalition.org/cpl-blog/wpcontent/uploads/sawit_presentation_nego_corporate_codes_and_multi_stakeholder_initiatives.pdf

¹⁴ The presentation can be found at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/Mali_Biocarburant .pdf.

crucial factor as regards promoting sustainable and responsible investments are the EU market standards.

Mr Yefred Myenzi, of LARRRI/Hakiardhi, Tanzania, discussed some policy and practical lessons learned from an evolving biofuels industry in Tanzania. He mentioned that commercial pressures on land in Tanzania are rapidly increasing and are mainly related to biofuel production. In this respect, the absence of clear policy and institutional frameworks to guide land acquisitions, undermine local communities' rights. It is therefore important to find collective ways to mitigate negative effects. Besides global initiatives to establish codes of conduct or voluntary guidelines, practical mitigation strategies can also be found in alternatives to the ruling Estate Model in Tanzania. Examples of these alternative business models are joint ventures, outgrower schemes, contract farming, and community-based cooperatives.¹⁵

The presentations were followed by a questioning session, during which the need to take adequate consideration of all relevant land-users groups (pastoralists, farmers, etc.) when planning land investments was clearly stressed. A lack of such a comprehensive approach fosters conflict among different communities. The point was also made that some existing initiatives, like the RSPO (Roundtable on Sustainable Palm Oil), need further improvement in order not to represent the interests of buyers and consumers alone. Beyond that, the utility of drafting more and more codes of conduct was questioned in a context in which there is a clear lack of implementation, monitoring, and dialogue among the stakeholders.

The panel discussion was closed by the chair *Mr Ujjaini Halim*. He mentioned that the key areas of concerns raised by the speakers included the failure of national governments to address the structural causes of inequality in land distribution and malfunctioning in land administration. Plantation farming has further intensified in Southern countries and is replacing the production of food crops and is threatening food security of poor and vulnerable groups. Regulations to control investments are often weak and poorly implemented. Most of the existing codes of conduct related to land governance are developed by Northern actors with little consultation with Southern actors/partners. Moreover, there is little awareness of these codes of conduct and they usually end up not being implemented. Regulations developed by the corporate sector are mostly voluntary and self regulatory in nature and have very limited impact on mitigating conflicts.

Besides concerns about land-related investments, several presentations also highlighted opportunities. Various models of community-private sector partnerships were discussed by Mr Walter Hetterschijt and Mr Yefred Myenzi (such as the Estate Model in Tanzania). These models stress the need for development, based on notions of food security, participation of communities in decision-making and transparency at all levels. A good model would ensure civil society's role as a 'Watch Dog', to provide accountability against abuses. The presentations by investors indicated a desire for socially and environmentally sustainable solutions to investment as one way of ensuring a sound long-term production environment.

¹⁵ The presentation can be found at:

http://www.landcoalition.org/cpl-blog/wp-content/uploads/yefred_myenzi.pdf.

Participants also noted the positive role of global actors such as IGOs in ensuring sound investments in land.

Finally, the presentations highlighted a number of needs, for example for ensuring the participation of grassroots actors in any policy development (or development of code of conduct), the development of regulatory frameworks for the implementation and monitoring of investments including an enhanced role for civil society, the prioritising of food security and food sovereignty in national/international policies and the need for ensuring basic human rights standards at all levels.

Panel 3: The role of the international community: working towards socially and environmentally responsible investments in natural resources for crop production (Chaired by Mr Sander van Bennekom, Oxfam Novib).

Introduction: IGOs concerned with rural development are at the forefront of efforts to facilitate a globally coordinated response to the food crisis. One of the key questions in this response is the role of family farming, and the extent to which increased levels of support for the agriculture sector will either undermine or strengthen the role of family farmers. At the same time, international CSOs are increasingly addressing questions of trade justice, simultaneously engaging with producer organisations, global and regional trade policies, and international human rights instruments and mechanisms

This panel addressed the following questions:

- What existing or new instruments could IGOs use to promote commercial activities directly or indirectly, based on using or affecting land and natural resources that are socially and environmentally responsible, preserving local livelihoods and respecting natural resources use systems?
- What role can international civil society play in promoting trade-related policies which allow and encourage a sustainable commercial use of land and other natural resources?
- How can international organisations (inter-governmental and civil society) strengthen the capacity of local stakeholders to participate in the decision-making processes relating to land and natural resources transactions which directly or indirectly affect local communities?

Mr Klaus Deininger, lead economist at the World Bank, discussed the issue of land grabbing and the responses by the international community. He stated that the rural sector is very important for reducing poverty and that governments should play a key role in this respect. The international reaction to the 'global land grab' should include passing on reliable information and support to governments in improving land institutions. Other main preliminary points of attention that follow from the World Bank's investigation of the issue are the key roles of good governance as well as a proper definition of rights.¹⁶

Mr Harold Liversage, land tenure advisor of the International Fund for Agricultural Development (IFAD), discussed possible roles of IGOs in responding to the increased

¹⁶ The presentation can be found at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/wb_policy_utrecht2.pdf.

demand for land. He stated that there are important actions that the international community in general, and IFAD in particular, could undertake. These include recognising the centrality of land tenure security for economic growth and poverty reduction, the promotion of community–investor partnerships and the development of accessible, affordable, as well as transparent, land administration systems.¹⁷

Mr Paul Mathieu, of the FAO Land Tenure Section, discussed the role of the FAO with regard to the land grabbing issue. He mentioned that the FAO is developing some mechanisms to address increasing commercial pressures on land. First of all, the ‘FAO Voluntary Guidelines on Land and Natural Resource Tenure’ are to be published soon. With this in mind, technical public meetings are going to be organised and will include – but not be limited to – the ‘land grabbing’ phenomenon as a discussion item. Other FAO instruments upon which the guidelines are going to be built are also important. Examples are technical guidelines on land tenure, and compulsory guidelines on compensation. It is important to note that the focus must be on consensus. There is no need for too many instruments to be used. Two other aspects of the FAO’s response are its support for national CSOs, and its role in producing technical and neutral information which can be used by all actors for policy and negotiating purposes.

Ms Gine Zwart of Oxfam Novib the Netherlands highlighted the NGO perspective. She mentioned that there are significant differences between the CSOs’ approach to land issues and the IGOs’ solution. Oxfam Novib sees land not only as an economic asset but also as a basic human right which also serves a social, cultural, and spiritual cause. This means that attention should not only be paid to an individual’s property, but also to the use of land as well as the return on labour. The bigger picture of people’s livelihoods should be taken into account when discussing the effects of commercial pressures on land. Large–scale land acquisitions have more negative effects than merely displacing people. Developing appropriate solutions to this will take time, patience and a lot of research. Recent evidence and findings must be placed at the core of government’s and large institution’s practice. This is currently not the case.¹⁸

The presentations were followed by a question and answers session which generated two main arguments. The first one concerned the difference between IGOs and CSOs in addressing conflicting interests in land–based investments. CSO representatives stressed that, where compromises or win–win situations are not possible, the Right to Food must be prioritised in defining solutions, whereas IGOs preferred a more ‘neutral’ stance. The second argument related to the role played by Northern consumers. It was stressed that the role of consumer pressure in influencing multinational corporations investing in land, should not be ignored, and that this level of engagement may be more fruitful than promoting regulations that may be burdensome and impossible to enforce.

¹⁷ The presentation can be found at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/role_of_igos-liversage.pdf.

¹⁸ The presentation can be found at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/dprn-conference-input-juli-09-3_.pdf.

The case of China

After panel 3 finished, a short session on land governance in China took place which included a presentation by Prof. *Gao Guiying* of the Ningxia University, China Western Development Centre, about Land Circulation in the poorer Ningxia region of China. She presented the case of the 'Land Bank' in Pingluo County of Ningxia, known as the Land Credit Cooperative. According to her, besides the normal individual/state-controlled renting and buying of shares of land in the countryside of Ningxia, the farmers recently selected a new form of saving land, i.e. through the Land Credit Cooperative. Her viewpoint was that 'If land use rights are not privatised, land cannot be circulated' (an ideological euphemism for commercial transfer in the Chinese context). The 'circulation' processes have gradually accelerated because of the introduction of the Land Credit Cooperative or Land Bank. Four aspects of clear features of increased privatisation are that: a) the current method of circulation through the Land Bank exhibits diversification concerning the transferring or renting contract in terms of ownership or shareholding; b) a large number of agricultural leading enterprises, big managing households and special cooperation organisations of farmers, are gradually becoming the main bodies of participation in rural land circulation as well as the main bodies of management in agricultural industries; c) land circulation is currently more organised and scaled, whereas before circulation was more spontaneous; d) land circulation is more and more related to commercialisation of land, and if controlled well might offer more opportunities for people to increase their income. All of those important progresses indicated that land circulation in Ningxia has changed radically. Land circulation in the future needs to determine the functions and positions of government departments in order to set up and perfect related policies for land circulation, confirm guidelines for different kinds of land circulation, establish and perfect management and service mechanisms for land circulation, and popularise the mode of land stock cooperation in the countryside.

Finally, with regards to the case of China, Hans Moleman of the *Volkskrant* (one of the major Dutch national newspapers) showed a video on the Chinese Railway and Construction Company, and its potential effects on land acquisition in Africa.

Closing remarks

In closing the event, Mr Madiodio Niase of the ILC stressed that, although the phenomenon of commercial pressure on land we are currently facing cannot be labelled as 'new', its magnitude and dynamics are highlighting the unpreparedness of the international community, and particularly of recipient countries, to deal with the phenomenon.

Antagonistic views characterise the current debate on large-scale land transactions, which are seen as risks by some and as opportunities by others – each of these views being generally based on a solid internal rationale. The contradictory truths and several other myths surrounding the current large-scale land transactions lead to a simple remark: we need to get more evidence on the table. Previous experience with the World Commission on Dams (which had a broker role in building consensus on basic guiding principles between pro- and anti-dam parties), illustrates the critical role of a shared evidence and knowledge base.

The information needed for such an evidence and knowledge base includes:

- How many land deals are actually being implemented?
- Are investors more private or more public and are they national or international?
- What is the nature and level of consultation with people living in or depending on the land being traded?
- What are the tested win-win options and what kind of alternative models are more suitable for agricultural investments?

These are some of the fundamental questions that need responses, which will hopefully come from the many evidence-gathering processes that are currently underway.

There seems to be a sense of urgency, a rush to have a code of conduct, so as not to break the current momentum while maybe acting in a too disciplined fashion. A good code of conduct should not be a mere legal/technical document, but should also be built on solid knowledge, experience, evidence and be formulated in a more participatory manner. It will therefore take time to formulate such a code of conduct, especially in the current context in which the basic evidence relating to land transactions is still being gathered.

Two scenarios are possible. The first one is based on a code of conduct being hastily engineered, with minimal involvement, endorsement, and ownership from relevant stakeholders. A second scenario would be to ensure that the code of conduct builds on the knowledge and lessons generated by the many evidence-gathering processes that are underway, and is negotiated with all relevant parties. The latter would ideally require a sort of 'moratorium' on land transactions, which seems to be unlikely in the current context.

In either scenario, it is important that all parties immediately agree to abide by key basic principles, such as the need for transparent decisions and actions, the need to avoid the conversion of food-producing farmland into non-food productive uses, the need to recognise and protect existing land rights, etc. These principles could be an interim solution in the event that a longer term process is required of formulating an evidence-based and a participatory Code of Conduct.

Finally, the concept of 'prior and informed consent' needs to be further clarified and very critical concepts, such as 'land sovereignty', and the 'right to self determination' (which were also covered in the presentations made during the day), have to be included in the debate. The debate will need to be pursued further through a multi-stakeholder approach.

Policy review and recommendations

'Land grabbing' has developed into a hot issue which is receiving broad media attention. Various studies have been conducted by NGOs and international donor organisations. However, the Policy Review which we carried out in the framework of DPRN revealed that several areas are substantially understudied. First, what is missing is an inventory of the local outcomes of 'land grabbing'. Most studies conceptualise land grabbing from a global perspective, portraying it as a neo-colonialist form of resource exploitation. Yet, similarly to globalisation, 'land grabbing' is a multi-faceted, multi-layered, and at times, downright contradictory process with negative and positive effects. To understand 'land grabbing' in its

many dimensions, the local level has to be researched. This is the area in which a major contribution can still be made.

Moreover, what most researchers have also failed to explore are the regional and inter-country differences which affect global outsourcing. Most studies have concentrated their research on the South, i.e. the 'traditional' developing countries, e.g. in Africa and Latin America. What is missing is a 'South versus East' comparison. This is all the more important in view of the rapid rise of e.g. China, India and Malaysia, that has tilted the developmental balance towards Asia. An aspect that has received even less attention are the implications caused by the emergence of Middle-Eastern countries, such as Iran. Generally, the Middle-East features in studies on geo-politics and human rights, rather than being examined from a development perspective.

The efficiency and effectiveness of land governance and land-based institutions are constrained by the political and social environment within a regime, and are largely determined by the ability of civil service and local authorities to implement policies. One key element when assessing the context for controlling and guiding commercial pressures on land is clarity and social congruence in formally and informally recognised rights, and the ability of the regime to implement systems which recognise these rights, as indicated by the overall institutional credibility. Others include the jurisdictional area that benefits from land administration services, the recognition afforded by the state to informal settlers, and the safeguards afforded to vulnerable groups. Against this backdrop, and provided that the context is at least committed and conducive to good land governance, the DPRN process has come up with several policy recommendations and principles.

1. The principle of 'do no harm'. When examining state interventions, or in certain cases non-intervention, the main criterion should be to avoid disrupting the current land-based institutions, be they formal or informal. This principle is discussed in length in relation to land issues in the book *Developmental Dilemmas* presented during the seminar by Professor Ho.
2. It is important to prepare a framework for the long-term development of the land governance system that allows for flexibility and socioeconomic, political and institutional changes over time. In essence, it boils down to the adoption of a phased approach to recognising rights that help poor and socially vulnerable groups to gain access to land, rather than focusing on tenure security per se.
3. Broaden the geographical extent of land administration and governance only where the institutional and legal framework reflects the reality on the ground – i.e. when it receives the necessary institutional credibility and does not lead to the creation of 'empty institutions' imposed on society which are likely to lead to increased land disputes.
4. Although seemingly obvious, a frequently forgotten truth is that it is crucial to gain an in-depth understanding of land tenure systems. They are, after all, critical for a determination of the winners and losers of programmes and projects. They are key factors which affect poor people's incentives and opportunities for investments and the adoption of environmental protection measures. A full understanding of these systems is

a prerequisite for designing effectively targeted programmes and projects, and for sequencing activities to maximise results.

5. Where requested to do so, development partners should work with government implementation agencies that support poor people's access to land and are able to handle potential resistance to land reform during project implementation. Judicial and administrative reforms need support to make bureaucracies more responsive and accountable to their rural poor constituencies. The capacity-building of state land institutions, at the national, local or community levels, may often be a feature of that support. Projects can help community organisations develop knowledge of land laws and policies so that they are more able to negotiate and claim their rights. It is vital to build up the capacity of these organisations so they may link up with larger and institutionally stronger entities, and generate support for poor people at higher political levels.

Contribution to the DPRN objectives

This process is directly relevant to the DPRN's objectives foremost through addressing the need to create linkages between professionals and organisations that can reduce existing disjunctions between development research and practice. Furthermore, important recommendations based on research and practice were developed to inform policy.

Stimulating informed debate

As can be seen in Appendix 1, the seminar brought together a lot of people from all DPRN target groups and other relevant stakeholders on the critical issue of land rights and community-private sector approaches to rural land use, i.e. the Dutch Ministry of Foreign Affairs, international organisations, researchers from Dutch, Belgian and other international universities and research organisations, national and international CSOs and the private sector operating under a corporate social responsibility banner (planning consultants, geographical system companies, fair trade organisations and agricultural investors). This facilitated communication, exchanges and debate on the analysis of land rights problems, approaches and policies.

Many of the participants normally do not have the chance to discuss with each other on a face-to-face basis (e.g. (Southern) grassroots organisations and international organisations, or researchers and the private sector etc), and therefore the seminar provided a very interesting opportunity for the participants to bring the debate a step further. As the panels were chaired by different stakeholders from different countries with different areas of expertise, they also created diverse areas of knowledge that could provide audiences with an interactive process to share their experiences.

As this DPRN process is geared towards gathering an evidence base on commercial land pressure processes, the many research results, experiences and practices that were presented during the seminar contributed to informed debate. The paper by Michael Taylor of the ILC was important as a specific part of this DPRN process and as input for the seminar and allowed a review of the current state of affairs on the subject and an examination of a possible coordinated response.

Another factor that contributed to the debate was the website, which contains background information (see Appendix 3) on the subject matter gathered and which provides an opportunity for a web-based discussion.

Involvement of relevant partners

Appendix 1 lists the participants of the seminar and their respective backgrounds. This overview shows that the seminar was attended by 103 people, of whom 36 percent were practitioners, 35 percent researchers, 21 percent policymakers, 5 percent representatives from the business sector and 3 percent journalists (categorised as 'other'). As regards nationality, 42 percent of the participants were Dutch, 5 percent were Belgian and 30 percent came from other countries in the North and 23 percent from countries in the South. The high rate of international participants (of whom many were Southern participants) made this seminar a worthwhile exercise as regards comparing different cases of organisations that deal with commercial land pressures on a global scale.

As regards the web-based discussion, unfortunately only one comment was placed on the post that invited participants to share their thoughts about the seminar. Even though people were invited to comment, it can therefore be concluded that this did not work out as hoped for. It showed how difficult it is to get people to respond remotely. However, it can still be concluded that the ILC blog was visited frequently, by about 120 people daily, meaning that the issue has been brought to the attention of a wider public. Furthermore, the seminar participants and those who had already registered on the ILC blog, receive a weekly update on issues related to commercial pressures on land.

Of specific relevance in this process was the involvement of DDE, which collaborated in the organisation of the seminar and the workshop the day after. They were contacted during the proposal writing stage of this process and so the issues they wanted to discuss were taken into account from an early stage.

Relevance for policy and practice

The seminar created linkages between professionals and organisations and made a conjunction between development research and practice by bringing together the different stakeholders in the field. It also developed recommendations based on research and practice that can inform policy (see the integrative remarks of the seminar proceedings at the section 'Results').

Another important element of this process had to do with policy review. The documents gathered on the ILC website are intended to enhance the grounding for effective policy and practice evaluation and development. A large number of the policy papers have been reviewed in this report and used to draw policy recommendations. It is hoped that these will inspire both policymakers and practitioners.

The paper prepared by Michael Taylor had the same aim. It reviews numerous literature sources on the subject and lists recommendations. These are further worked out in the annex to the paper which summarises the proceedings of the meeting held the day after the seminar (9 July) when a smaller working group of the seminar participants continued to

deliberate what broad areas of response are needed and which possibilities could be identified for improved collaboration between stakeholders in existing initiatives. Both the DPRN seminar and the next meeting were organised in collaboration with the Ministry of Foreign Affairs (DDE), which reviews its land policy and its linkages with the proposed theme, particularly with reference to recent EU policy guidelines.

Enhancing cooperation and synergy

Some specific activities were undertaken to create synergy and interconnectivity among researchers, policy and intervention-oriented agencies.

First, the seminar and preceding consultation rounds involved a large number of national and international stakeholders. Many of the participants that presented their findings in the subsequent panels were brought into contact with each other before the seminar. As already mentioned, the Dutch Ministry of Foreign Affairs was involved in the preparation of this DPRN process, and its participation in the seminar (and the subsequent meeting the day after) was beneficial to cooperation and synergy. The synergy was further enhanced by the hosting of the seminar in conjunction with a seminar on 7 July entitled 'Sustainable development – Liberalisation of land markets and new processes of land grabbing' organised by the University of Utrecht.¹⁹ Many of the participants attended both seminars, and this not only increased the depth of the discussions, but also the interconnectivity between participants.

Second, cooperation and synergy were enhanced by building an online interest group on the ILC website where international networks of practitioners and Dutch and international researchers link up and receive information through regular mailings in order to stay up to date on events and literature concerning the topic of commercial pressure on land.

Reflection

Invitations were sent out electronically by the partners through their respective networks and through the DPRN newsmail to inform the invitees about the events held one day before (7 July) and after (9 July) the seminar. The high response rate showed that there was a large interest in the topic.

During the seminar we became aware that the topic of commercial pressures on land is more pressing and urgent than we first believed. The seminar was therefore very timely, and all the actors managed to join in the debate in their various countries and constituencies were much better informed than before. Certainly it is clear that debates are taking place all over the world. All the main partners now have clearer ideas as to how and they should focus their research agendas. This was evident from the feedback received from the informal conversations during and after the seminar (e.g. breaks). Other participating researcher

¹⁹ Whereas the preceding seminar specifically provided academics with a platform to discuss ongoing research, the DPRN seminar focused on reviewing land policy and practice that enable a response to commercial pressures on land. Information about the seminar of 7 July is available at: <http://www.uu.nl/EN/faculties/geowetenschappen/Current/Pages/newprocessesoflandgrabbing.aspx#3>.

institutions (e.g. the University of Utrecht, Wageningen University) also stated that they are going to focus more on the issues raised during the seminar.

Although business representatives had, in particular, been invited to attend, they constituted the smallest group of seminar participants. Given that the DPRN process is about commercial land pressures and partnerships, this was rather disappointing for the organisers. We suspect that the low number of participants from business may have had to do with the general sensitivity of land rights issues in connection with community-based access rights to natural resources.

Besides that, a number of those present in Utrecht intended to try to ensure that some of the issues debated at a large-scale land conference which is to take place in West Africa²⁰. The organisers of this DPRN process are now discussing how they can work together, and the topic is also being debated with Wageningen University and the University of Utrecht. The seminar and the DPRN process ensured that the partners were properly informed when they engaged in these discussions. The seminar therefore helped the invitees to focus on the key land use issues of the future.

Lastly, a mention should be made of the cooperation between the three organising parties (CDS, ILC and Oxfam Novib) in this DPRN process. Before the seminar, the organisers worked intensively together to prepare the seminar and to work on a proposal for the IS academy, which was considered to be an outcome of the process. Unfortunately, shortly before the seminar, we heard that the IS academy proposal had not approved. Coupled with the relative intermission in the process after the seminar was finished, this meant that keeping the cooperation spirit going and continuing the process as proposed would be a major challenge.

Follow-up activities

The process has inspired the organisers to devise the following follow-up steps:

- The online interest group of the ILC on commercial pressures on land is still actively managed and updates are distributed amongst the registered users of the blog on a regular basis;
- The policy recommendations included in this report will be brought to the attention of DGIS through a special meeting, and will be used for further dissemination through the various networks of the DPRN partners;
- The original proposal stated that a paper leading to a follow-up pilot project is to be written. During the course of writing this paper, it gradually developed into a full-fledged project proposal between the DPRN partners – the CDS, Oxfam-Novib, and ILC. This proposal was submitted to the IS-Academy of the Dutch Ministry of Foreign Affairs. Although it was not awarded a grant, it did lead to increased cooperation and understanding between the DPRN partners;

²⁰ See: http://www.oecd.org/site/0,3407,en_21571361_43867299_1_1_1_1_1,00.html.

- At present, the DPRN partners and selected participants present at the seminar on commercial pressures on land are still working on the development of new proposals in this area. The expectation is that a new proposal will be ready for submission to a financier soon (this is also related to the development of a demonstration pilot in at least one country mentioned in the original DPRN proposal).

Appendix 1 – List of seminar participants

Name	Organisation	Sector	Email
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8. Anni Arial	Food and Agricultural Organisation (FAO)	Practitioner	anni.arial@fao.org
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19. Ding Weimin	Department of Land Protection, Wuxi Bureau of Land Resources, Jiangsu Province	Policymaker	
20. Dirk Van Esbroeck	South Research consultancy	Practitioner	dirk.vanesbroeck@southresearch.be
21. Dorith von Behaim	Sector Project Land Management, GTZ	Policymaker	Dorith.von-Behaim@gtz.de
22. Duncan Pruett	Oxfam Novib	Practitioner	
23. Elly Rijnerse	Cordaid	Practitioner	ERI@cordaid.nl
24. Emilie Pelerin	GRET	Practitioner	pelerin@gret.org
25. Evert de Boer	Filippijnengroep Nederland (FGN)	Practitioner	
26. Fan Yu	Department of Land Planning, Nanjing Bureau of Land Resources, Jiangsu province	Policymaker	
27. Femke van Noorloos	Utrecht University	Researcher	femke.vannoerloos@gmail.com
28. Franca Roiatti	Panorama weekly newsmagazine	Journalist	roiatti@mondadori.it

29. Fred Zaal	Amsterdam institute for Metropolitan and International Development Studies	Researcher	
30. Frits van der Wal	Ministry of Foreign Affairs, DDE	Policymaker	frits-vander.wal@minbuza.nl
31. Gaetan Vanloqueren	UN Special Rapporteur on the Right to Food Representative	Policymaker	gaetan.vanloqueren@gmail.com
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Appendix 2 – Seminar programme

- 8.30–9:00: Registration and coffee
- 9.00–9.05: Opening and introduction – Jan Donner, Chair of the DRPN Taskforce and President of Royal Tropical Institute
- 9.05–9.20: Keynote speech, The Netherlands' support for improved land governance in developing countries, Maarten Brouwer, Ambassador for Development Cooperation, Dutch Ministry of Foreign Affairs
- 9.20–9.35: Keynote speech, Mr Hendrik Westerbeek, Dutch Cadastre Land Registry and Mapping Agency
- 9.35–9.50: Book presentation *Developmental Dilemmas* (Routledge, 2009) and the Concept of Credibility in Land Governance, Prof. Peter Ho, CDS
- 9.50–10.10: Prof. Jun Borrás, Research Professor, Saint Mary's University, Canada Overview of Trends and Developments
- 10.10–10.25: Gaëtan Vanloqueren, Representative of the UN Special Rapporteur on the Right to Food
- 10.25–10.45: Questions
- 10.45–11:00: Taking stock: how are we responding to the global rush for land? – on behalf of the DPRN partners, Mike Taylor, International Land Coalition
- 11:00–12:30: Panel 1: Southern stakeholder perspective: promoting socially and environmentally responsible land-related investments
- 12:30–13:30: Lunch
- 13:30–15:00: Panel 2: Corporate codes and multi-stakeholder initiatives: redressing social and ecological effects caused by foreign corporate activity in Southern countries
- 15:00–15.15: Coffee and tea break
- 15.15–16.45: Panel 3: Role of the international community: working towards socioeconomically and environmentally responsible investments in natural resources for crop production
- 16.45–17.05: A case of land governance: Chinese Local and Global Impact. Prof. Gao Guiying, Ningxia University, China Western Development Centre, China

17.05–17.25: Hans Moleman, Correspondent, Volkskrant, Video on the China Railway and Construction Company in Africa and presentation ‘Pressure on land – China’s global influence?’

17.25–18.00: Discussion and closure

18.00: Reception and drinks

Appendix 3 – Policy documents and abstracts²¹

- Burns, T. (2007) *Land Administration Reform: Indicators of Success and Future Challenges*, Agriculture and Rural Development discussion Paper 37, Washington: World Bank. Online at: <http://siteresources.worldbank.org/EXTARD/Resources/ARDDiscussionPaper37.pdf>

Abstract: This study, which originated in a review of the cost of a sample of World Bank financed land administration projects over the last decade (carried out by Land Equity International Pty Ltd in collaboration with DECRG), provides useful guidance on a number of fronts. First, by using country cases to draw more general conclusions at a regional level, it illustrates differences in the challenges by region and how these will affect interventions in the area of land administration. Second, by providing a framework for the different types of costs included in such projects, it takes a first step toward generating comparable cost figures for such interventions. Finally, by establishing a set of indicators for the efficiency of land administration systems — that are easily generated by the system — it establishes a basis for a set of quantitative indicators of efficiency of service delivery in this sector. Given the vast differences, even among the relatively limited set of study countries considered here, efforts to collect this data for a wider set of countries, in a way that will make them comparable over time, will provide important input for Bank operations at the country and sector level, as well as for further research.

- Comité Technique Foncier et Développement (2008). *Land Governance and Security of Tenure in Developing Countries*. Summary of White Paper of the French Development Cooperation agency. Online at: <http://www.landcoalition.org/cpl-blog/wp-content/uploads/afdland-governance-and-security-of-tenure-in-developing-countries.pdf>

Abstract: The goal of this White Paper is to be a tool for exchange and dialogue with all those involved in projects that have a land component or an impact on land and tenure, and particularly with governments and international development aid partners. In a globalising world it offers a critical view of past and current interventions by French development cooperation actors. It proposes a framework in which to analyse the issue of land tenure so as to understand its dynamics and offer tools and intervention modalities while taking account of local, national and global constraints.

- Deiniger, K. (2003). *Land Policies for Growth and Poverty Reduction*. Washington: World Bank/Oxford University press. Online at: http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2003/08/08/000094946_0307250400474/Rendered/PDF/multi0page.pdf

Abstract: Strengthening poor people's land rights and easing barriers to land transactions can set in motion a wide range of social and economic benefits such as improved governance, empowerment of women and other marginalised people, increased private

²¹ For more background literature, see: <http://www.landcoalition.org/cpl-blog/?cat=135>.

investment, and more rapid economic growth and poverty reduction. This World Bank Policy Paper identifies the various policy measures and regulatory framework to achieve the above.

- DFID (2007). *Land – Better access and secure rights for poor people*. London, Glasgow: DFID. Online at: <http://www.landcoalition.org/cpl-blog/wp-content/uploads/dfidlandpaper 2007.pdf>

Abstract: DFID's White Paper sets out how economic growth is the single most powerful way of pulling people out of poverty. Better access to land can play a large part in addressing the four big challenges for growth identified by the White Paper – ensuring faster growth, tackling inequality, making growth sustainable and enhancing mobility. The paper identifies several points in land tenure and governance. First, we need to tackle the problem of unfair access to land. This means supporting land reforms where there is a political opportunity to do so, or seeking ways to make land markets work better for poor people. Second, we need to make tenure more secure for poor people. Secure rights reduce the risk of unjust eviction. They may release collateral for loans and give people the confidence to make productive investments in their land and property.

- Dutch Ministry of Foreign Affairs (2007). *Our common concern. Investing in development in a changing world*. Policy note Dutch Development Cooperation 2007–2011. The Hague: MFA. Online at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/080027_our-common-concern.pdf

Abstract: This policy letter details the Dutch Government Agenda 2015 and the 2008 Explanatory Memorandum for development cooperation. It is certainly not intended to be a comprehensive policy document. Its purpose is to present the choices that the government has made in its effort to contribute to the achievement of the Millennium Development Goals. It sets out the larger framework of sustainable economic development of which secure land tenure is an integral part.

- EU Task Force on Land Tenure (2004). *EU Land Policies Guidelines. Guidelines for support for land policy design and land policy reform processes in developing countries*. Online at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/eu_land_guidelines_final_12_2004_en.pdf

Abstract: In recent years, issues of access to land and natural resources have been of growing concern to developing country governments and donors. A great deal of evolution in experience and thinking has taken place over this period, with several multilateral and bilateral donors drawing up new policy papers on land. Given the shared vision and values held by EU member states, the EU Heads of Rural Development commissioned a Task Force of member states and Commission experts to draw up these policy and operational guidelines and these are intended to form the basis for a common reference framework to design support for land policy and land reform processes hence contributing to greater coordination among EU donors and with bilateral and multilateral donors. The purpose of these documents is therefore to outline guidelines to be considered by EU donors in the design of their support for interventions in land policy

and administration in developing countries. The focus of the guidelines is on rural land. However, a lot of the discussion will be of considerable relevance to urban areas and can contribute to a national land policy. The document is oriented towards generalist and specialist staff, both at field and headquarters with responsibilities directly or indirectly connected with land issues in rural areas.

- IFAD (2008). *Improving access to land and tenure security – IFAD Policy*. Rome: IFAD. Online at: <http://www.landcoalition.org/cpl-blog/wp-content/uploads/e.pdf>

Abstract: This provides a conceptual framework for the relationship between land issues and rural poverty while acknowledging the complexity and dynamics of evolving rural realities. Moreover, it identifies the major implications of that relationship for IFAD's strategy and programme development and implementation. It also articulates guiding principles for mainstreaming land issues in the Fund's main operational instruments and processes. Finally, the paper concludes by providing a framework for the subsequent development of operational guidelines and decision tools.

- Kugelman, M. & S.L. Levenstein (eds.) (2009). *Land Grab? The Race for the World's Farmland*. Washington DC: Woodrow Wilson Centre.²² Online at: http://wilsoncenter.org/topics/pubs/ASIA_090629_Land%20Grab_rpt.pdf

Abstract: The world is experiencing a grain rush. More and more often, wealthy, food-importing countries and private investors are acquiring farmland overseas. These transactions are highly opaque, and few details are made public. The information that is available is, however, quite striking — particularly regarding the scale of these activities. The International Food Policy Research Institute (IFPRI) estimates that 15 to 20 million hectares of farmland have been subject to negotiations or transactions over the last few years. According to the *Economist*, this represents the size of France's agricultural land and a fifth of all the farmland in the European Union. However, such assessments do not cover the whole picture. It is not simply wealthy countries targeting the developing world; North African countries are investing in sub-Saharan Africa, while Southeast Asian countries are also eyeing each others' land. There are also examples of domestic jockeying for land. In Indonesia, Java-based companies are laying claim to land on the outer islands of Borneo and Sulawesi. Finally, there are oil for wheat swaps; Libya and Ukraine have talked about giving Ukrainian farmland to Libya and an oil and gas contract in Libya to Ukraine.

- Sida (2007). *Natural Resources Tenure. A position paper for Sida*. Online at: http://www.landcoalition.org/cpl-blog/wp-content/uploads/sida37805en_natural_resource_tenure_position_paper_web.pdf

Abstract: This paper outlines Sida's position on natural resource tenure and provides guidance for activities where tenure issues are at stake. Rather than providing solutions, the paper aims to support Sida staff and partners in their own analysis and dialogue, and in their development and implementation of policies and programmes. The paper

²² Not a policy document in itself, yet, an important study with potential political implications.

complements and adds value to a number of other Sida policy documents. It adds effect to the Swedish Policy for Global Development, which provides the overarching framework for Swedish development cooperation. It also complements a number of earlier Sida policy and position papers that cover access to productive resources. In contrast to these earlier documents, this paper tackles tenure issues in an integrated fashion.

- Transnational Institute, Corporate Europe Observatory, Grupo de Reflexión Rural (2007). *Paving the way for Agrofuels. EU policy, sustainability criteria and climate calculations*. Amsterdam: TNI. Online at: <http://www.landcoalition.org/cpl-blog/wp-content/uploads/pavingagrofuels.pdf>

Abstract: The paper recognises that the increasing scarcity of fossil fuels is forcing the world to make key choices which imply enormous consequences for future generations, for example whether or not to increase the use of agro-fuels for transport and bio-energy for electricity generation. Agro-fuels are often presented as a solution to reduce CO2 emissions which the EU member states and the USA are supporting through various measures, for example by promoting its production. In the first chapter the paper reports on the EU policy to boost the production and use of agro-fuels. In the second chapter the sustainability certification of agro-fuels is analysed and there is also a focus on some EU member states. The third chapter focuses on agro-fuels and climate change and on some problems resulting from its implementation such as ecosystem destruction, deforestation or soil organic carbon losses. The fourth chapter portrays Carbon Funding as a financial fertiliser for agro-fuels based on the view that the public policy backing of agro-fuels is the only way of surviving in the markets. The paper concludes that the boosting of agro-fuel production is unsustainable as it leads to negative social and environmental impacts such as – to cite just a few – negative impacts (direct and indirect) on biodiversity, water and soil quality, food security and sovereignty and land rights.

Appendix 4 – Seminar presentations

Binh, L.Q (Le Quang): http://www.landcoalition.org/cpl-blog/wp-content/uploads/land_cso_state_isee1.pdf

Borras, J. (Jun): http://www.landcoalition.org/cpl-blog/wp-content/uploads/borras_utrecht_july_2009_presentation.pdf

Cartagena, P. (Pamela): http://www.landcoalition.org/cpl-blog/wp-content/uploads/Presentacion_CIPCA_Utrecht.pptx

Deininger, K. (Klaus): http://www.landcoalition.org/cpl-blog/wp-content/uploads/wb_policy_utrecht2.pdf

Hetterschijt, W. (Walter): http://www.landcoalition.org/cpl-blog/wp-content/uploads/Mali_Biocarburant.pdf

Liversage, H. (Harold): http://www.landcoalition.org/cpl-blog/wp-content/uploads/role_of_igos-liversage.pdf

Mamalo, A.K. (Abdoul Karim) : http://www.landcoalition.org/cpl-blog/wp-content/uploads/communication_spcr.pdf

Myenzi, Y. (Yefred): http://www.landcoalition.org/cpl-blog/wp-content/uploads/yefred_myenzi.pdf

Rawat, V.B. (Vidya Bhushan): <http://www.landcoalition.org/cpl-blog/wp-content/uploads/presentationutrect.pdf>

Tarigan, A. (Abetnego): <http://www.landcoalition.org/cpl-blog/wpcontent/>

Taylor, M. (Michael): http://www.landcoalition.org/cpl-blog/wp-content/uploads/09_07_ilc_presentation_dprn.pdf

Vanloqueren, G. (Gaëtan): <http://www.srfood.org/images/stories/pdf/otherdocuments/22-srrtflarge-scalelandacquisitionsrprinciples-9.6.09-2.pdf>

Zwart, G. (Gine): http://www.landcoalition.org/cpl-blog/wp-content/uploads/dprn-conference-input-juli-09-_3_.pdf

Appendix 5 – IS academy proposal²³

Based on DPRN Initiative “Commercial Pressures on Land”

Diversifying Land Governance Supporting Development Policies by Comparative Study



Centre for Development Studies©

Cover:

Shows clockwise: pastoralists herding sheep on arid land in Central Asia; Effects of deforestation in the Amazon; Harvesting for large-scale bio-fuel production in Latin America; House of Chinese couple resisting eviction, after which the developer forcefully started construction around the building leaving it in a huge construction pit.

²³ Original text as submitted to the Ministry of Foreign Affairs

Executive summary

Proposal title	Diversifying Land Governance: Supporting Development Policies by Comparative Study
Coordinating applicant	Centre for Development Studies (CDS), University of Groningen
Co-applicants	<ul style="list-style-type: none">• Kadaster Internationaal (KI), Cadastre Land Registry and Mapping Agency• Institute for Geo-information Sciences and Earth Observation (ITC)• Institute of Social Studies (ISS), Erasmus University Rotterdam• International Institute of Asian Studies (IIAS), Leiden and Amsterdam• Southeast Asia Department, Oxfam/Novib• Triodos Bank, Zeist• International Land Coalition (ILC), Rome
Resource persons and institutions	<ul style="list-style-type: none">• Dutch embassies in selected countries of study• International Development Studies (IDS), Annelies Zoomers• IIED, Camilla Toulmin and Sandra Vermeulen• Independent consultants, Willem Assies and Christoffer Tanner (Mozambique)• FAO, Paul Mathieu and Paulo Groppo• IFAD, Harold Liversage• <i>Journal of Peasant Studies</i> and Saint Mary's University, Jun Borras• Natural Resources Institute, Julian Quan• UN Habitat, Clarissa Augustinus and Szilard Fricska• Via Campesina and UNAC Mozambique, Nhampossa Diamantino• Wageningen University, Disaster Studies, Gemma van der Haar

²⁴ Grain Briefing, *Seized: The 2008 land grab for food and financial security*, October 2008, p. 2.

²⁵ FAO (2007), *Good Governance in land tenure and administration* (FAO Land Tenure Studies Number 9, Rome).

²⁶ Frits van der Wal (2009), Memo: Report on an International Conference in Washington on Land Governance in Support of the MDGs, 16 March, The Hague: Dutch Ministry of Foreign Affairs/DDE, p. 4.

²⁷ De Soto, Hernando, (2000) *The Mystery of Capital: Why Capitalism triumphs in the West and fails everywhere else*, Basic Books, New York.

²⁸ Ho, Peter and Max Spoor (2006), "Whose land?", *Land Use Policy*, Vol. 23, No. 4, pp. 580–587; Ho, Peter, (2005) *Institutions in Transition*, Oxford: Oxford University Press; and Daniel Bromley, Property Rights and Land in Ex-Socialist States, in Peter Ho (ed.), *Developmental Dilemmas*, Routledge, 2nd edition, 2009.

	<ul style="list-style-type: none"> • World Bank, Klaus Deininger
Proposed duration	5 years
Proposed budget	To be elaborated
Proposed activities	<p><i>Preparation and management:</i></p> <ul style="list-style-type: none"> • Review policy documents and literature; • 1st inaugural seminar on “Diversifying Land Governance”;
Proposed activities (continued)	<ul style="list-style-type: none"> • Detailed agreements and planning between partners/BuZa; • Set-up High-level Advisory Council; • Organization annual board meetings; • Writing of annual progress reports and annual plans. <p><i>Short and long term research:</i></p> <ul style="list-style-type: none"> • Establishment pool of young researchers from BuZa/NGOs; • Formulation of research and master-class training plans; • Secondment of (senior) BuZa and NGO staff at partner universities; • Execution of in-depth country case-studies on land governance. <p><i>Training and exchange:</i></p> <ul style="list-style-type: none"> • Development text-material and guide for master-class land governance; • Teaching Master-Classes for MA and PhD students by BuZa & university staff; • Hosting two expert meetings on land governance; • Organization 2nd seminar on “Diversifying Land Governance”; • Selection Visiting Professorship for researcher of developing country. <p><i>Dissemination of results:</i></p> <ul style="list-style-type: none"> • Hosting of a website, on-line discussion board and newsletter; • Organization of Public Debate with expert panel on land governance; • Publication co-authored articles on land governance in leading journals; • Writing opinion articles published in national

- newspapers and magazines;
- Meetings with press (e.g. Volkskrant, NRC and The Economist);
- Policy recommendations to EU, FAO, World Bank, etc.;
- Organization final conference on “Diversifying Land Governance”.

Results or goals

Long term objectives:

- Contribution to Dutch/EU, World Bank and FAO guidelines on land governance and policies;
- Support to more effective implementation of Dutch development policies;
- Shaping and institutionalizing mutual learning between BuZa, academia/practitioners and private partners;
- Cultivation of sources of inspiration and innovation on land governance for BuZa, practitioners, private partners and academia

Short term objectives:

- Creation of greater sensitivity of Dutch policymakers for *diversification* of land governance and policies;
- Examination of main indicators determining credibility of land governance;
- Study of *continuum* of (formal & informal) land governance and policies;
- Formation of strategic consortium of policy-makers, practitioners, business representatives and Researchers;
- Articulation and increased accessibility of knowledge/expertise of officials of BuZa;
- Strategic use of this expertise in research, joint seminars/conferences, master-classes, and staff exchange;
- Institutionalization of insights of IS trajectory by a pool of young officials and Researchers;
- Achievement of maximum exposure through national media, scholarly and professional publications, and international networks.

Benchmarks

To be elaborated

Contact person’s name,
address, tel., fax

Prof. Dr. Ir. Peter Ho
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numbers and e-mail

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Abbreviations

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Background: From Grabbing to Governance

*“Many donors have been reluctant to get involved in the politically highly sensitive field of land policy... While land policy reform is a long and complex process... donors can make a major contribution, if they play a **cautious** role.”* (DDE/NB, February 2008)

Recently, the Dutch and international development sector have grown increasingly concerned about the effects of “commercial pressures on land” on the livelihood of the poor and socially weak. The commercialization of land can feature in various dimensions. Agricultural food production, the cultivation of bio-fuels, mineral and timber exploitation, the development of special economic zones, real estate and recreational areas (e.g. golf-parks and pensionado estates) – all these factors can lead

to land conversion, and thus potentially, to the marginalization of socio-economically vulnerable groups. For instance, food security has caused countries such as China, India and Saudi Arabia to outsource domestic food production in Uganda, Sudan and Brazil. Such globalized land commercialization creates highly contradictory and contested effects. As Grain, an activist NGO, writes in one of their reports: *“Given the Darfur crisis, where the World Food Program is trying to feed 5.6 million refugees, it might seem crazy that foreign governments buy up farmland in Sudan to produce and export food for their own citizens.”*²⁴

However, the question remains whether Dutch development policy’s attention should focus on the phenomenon – commercial land pressures – or whether it should zoom in on the underlying structure: its governance. This pre-proposal posits that it is the latter that needs to be addressed primarily if we endeavour more effective development policies. This proposal is based on a project on “commercial pressures on land” that was funded by the Development Policy Review Network (DPRN, see also further below).

The governance of commercially-driven land conversion is a highly complex, multi-layered and at times even downright, contradictory matter. Therefore, we should distinguish in the time, place and level at which commercial pressures are taking place. Commercial land conversion in war-torn Sudan and Liberia might be an entirely different matter than in a strongly emerging country as Brazil. Similarly, land acquisitions taking place within China due to urban sprawl might not be tantamount to land acquisitions by Chinese corporations investing overseas. This implies that land governance itself is highly *context-dependent*.

Over the years, the term governance has been extensively debated, conceptualized and defined in many ways. To avoid a Babylonian confusion, it is suggested to adhere here to a straightforward definition, as the process of decision-making and the process by which decisions are implemented. Thus, the analysis of land governance focuses on the formal and informal actors involved in the decision-making on land, as well as the formal and informal structures that have been put in place to implement decisions. The widely used term “good governance” as opposed to bad governance, might be seen as being “among other things participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law” (UNDP).

Dutch development policy could be greatly enhanced by recognizing the context-dependency of land governance. Ultimately, the context determines the opportunities and constraints of governance to control pressures on land, and thus to achieve goals of growth and equity, less vulnerability and better adaptation of the socially weak, the mitigation of climate change, and equal rights for women and men. Against this critical backdrop, the suggested activities in this pre-proposal will focus on unravelling the various socio-economic, cultural and political parameters that influence land governance. In doing so, the proposed project will pool the complementary forces of various research, knowledge and development

organizations, and from various disciplinary perspectives – land law and administration, economics, sociology, political science, anthropology and geo-information sciences.

Problem statement

Much has been written, and much work is being undertaken by organizations such as the ILC (International Land Coalition), World Bank, IIED (International Institute for Environment and Development), and FAO (Food and Agriculture Organization) on the commercial pressures of land (e.g. on large-scale land acquisitions for agricultural production, for bio-fuel production, and for carbon trade). However, what is still missing from these studies is a systematic inventory of the local and global conditions that shape the scope and dynamics of land governance. In a recent report, the FAO succinctly put forward the dilemma that continues to vex policy-makers, donors, activists and Researchers:

*“Access to land, security of tenure and land management have significant implications for development. Yet, **formal** land administration systems commonly fail. **Informal** land tenure arrangements also may not adequately serve citizens.”²⁵*

If both formal and informal institutions fail, what institutions could ultimately function? The question for land governance is not so much what elements it should include, as these have been extensively described in, for instance, Zoomers and Van der Haar (Current Land Policy in Latin America, 2000); Toulmin and Quan (Evolving Land Rights, Policy and Tenure in Africa, 2000); and Van der Molen (Measures to Improve Transparency in Land Administration, 2007). The question is more which elements should be included under what circumstances?

This question is critically linked to what Van der Wal termed the “two schools of thought of land governance” in a recent Policy Note of the Dutch Ministry of Foreign Affairs.²⁶ On the one hand, we find the school of formalizing rights (represented by authors such as de Soto),²⁷ versus on the other hand, those who propose a continuum of rights from extra-legal and informal to legalized and formalized rights (Global Land Tool Network). The idea of a continuum of rights is important, because it points to the need to differentiate between governance in time and space, as Ho (Institutions in Transition; Oxford University Press, 2005), Spoor (Whose Land, 2006), and Bromley (Property Rights and Land in Ex-Socialist States, 2009) have argued.²⁸

It also links to the current thinking in other scientific fields (e.g., spatially explicit land change modelling and monitoring) and might facilitate some cross-fertilisation with, for instance, natural resources management.

Objectives and main questions

In line with the overall objective – assessing what elements land governance and policies should include under what circumstances – the proposed project distinguishes the following short and long term objectives:

Long term objectives:

- Contribution to the formulation of Dutch and European guidelines which account for the continuum of land governance and policies in time and space;
- Support to the implementation of Dutch (and perhaps international) land governance and policies that could potentially be more viable and credible in different developing contexts.
- Contribution to shaping and institutionalizing mutual learning between BuZa, private partners, and academia/practitioners;
- Cultivation of new sources of inspiration and innovation on land governance for and by young representatives of BuZa, NGOs and academia.

Short term objectives:

- Creation of greater sensitivity among Dutch and international policymakers for the need for a diversification of land governance and policies in different developing contexts;
- Examination and identification of the main distinguishing indicators that determine the potential viability and credibility of land governance and policies under different conditions;
- Study of the continuum (ranging from formal to informal measures) of land governance and policies that might be viable and credible under a given developing context;
- Formation of a strategic consortium on land governance pooling the forces of public, private, non-state, and Researcher partners (at the Dutch and international levels);
- Articulation and increased accessibility of knowledge and expertise from the field for officials of BuZa, private partners and selected NGOs;
- Strategic use of this knowledge and expertise in research, joint seminars/conferences, Master-Class training sessions, and staff exchange (between the Ministry, NGOs and academia);
- Institutionalization of the newly gained insights of this IS trajectory by creating a pool of young officials and Researchers that directly collaborate together;
- Achievement of maximal exposure of the results and activities of the proposed IS trajectory through the Dutch national media, scholarly and professional publications, and international networks;

The main question that could guide the research, Master-Class training sessions, joint seminars/meetings, and staff exchange is formulated as:

Which elements should land governance and policies include under the different developing contexts to be: i) economically viable; ii) socially credible and iii) environmentally sustainable?

The various sub-questions will be determined at a later stage in mutual consultation with the partners and BuZa. Yet, for a clear understanding of the defining parameters of the IS trajectory proposed here, the following three delimitations need consideration:

- The elements of land governance and policies could be best regarded as a

continuum including both formal and informal institutions and actors.;

- Tenure security is not tantamount to titling or registration of rights, but critically depends on safeguarding socially weak and poor rights' to land;.
- Apart from civil society initiatives, special attention should be paid to public-private partnerships and the role of cooperative development in terms of land banks, shareholding cooperatives, and common property arrangements.

Country case-studies (to be further elaborated)

To understand how land governance and policies function under varying conditions, the different developing contexts should be defined in time and in space. Yet, as our time-frame is limited to five years, we suggest studying land governance and policies under varying social, economic and political factors. For this purpose, we propose several country case-studies on which the activities of the IS trajectory can focus.

The preliminary selected country case-studies, as well as the involved partners could be: China and India (CDS, IIAS and ISS); Ruanda, Afghanistan and Liberia (ITC, CDS and KI); Bolivia, Nicaragua and Brazil (ISS and ILC); Vietnam and Cambodia (Oxfam/Novib/FoL). The case-studies can include issues of global land acquisitions; real estate and urban sprawl; special economic zones; mineral exploration; biofuels and food production; ethnic minorities and customary law; natural resource and forest management; climate change and carbon emission trading; post-conflict and disaster situations.

For one thing, the Dutch embassy in China is strongly interested in issues of land rights and evictions, the embassies in the other countries of study will also be contacted to explore their interest in this proposed IS trajectory. The main defining feature of each case-study is to determine the opportunities and constraints of land governance as determined by the developing context. For this purpose, the country cases should be carefully selected in order to reflect differences in society (i.e. the relative strength of civil society versus the state and market); economy (measured in terms of GDP per capita, GINI coefficient, education, health-care, etc.) and polity (commitment of the state to good governance, level of control over rent-seeking and corruption, and a shared sense of a national development strategy).

Proposed activities

The IS trajectory here has been developed on the basis of a DPRN initiative with several of the consortium partners – the CDS, Oxfam-Novib and the ILC. This initiative has laid a solid basis for the project proposed. It is envisioned that the IS project will take five years and could include the following sets of activities: i) preparation; ii) short and long term research; iii) Master-Class training sessions and exchange; and iv) project dissemination. The proposed IS trajectory's activities are described for further discussion with the partners and BuZa in the sections below.

Preparation and management:

- Overview and selection of relevant policy documents and scholarly literature with relevance to the diversification of land governance and policies;

- 1st inaugural conference on “Diversifying Land Governance” between the project partners and BuZa to mutually understand and discuss each others’ concepts, definitions and expectations;
- Detailed agreements and planning between partners and BuZa for the IS trajectory’s activities;
- Set-up of the secretariat of the High-level Advisory Council hosted by BuZa/DDE;
- Organization of annual (3x) and final (1x) board meetings hosted in turn by IS academy partners;
- Writing of yearly progress and financial reports, and annual plans by each partner to be collected and submitted to BuZa by the coordinating partner;

Short and long term research:

- Selection and training of the pool of young researchers (preferably from BuZa and NGOs), and teaming them up with staff and the resource persons of university and/or knowledge centers;
- Formulation of research and Master-Class training plans by aforementioned young researchers with tutoring of senior university staff and resource persons;
- Short term secondment (3–6 months) of (senior) BuZa (and possibly NGO) staff at partner universities for conducting fieldwork and writing at least one co-authored article per researcher;
- Execution of in-depth country case-studies on the diversification of land governance and policies under varying developing contexts by young researchers at PhD and post-doc level;

Training and exchange:

- Development of text-material and course-guide for Master-Classes on land governance, social conflict and for young researchers and MA students;
- Teaching of master-class by senior officials of BuZa, NGO representatives, resource persons and university staff in line with Development Policy Review Network (DPRN) initiatives;
- Hosting two expert meetings on land governance before and after 2nd conference;
- Organization of 2nd conference on “Diversifying Land Governance” as a mid-term assessment;
- Selection of 1–2 x 6 months’ Visiting Professorship by a leading researcher from a developing country as an external expert advising the IS trajectory;

Dissemination of results:

- Hosting of a website, newsletter and on-line discussion board for the partners of the IS trajectory and BuZa officials;
- Publication of co-authored articles on land governance in leading journals in rural, planning and/or development studies by young researchers;
- Writing of opinion articles by each partner with BuZa officials to be published in a national newspaper or professional magazine (e.g. NRC, IS, Volkskrant, the Broker and The Economist);
- Organizing discussion meeting with the press during 2nd and/or 3rd conference on “Diversifying Land Governance” (there are excellent contacts with the national

press);

- Policy recommendations to advisors and officials of the European Union, FAO, World Bank, IFAD, the national governments and other relevant organizations in countries of research;
- Organization of 3rd concluding conference on “Diversifying Land Governance” to serve as a wide European and international platform to extend the results of the IS trajectory.

Detailed Work plan, Benchmarks and Responsibilities

To be elaborated in the full proposal.

Risk analysis

To be elaborated in the full proposal.

Project Management and Monitoring (to be elaborated)

The management of the IS consortium will be composed of a General Board consisting of the coordinating partner, and one member of each partner institution who acts as liaison and project manager. During the term of the IS trajectory, the General Board will meet 1 time per year (sometimes in conjunction with the consortium conferences) to discuss the progress and plans for the period, during which all major activities and possible budget (re)allocations are decided in mutual consultation, as well as to evaluate activities of the past period.

The daily management of the IS consortium will be carried out by an executive commission of 3 partner representatives, who each in turn will be charged with the coordination of a sub-group of 2–3 partners. The executive commission remains accountable to the General Board and the relevant contact person at BuZa. The main coordinator of the consortium will be charged with the overall supervision, monitoring and evaluation of the consortium’s activities, and financial management. Each partner is responsible to write and submit annual progress and financial reports, and annual plans of their activities, which will be collected and submitted to BuZa by the coordinating partner.

The consortium would also like to propose the establishment of a high-level Advisory Council which secretariat could be hosted by BuZa. This high-level council could include leading officials and representatives of various governmental, private and non-state organizations, e.g. European Union, World Bank, Triodos Bank, IFAD, and FAO. Apart from acting as a consultative body for the research, training and exchange of the IS trajectory, the Advisory Council could also be instrumental in the political dissemination, and potential formulation of new guidelines and policies on land governance.

Project Budget

To be elaborated in full proposal according to work plan, agreements and benchmarks.

Note: In recent years, densely, populated and rapidly emerging countries such as India and China are increasingly outsourcing their food production in states with a fragile rule of law – e.g. Burma, Cambodia, Laos. Against this background, the International Institute of Asian Studies (IIAS, Leiden) has attached special importance to the initiatives of this consortium.

The IIAS has hosted and funded an international seminar “Asia’s land use between Tradition and Modernization” on 28 April to help forming the consortium. In addition, the IIAS has kindly offered and formally agreed to pay the costs for a 3 months’ Research Fellow to help writing the definitive proposal for this IS Trajectory.

Project Partners

Detailed information on partners, their CVs, networks and expertise to be included in the full proposal

Abbreviations

BuZa	Dutch Ministry of Foreign Affairs
CDS	Centre for Development Studies
DDE	Department of Sustainable Economic Development, Dutch Ministry of Foreign Affairs
DPRN	Development Policy Review Network
FAO	Food and Agriculture Organization of the United Nations
IDS	International Development Studies Group
IFAD	International Fund for Agricultural Development
IIED	International Institute for Environment and Development
ILC	International Land Coalition
ISS	Institute of Social Studies
ITC	International Institute for Geo-information Science and Earth Observation
KI	Kadaster International
UoG	University of Groningen

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Appendix 6 – Fact Sheet

Opening seminar t.b.v. H.E. Mr. Bert Koenders

New pressures on land: rethinking policies for development

Inhoud activiteit	Opening van het seminar en toespraak
Organisatoren	<ul style="list-style-type: none">• Centre for Development Studies, Rijksuniversiteit Groningen• International Development Studies, Universiteit Utrecht
Andere betrokken Nederlandse partijen	<ul style="list-style-type: none">• BuZa/DDE• Oxfam/Novib• Nederlands Kadaster
Andere betrokken internationale partijen	<ul style="list-style-type: none">• International Land Coalition (Rome, Italy)
Samenwerkingsverband	<ul style="list-style-type: none">• DPRN en mogelijk IS Academie• EU Task Force on Land Policy• MoU Nederlands Kadaster, Universiteit Groningen en• Chinese Ministerie van Land, getekend in aanwezigheid van Minister Cramer van VROM
Plaats en tijd	Utrecht, 8 Juli 2009, 10:00 uur, Academiegebouw

Doel van de activiteit

Het openen van het seminar en geven van een toespraak voor de:

- Ondersteuning van een DPRN-gesteunde coalitie over 'New Pressures on Land' tussen DGIS, wetenschap, NGOs en het bedrijfsleven;
- Bevorderen van een herijking van de EU policy guidelines van 2004 onder voorzitterschap van DDE (Dhr. Frits van der Wal);
- Stimulering van nieuw onderzoek naar onder andere de rol van China bij land evictions in ontwikkelingslanden (uitvloeisel van ProLAND ontwikkelingsproject tussen Rijksuniversiteit Groningen en Nederlands Kadaster).

Voordelen voor Nederland

Nederland heeft sterke reputatie in Grondbeleid en Kadastrering. Dit DPRN seminar zal t.a.v. de internationale key players op drie vlakken een belangrijke bijdrage kunnen leveren:

- Het versterken van een nationale coalitie voor onderzoek naar grondbeleid tussen de belangrijkste Nederlandse experts en instellingen;
- Het ondersteunen van een Europa-brede task-force die zich tot taak heeft gesteld een hernieuwd protocol voor grondbeleid in ontwikkelingslanden op te stellen;
- China is een belangrijke en niet te veronachtzamen speler in OS-beleid, de invloed van China in het grondbeleid in ontwikkelingslanden is groeiende. Dit seminar biedt een platform waar deze kwestie in breder project-verband kan worden opgepakt, in combinatie met andere zaken rond 'land grabbing' en de 'commercialisation of land.'

Toegevoegde waarde voor de Minister voor Ontwikkelingssamenwerking

Denk aan vastgoed, minerale exploratie (olie, gas, en ertsen), landbouwproductie (rubber, soja, tapioca, etc.), of urbanisatie (urban sprawl, slums), en het is duidelijk dat de rechten op grond hierin van het grootste belang zijn. Maar in ontwikkelingslanden zijn kwetsbare groepen (vrouwen, arme boeren, slumdwellers) vaak onzeker van hun grond, en zijn zo een gemakkelijk doelwit voor gedwongen onteigeningen. Door de politieke gevoeligheid wordt de grondkwestie vaak ontweken als specifiek onderwerp van ontwikkelingsbeleid. Dit is onterecht. Grond is een belangrijke bron van kapitaal-accumulatie, en vervult daarmee een cruciale rol in ontwikkeling.

Relatie met (inter)nationaal beleid en China

De grondkwestie is integraal verbonden met duurzame ontwikkeling, armoedebestrijding, goed bestuur en mensenrechten. Het past daarmee binnen het algemeen beleid van uw ministerie.

Op dit moment wordt er binnen het OS beleid nog onvoldoende aandacht geschonken aan de rol van China in de wereld. Dit is een gemiste kans. Zo is Nederland (via DDE/DGIS) onder andere direct betrokken bij het high-level ProLAND (Protecting Farmers' Rights and Land) ontwikkelingsproject, dat een betere bescherming van grondrechten in China bevordert.

Dit project is onlangs gepresenteerd aan Premier Balkenende, omdat het een typisch voorbeeld is waarbij een zeer complexe, politiek gevoelige vorm van ontwikkelingssamenwerking mogelijk wordt gemaakt, die in een 'typische' ontwikkelingscontext onhaalbaar zou zijn.

De invloed van China op grondbeleid en landrechten in ontwikkelingslanden is evident. Door de grondstoffenschaarste in eigen land, koopt China in toenemende mate grond op voor de exploitatie van rubber, soja, hout en de verbouw van voedselgewassen. Dit heeft een grote invloed op de lokale bevolking aldaar. In een nieuwe follow-up van het ProLAND project zal gepoogd worden de invloed van China op grondbeleid in ontwikkelingslanden bloot te leggen, te onderzoeken, en onderwerp van internationaal OS beleid te maken.

Overige zaken

Dit seminar wordt georganiseerd door een kerngroep die een nationaal consortium over grondbeleid en onderzoek voorbereidt: het Centre for Development Studies van de Rijksuniversiteit Groningen, International Development Studies van de Universiteit Utrecht en het Nederlandse Kadaster. Mw. Dorine Burmanje, de voorzitter Raad van Bestuur van het Kadaster, zal ook aanwezig zijn op het seminar en een lezing verzorgen.

Prof. Dr. Ir. Peter Ho
Centre for Development Studies
Rijksuniversiteit Groningen
9 Maart 2009

