The Limits of State-Led Land Reform: An Introduction

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Summary. — This essay introduces a collection of papers that examine the effects of contemporary land reforms in practice. This essay focuses on the roles of state and community in land reform. It argues that state-led strategies encounter significant problems on the ground due to their reliance on “top-down” initiatives and bureaucratic implementation. Empirical and conceptual insights suggest the benefits of a shift in emphasis from state to community in land reform. Emphasis on community calls for a state that is more reactive to political demands originating “from below” and more responsive to variation in local institutions and practices.

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1. INTRODUCTION

Land reform is once again high on the development agenda. Post-socialist countries in Asia and Europe have seen a massive shift in control over land from state and collective units to smallholders. Governments across Africa, Asia, and Latin America recognize customary land rights by issuing formal titles to local people. Policy-makers in parts of Latin America and Africa implement programs that redistribute land from large landowners to landless people and tenants. All these programs seek to enhance the land rights of disadvantaged groups by way of legal and administrative acts. In this way they constitute land reforms, although their concrete objectives and forms display great variation (cf. El-Ghonemy, 2003; Lipton, 1993).

The resurgence of this in practice has caused global development debates to pay renewed attention to land reform. This attention finds reflection in the formation of international social movements, such as “La Via Campesina,” that demand the expansion of land reform as a strategy to improve rural livelihoods. Intergovernmental and civil society organizations have established the International Land Coalition to create a global platform concerning the access of the rural poor to land. The renewed attention to land reform has also caused the World Bank and the European Union, among other donors, to issue new land policy statements and guidelines (Council of the European Union, 2004; Deininger, 2003). It is this global debate to which the present issue contributes.

This issue assembles a series of cutting-edge analyses of land reforms from around the world, including redistributive reforms, land registration programs, and post-totalitarian land distributions. The papers examine what land reforms do in practice, and how their particular features condition the dynamics of land tenure and land use observed on the ground. The primary focus of the analyses, therefore, is on changes in actual practices and relationships brought about by legal and administrative acts of land reform. The emphasis is not on legal documents and political debates at the national level. Neither is it on the question of whether or not economic, social, or political concerns justify land reform. Thus, the analytical lens applied in this issue is complementary to other approaches in the study of land reform, such as those directing attention to macro politics (e.g., Akram-Lodhi, Borras, & Kay, 2007; Bernstein, 2002; Borras, 2001), the political economy of agricultural production (e.g., Byres, 2004; Griffin, Khan, & Ickowitz, 2002), and microeconomic farm dynamics (e.g., Carter & Olinto, 2003; Otsuka & Place, 2001).

This introductory essay focuses on a central theme that runs through the contributions to this special issue: the roles of “state” and “community” in land reform. In a nutshell, the analyses presented in this issue attest to the limits of state-led land reform, that is, land reform programs conceived by national governments in a top-down fashion and implemented by their administrative branches through bureaucratic modalities. State-led strategies encounter significant problems on the ground, as the initiatives frequently do not find support from the relevant local actors, and because bureaucratic modalities cannot accommodate the varying meanings of land, plural notions of property, and diverse political-economic contexts. The limits of the state-led approach, together with relevant empirical and conceptual insights, suggest the benefits of a shift in emphasis from state to community in land reform. Community-led strategies may connect state action better with “bottom-up” political initiatives and property relations on the ground. In this way, emphasis on community does not deny the state a role in land reform, but it calls for a state that is more reactive to political demands originating “from below”

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and more responsive to variation in local institutions and practices.

The essay begins with a brief review of land reform in the past and today. Next it discusses key insights into the limits of state-led land reform emanating from some of the papers in this issue. This is followed by a summary of empirical and past and today. Next it discusses key insights into the limits of state-led land reform.

2. LAND REFORM PAST AND PRESENT

Land reform has been a primary state activity in rural areas over the past century, although its popularity has risen and ebbed over time. In addition, land reform has undergone a significant change in its concrete forms, today’s reforms including a more diverse set of policies and programs than those taking place in much of the 20th century. This section presents a brief review of land reform in the past and today.

(a) Land reform and international development in the 20th century

Land reforms were a key component of the socialist revolutions shaking Russia, China, Eastern Europe, and parts of Asia, Latin America, and Africa in the 20th century (Lehman, 1978). Socialist movements considered them a crucial element of the desired processes of social transformation. For them, land reform was the primary vehicle by which to break the power base of “the feudal class” and enlist the support of the peasantry in the revolution. Correspondingly, Russia underwent land reforms after 1917 (Lewin, 1968). China in the 1940s and the Democratic Republic of Vietnam in the 1950s (Moise, 1983). Land reforms swept through the Eastern European countryside after World War II (Mathijs, 1997; Wegren, 1998). Furthermore, socialist governments initiated land reforms in Bolivia, Cuba, and Nicaragua (de Janvry, 1981; Enriquez & Llanes, 1993) and Ethiopia and Mozambique (Prosterman, Temple, & Hanstadt, 1990). All these reforms involved major redistribution of land from large landowners to landless people, tenants, and smallholders. The socialist movements caused a series of governments in the capitalist world to enact redistributive land reforms. Reformist governments expected land reforms to enlarge their political support base by appeasing the demands of the peasantry and weakening the position of large conservative landowners. The Taiwanese and Korean governments implemented land reforms in the 1940s and 1950s with US support (El-Ghonemy, 1990; Ka & Selden, 1986). The Southern Vietnamese regime undertook a land-to-the-tiller program in the 1960s and 1970s (Callison, 1983). Most well-known is the series of land reforms undertaken by Latin American governments under the US-sponsored “Alliance for Progress” (de Janvry, 1981; Thiesenhusen, 1989). Virtually every Spanish-speaking nation implemented a program of redistributive land reform in response to the socialist revolutions in the region.

Land reform was consequently high on the emerging agenda of international development in the 1960s and 1970s. In the 1960s, declared by the United Nations to be the “First Development Decade,” one of the key projects to be undertaken in the newly independent nation-states was land reform. Implemented properly by a national government and administration with international assistance, land reform was expected to alleviate rural poverty, increase agricultural productivity, and strengthen the new nation state. The UN issued reports on “Progress in Land Reform” in 1963 and 1966 and held the World Conference on Land Reform together with FAO in Rome in 1966 (El-Ghonemy, 2003). The World Bank published a key policy on land in 1975. As a result, land reform was part of the policy package offered to newly independent nations such as Egypt and Iran in the 1950s and 1960s, Tanzania in the 1960s and 1970s and Zimbabwe in the 1980s.

Redistributive land reforms, therefore, became important state projects throughout the developing world in the 20th century. Land reform was popular in international development because it fit the ambitious goal to bring about economic development by way of state action—land reform being a “big push” to be conceived and implemented by “the state as guardian and manager of ‘national’ development” (Bernstein, 2002). In addition, land reform was considered a primary means by which the newly independent nation states could strengthen their authority over rural areas. The nation state—and particularly its central organs and centralized agencies—assumed a primary role in initiating and implementing land reforms. This model of state-led land reform came along with the “illusion of bureaucratic or technocratic omnipotence” (Lehman, 1974, p. 18).

(b) Land reform today

The agenda for land reform has become more diverse over the last two decades. It is no longer confined to redistributive reform, that is, the transfer of land rights from large landowners to landless people, tenants, and smallholders by way of direct state action (Lipton, 1974). Today, the term “land reform” is commonly used to refer to colonization programs on publicly owned land, land registration, consolidation of fragmented holdings, tenancy improvement, and land taxation in addition to redistribution (El-Ghonemy, 2003; Lipton, 1993). This broad definition reflects the recognition that access to land is constrained in multiple ways, and that states have a wide variety of legal and administrative instruments at their disposal in order to enhance the land rights of disadvantaged groups. Nevertheless, one can distinguish three primary approaches to land reform: 4

Redistributive land reform has lost some of its earlier significance, yet it remains an approach to land reform that is implemented and debated in several countries. A well-known and controversial example of redistribution is the agrarian reform program in Brazil, the subject of the papers by Ludewigs et al. (2009) and Pacheco (2009). Other redistributive reforms are currently taking place in Zimbabwe and Namibia (Adams, 2000). All these programs have included the expropriation of land from large landowners by governments which have allocated it to rural people by way of administrative procedures. A different allocation mechanism is employed in Brazil, Colombia, the Philippines and South Africa in what has been coined as “market-assisted” (Borras, 2003; Deininger & Binswanger, 1999; El-Ghonemy, 2003) or “market-friendly” (Boucher, Barham, & Carter, 2005) land reform. In this variant of redistributive reform, land transactions between large landowners and aspiring smallholders take place (at least partly) through markets, facilitated by favorable loan programs offered by the government.

Today the most common approach to land reform in Sub-Saharan Africa is land registration and land titling, the subject of the papers by Berry, Bruce, Brück, and Schindler (2009), Peters (2009), and Place (2009). Governments across the
continent have established specialized state agencies and administrative procedures to register land rights. In the past, these programs focused on the registration of individual land claims and land titling, neglecting the potential of customary tenure systems to respond to new demands (Bruce & Migot-Adholla, 1994). More recently, they have included efforts to formalize customary claims on land made by collective actors, such as villages and ethnic groups, and/or recognize the authority of customary leaders over land (Fitzpatrick, 2005; Toulmin & Quan, 2000). Yet land registration takes place not only in Sub-Saharan Africa but also in other places, such as in individual land titling in Mexico (Bouquet, 2009) and the registration of indigenous land rights in Bolivia, Colombia, Ecuador, and Panama (Plant & Hvalkof, 2001).

Post-totalitarian countries have engaged in their own style of land reform, which is the subject of the papers by Fay, Sikor et al. (2009) and Upton (2009). Post-totalitarian land distributions have granted people control over land that had been taken from them by totalitarian governments in the past and was under the management of agricultural collective, state enterprises and large private farms. This approach to land reform has been applied throughout post-socialist Eastern Europe, Central and East Asia as well as other post-socialist settings such as Mozambique. In these countries it has taken the form of distributing agricultural land to the people active in agriculture or restituting land rights to historical owners (Swinnen, 1997; Verdeny, 2003; Wegren, 1998). Another program of post-totalitarian land distribution takes place in post-apartheid South Africa’s land restitution program, where claimants can reclaim land dispossessed under racially discriminatory policies.

The three approaches share certain features, even though they have developed in relative separation from each other. One of these features is the continuing focus on the state as the primary initiator and implementer of land reform. Once again, major proponents advocate land reform on the premises that those are projects conceived by states in a top-down fashion and implemented by them through bureaucratic modalities, whether market-assisted or not. Moreover, the state-led model not only continues to inform national programs and debates but also resurfaces in international policy statements (e.g., de Soto, 2000; Deininger, 2003).

3. THE LIMITS OF STATE-LED LAND REFORM

The papers included in this issue indicate the continuing emphasis on the state in today’s land reforms. Furthermore, they demonstrate that the potential of state-led land reforms to achieve desirable changes in actual land tenure and land use is limited. Top-down initiatives cause land reform programs to miss out important developments on the ground and fail to enlist support from relevant actors. Reliance on bureaucratic modalities hinders the adaptation of state action to tenure arrangements and authority relations on the ground. The analyses, therefore, indicate the limits of state-led land reforms when they encounter the existing socioeconomic and cultural matrices of land on the ground.

Place (2009) reviews experiences in Sub-Saharan Africa, where many land registration programs of the 1970s and 1980s failed to achieve their stated goals. National governments and international donors had conceived them based on the assumption that customary arrangements did not provide the necessary security for agricultural investments and increases in land productivity. State action was necessary to create the required security by way of systematic registration and titling. Yet the insights from research in agricultural economics discussed by Place contradict the major tenets of state-led land reform. The assumption that land tenure is generally insecure under customary arrangements does not hold. In addition, state registration and titling do not automatically enhance tenure security (measured in various ways), but may even be a source of insecurity. More broadly, empirical studies do not find consistent and demonstrable effects of tenure security on agricultural investment or productivity but point to the significance of contextual factors.

In parallel, Peters cites anthropologists’ research showing that the perceived problems in African agriculture were less due to problems inherent in customary land tenure than to broader social and political-economic conditions. In addition, Peters presents insights from field research, which contradict the premises underlying state-led land registration. The registration of land claims is not a matter of simple recognition of “what’s out there” by the state. Local land tenure systems are highly diverse and land rights tend to be negotiable, posing major obstacles to bureaucratic modalities of land registration. Thus, bureaucratic registration has often created and exacerbated conflicts over land and aggravated inequalities in access to land rather than the reverse, as found in other regions (see below). Peters also cites research documenting processes of exclusion taking place through customary tenure in some countries in Africa.

Upton arrives at some similar conclusions about the shortcomings of state-led land reform in her study of land tenure in Mongolia’s pastoral sector. Her work highlights on the complex, dynamic and contested nature of “customary” rights and the reworking of state initiatives in shaping herders’ actual rights and practices in recent history. She also considers how contemporary state and donor-driven legislative and policy initiatives are shaping herders’ livelihoods, social organization, and practice. The new Land Law in 2002 endorsed state devolution of pasture rights to herder groups as a strategy to enhance sustainable use, livelihoods, and tenure security. Yet in practice, evidence suggests that these initiatives have limited efficacy in clarifying the rights by which herders gain access to land, thus making the situation more complex and intensifying the contestations over rights, norms, and social organization. Results also echo Peters’ concerns over process of exclusion and inequalities associated with devolved, customary tenure arrangements.

Bouquet’s analysis of Mexico’s land registration efforts similarly reveals the limitations of top-down and bureaucratic land reform strategies. She finds that land titling in the PROCEDE program succeeded in enhancing the security of land tenure. Titling was successful because state action took account of the existing institutions and practices on the ground. In contrast, the expected effects of legalizing land transactions did not materialize. Formal land markets did not develop because the state program failed to incorporate local institutions and practices with regard to land transactions. The top-down and bureaucratic implementation of the second program component caused a surge in informal land transactions; the opposite of what was intended.

Ludewigs, D’antona, Brondizio, and Hetrick look at Brazil’s programs of redistributive reform, which granted new land rights to almost 700,000 families from the 1970s to the 1990s. The major goal of agrarian reform was to reduce the inequality in access to land. Yet the findings of Ludewigs et al. indicate that redistributive reform in the Amazon may reinforce inequalities in access to land in the long term. Despite state restrictions on land sales, informal land markets have developed, leaving only a quarter of the lots in the hands...
of the initial land reform beneficiaries. Land ownership has become increasingly concentrated, driven by a trend in agriculture toward cattle ranching and large soybean farms with related consequences for tropical deforestation. Smallholders could not compete with these large-scale operations, as they lacked support in the form of physical infrastructure, public services, agricultural extension, and credit.

4. COMMUNITY-LED LAND REFORM: EMPIRICAL AND CONCEPTUAL FOUNDATIONS

The limits of state-led land reform suggest the need to look for alternatives. One potential alternative emerges from contemporary programs that recognize the significance of “community” in processes of land reform. Correspondingly, this emergent alternative may be referred to as community-led land reform, “community” signaling the significance of actual land tenure arrangements and authority relations as well as “bottom-up” political initiatives. This section reviews empirical and conceptual reasons in support of community-led land reform.

(a) Emergent community-led strategies of land reform

Many contemporary programs of land reform include an explicit recognition of “community,” albeit in different forms. In some cases, community-led reform takes the form of distributing ownership titles to various kinds of social groups. In the Philippines, for example, indigenous groups have gained constitutional rights to their ancestral land (Hughes MacDermott, 2001). A 1993 administrative order mandated the Department of Environment and Natural Resources to recognize the land claims of “indigenous cultural communities” in the form of a “Certificate of Ancestral Domain Claim” (CADC). The 1997 Indigenous Peoples’ Rights Act extended these rights of indigenous groups to include individual and communal ownership (Colchester, 2004). In Latin America, indigenous groups have recently received collective titles to customary lands through various programs promoting “customary land titling” (Plant & Hvalkof, 2001). The Colombian state has undertaken major programs of collective titling in the Amazon and initiated collective titling of land in the Pacific region. Similarly, titles have been issued to indigenous groups for sizable amounts of land in Bolivia, Ecuador, and Panama.

Another form of community-led land reform seeks to recognize the authority of local institutions over land. For example, policy-makers and activists in South Africa have been engaged in vivid debate about what role to give to customary leaders in the allocation and administration of “communal land” (Cousins & Claassens, 2003). The debate concerns what kinds of powers customary leaders, Land Rights Boards, and elected local governments should receive with regard to land as a way of enabling these actors to participate in processes of negotiation over land claims and land rights in post-apartheid South Africa. The South African debate exemplifies a broader trend in Africa toward the “legal recognition of customary land tenure” (Fitzpatrick, 2005; McAuslan, 1998). Many African governments have chosen a diversity of strategies to distribute authority among various kinds of state units and “customary” institutions. What is common to their strategies is the primary concern with the distribution of authority among competing institutions and authority figures (such as chiefs), and not the distribution of ownership titles (Bruce & Knox, 2009; Peters, 2009; Toulimin & Quan, 2000).

The strategies for recognizing customary land tenure in Africa resemble the decentralized processes of land administration and management observed in post-socialist East Asia. In China, local collectives own agricultural land and enjoy significant power over the management of that land (Kung, 2000; Liu, Carter, & Yao, 1998). They actively exercise this power, as reflected in the practice of redistributing agricultural fields among the local population periodically. Yet not only agricultural land but also more than half of China’s forests are formally owned by local collectives (Weyerhaeuser, Kahrl, & Yufang, 2006). In Mongolia, national policy on pasture management is increasingly moving toward an approach recognizing the (customary) authority held by local institutions (Fernandez-Gimenez & Batbuyan, 2004).

“Community” has also become a powerful image in social movements for land reform. Images of community have served an important function in Brazil’s Movimento Dos Trabalhadores Rurais Sem Terra (MST) (Wolford, 2003). By creating a community through ideas and practices, the movement’s leaders have achieved high levels of involvement among members, even after these have obtained land. The leaders have succeeded in maintaining this “imagined community” despite its discrepancy with people’s actual experience in land reform settlements. Similarly, notions of community have imbued social organizing for land reform in the Philippines (Borras, 2001). A “Community Foundation” has supported not only the specific claims of local peasant groups but also the formation of a nation-wide movement demanding reform. Moreover, the sense of belonging to a local community has provided an initial rallying point for peasants’ demands. Therefore, “community” has afforded local claims and national movements an important cultural symbol in their struggles for land reform in Brazil, the Philippines, Thailand (Colchester, 2004), and Scotland (Brown, 2007).

This brief overview demonstrates that “community” takes on increasing significance in strategies of and debates on land reform across the globe. Yet the concrete meanings attributed to “community” are highly varied. Community-led land reforms take on a variety of forms, implying different roles for individual people, their collective organizations and state actors, as well as different relations between them. An important distinction is that between reforms, which grant communities ownership titles but retain the major tenets of state-led land reform, and more far-reaching strategies that recognize the role of communities in authority over land and the processual nature of customary land tenure in many places (cf. Sikor & Tran, 2007). Moreover, it has become clear that community-led reforms cannot be thought of as separate from or incompatible with the actions of the state. They obviously involve the state as they seek to achieve legislative and administrative changes in favor of the land claims made by disadvantaged groups.

(b) “Community” in natural resource management

The emergence of “community” in land reforms is no surprise, of course. International policy on natural resource management has long experienced a paradigmatic shift from a state-led approach to community-based strategies (Agrawal & Gibson, 1999). Community-based natural resource management has found support from scholars, government officials, and international donors alike, as it is able to accommodate many different agendas (Brosius, Tsing, & Zerner, 1998; Li, 1996). Today, no major policy document fails to endorse a community-based approach to natural resource management (e.g., Deininger, 2003; International Fund for Agricultural Development, 2001).

The turn toward “community” in natural resource management offers two important insights for debates on
community-led land reform. First, the nature of “community” has been a major issue in debates about community-based natural resource management. Practitioners and researchers have come to realize that essentializing notions of “community” do not hold up in practice. Actual social relations have turned out to be much too varied to fit into naturalizing notions of community as small spatial units, homogeneous social structures, or exclusive groups sharing norms (Agrawal & Gibson, 1999). Social relations in practice are much better understood as involving multiple actors that have different interests and possess different economic, political, and cultural resources (Agrawal & Gibson, 1999; Leach, Mearns, & Scoones, 1999). The actors deal with each other in a variety of social fields influenced by institutions, reconstituting and modifying these in turn (Berry, 1993; Ribot & Peluso, 2003). They comprise local actors as well as extra-local actors engaged in state projects, trading activities, and development work (Brosius et al., 1998; Li, 2001). Consequently the interactions among social actors may produce “community” in the narrow sense—if they attribute significant decision-making powers and benefits to collective actors. Yet they may also fail to do so, reflecting, reproducing, and generating social inequalities along economic, gender, racial, and other lines (Agrawal & Gibson, 1999; Sikor, 2006).

Second, “community” has served a rapidly rising number of national and international civil society organizations as a powerful idiom to bring about a change in international development (Agrawal & Gibson, 1999). Community management has been particularly powerful because of the premise that it is an alternative to top-down and bureaucratic state management. The turn toward “community” has thereby served to rally those frustrated with the outcomes of state management (Agrawal & Gibson, 1999; Li, 1996). State (mis)management is seen as a primary cause of the observed disturbances of forests, the ineffectiveness of many protected areas, the collapse of communal irrigation systems and rangeland degradation; it is also considered problematic because of the exclusion of local people from decisions about and benefits from these resources (Baland & Platteau, 1996; Ostrom, 1990; Poffenberger, 1990; Western & Wright, 1994). In this way, “community” has provided a powerful discourse that has opened up the decision-making processes and modalities in international development to a broader set of actors (Li, 1996).

This brief review suggests important ways to make sense of “community” in community-led land reform. First, “community” may be an important political discourse that opens up new opportunities in favor of the disadvantaged. Emphasis on “community” may serve “processes of land reform [that] have become much more open, engaging debate with a wider group of stakeholders than was formerly the case” (Toulmin & Quan, 2000). Yet this empowering potential of “community” depends on the ability to defy attempts by states and other development actors to appropriate the discourse for the justification of land reform programs imposed on imagined communities in a top-down, bureaucratic fashion. Second, reference to “community” calls attention to the social actors and institutions present at the local level. As these take on different roles in land tenure and authority over land, they may justify land reform programs that transfer land titles to particular collective actors or recognize local institutions possessing authority over land. Yet even where such actors and institutions do not hold corresponding customary rights, advocates may employ the notion of “community” to depict an outcome that land reform can support. Third, “community” should not be thought of in isolation from the state.

National governments and their administrative branches may be able to support community-led strategies in important ways, as they command capacities and skills not available at the local level. Nevertheless, community-led land reform will require states to be more reactive to bottom-up initiatives and more responsive to institutions and practices on the ground.

(c) Anthropological and economic thought on property

The arguments in favor of community-led land reforms find further support in a recent confluence in anthropological and economic thought about property. Anthropological and economic theorizing on property may be very different from each other in many regards, yet both suggest that property relations change in response to alterations in their political-economic “contexts.” This notion of a “contextual fit” (Ensminger, 1997) finds reflection in the anthropological conception that property is an integral part of broader social relations, and the economic proposition that property rights evolve in reaction to changing technological and economic conditions.

Anthropological thought on property emphasizes that property is a constitutive element of broader social relations and, in turn, is affected by changes in those. Property establishes not only economic relationships among actors—influencing who gets what under what conditions—but also political and cultural relationships (Hann, 1998; Shipston & Goheen, 1992). Property, therefore, is intimately and necessarily part of broader economic, political, and cultural relations. Changes in property occur by way of patterned shifts in property practices, as these make, modify, and unmake property relations in a process of constant negotiation (Berry, 1993; Verdery, 2003). These practices take the form of actions concerned with abstract property categories such as court rulings and scholarly debates, as well as everyday dealings with concrete property objects such as plowing a field or grazing livestock (von Benda-Beckmann, von Benda-Beckmann, & Wiber, 2006). Property relations, therefore, are dynamic and are often open to renegotiation through social practices in response to larger political and economic changes.

In economics, the so-called property rights school surmises that property rights evolve in response to changes in technological and economic conditions (Demsetz, 1967). Property rights are considered to be institutions that adjust to new cost-benefit relations, induced by changes in the costs and benefits of production (cf. Hayami & Ruttan, 1985). By implication, the premise for property rights to land is that they change in reaction to shifts in productive land values (Binswanger & McIntire, 1987; Feder, Onchan, Chalamwong, & Hongladarom, 1988). These shifts primarily stem from changes in technological and economic conditions (Deininger, 2003; Platteau, 1996). Thus, differences in technological and economic factors underlie the observed variation in property rights to land.

This confluence in anthropological and economic thought about property implies a radical reconsideration of the state in relation to property. The state has long been a key element of western thought on property, being the ultimate guarantor of property rights and deriving a major portion of its legitimacy from this function (Geisler, 2006). In stark contrast, the notion of a “contextual fit” indicates that the close connection between property and the state is not a universal relationship but is contingent on particular historical conditions, that is, the rise of the nation state and capitalism in Europe (cf. MacPherson, 1978; Peters, 1994). Under different conditions, authority over land may rest with institutions beyond the state or be shared among multiple sources of authority. Both
anthropologists and economists have come to this conclusion, although they couch it in different terms. Anthropologists talk about plural legal systems (von Benda-Beckmann & von Benda-Beckmann, 1999), the negotiability of property (Berry, 1993), or the mutual constitution of property and authority (Lund, 2002; Sikor & Lund, 2009). Economists, in turn, speak about the role of indigenous and rights systems (Migot-Adholla, Hazell, Blarel, & Place, 1991; Platteau, 1996), or communal land tenure (Otsuka & Place, 2001). Or, in the words of Bruce (1993), there is a need for “community-based solutions to tenure insecurity” and a “state-facilitated” evolution of indigenous land tenure systems.

These ideas, in turn, suggest important conceptual foundations for community-led land reform. If the nature of property rights to land depends on the context, then land reform needs to be responsive to the variety of property arrangements on the ground. These arrangements may take the form of individual or collective ownership rights guaranteed by the state, yet they may also involve different constellations of property rights, find their reflection in radically different notions of property, or accommodate meanings of land beyond productive values. Moreover, if property rights to land are sanctioned by multiple sources of authority then land reforms cannot maintain the exclusive focus on the state but need to recognize the control exercised by other institutions. These institutions may take on a wide variety of forms, such as village communities, lineages, clans, tribes, and indigenous groups, yet together they attest to the significance of “community” in processes of land reform.

5. ISSUES IN COMMUNITY-LED LAND REFORM

As the discussion in the previous section has shown, there are convincing empirical and conceptual reasons for exploring the potentials of community-led land reform. The challenge is now to translate practical experiences and theoretical concerns into policy principles and strategies on the one hand and re-energize customary property arrangements (Platteau, 1996), or communal land tenure (Otsuka & Place, 2001). Or, in the words of Bruce (1993), there is a need for “community-based solutions to tenure insecurity” and a “state-facilitated” evolution of indigenous land tenure systems.

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(a) Responsiveness to local livelihoods

Land reform ultimately seeks to improve the livelihoods of disadvantaged groups. This goal raises the question of how community-led strategies affect local livelihoods and, in turn, are conditioned by them (cf. Bradstock, 2005; Chimhowu & Hulme, 2006). This is the key concern of Fay’s paper on land policy and local livelihoods in South Africa. Employing the concept of “livelihood styles,” Fay shows how locally specific patterns of education, labor migration, and consumption lead to different uses of land and forest products in two villages. Local livelihood styles shaped the outcomes of consecutive land policy interventions by the South African state, including the demarcation of protected forest in the late 19th and early 20th century, the forced villagization and land use zoning in the 1970s and 1980s, and the restitution of land in the early 2000s. Local livelihood strategies even motivated the return of villagers to their pre-villagization settlement site in recent years, a move not initiated or endorsed by the state.

Sikor, Müller, and Stahl demonstrate how livelihood strategies underlie the fragmentation of agricultural land holdings and condition the prospects of land consolidation efforts in Albania. Villagers claimed diverse sets of parcels in the initial distribution of agricultural land in 1991–92. They consequently maintained their diverse parcels as a way of reducing risk to their livelihoods in an unstable socioeconomic environment. Moreover, many villagers migrated to neighboring countries for the same reasons, leading to the observed abandonment of more than a quarter of all cropland in the study area. Local land tenure systems prove highly adaptive to local conditions and changes over time, as villagers reversed the planned distribution in one village, coordinated land management in another, and transferred parcels without registration in a third village. The dynamic nature of land tenure and agriculture, therefore, questions the suitability of a state-led land consolidation program and instead indicates the need for the Albanian state to support desirable adaptations by local communities.

(b) Connections with broader dynamics of authority

Land reforms influence and are influenced by broader authority relations as they seek to enhance the land rights of disadvantaged groups by way of legal and administrative acts of the state. The question, therefore, is how community-led approaches create, modify, or weaken the existing authority relations with respect to land, and how these, in turn, influence community-led strategies (see also Bouquet, 2009). Bruce and Knox survey the decentralization strategies of nine African countries, looking at their implications for the distribution of authority among multiple actors, inside and outside the state. Their review of policy texts finds that African governments tend to decentralize the conduct of land administration and land management, but not the making of rules regarding land. Governments continue to centralize control over rule-making despite the authority over land held by local actors in many situations. A closer look reveals significant variation in the particular powers being decentralized to local actors and in the particular actors being empowered. In several countries, central governments decentralize significant powers of land management and administration to local units, mostly non-specialized local governments. As for customary institutions, most governments—with the notable exception of South Africa—tolerate their powers rather than endorsing them legally. The role of customary institutions is a concern in most of the papers dealing with land registration in Africa, attesting to the complex and varied relations between civil and customary institutions across Africa as well as the highly controversial discussion of customary leaders in the broader debate about property and authority in rural Africa. Bruce and Knox argue in favor of recognizing their influence on land tenure under certain conditions, as many local populations have come to consider them legitimate and because recognition would help to reduce the costs of land administration and management. Peters, in contrast, cites research that shows “traditional” authorities to be highly political, including the self-interested lobbying by chiefs to gain more authority in land reforms that are designed to democratize “customary” procedures. As already noted, new land reforms provide another arena for competition among different institutions, including “customary” leaders. Berry argues that decentralization provides new opportunities for chiefs to assert their influence over rural affairs in new fields, often abusing their privileges for personal gain. This argument sits well with the empirical evidence presented by Brück and Schindler that in rural Mozambique, households with close relations to customary leaders have better access to land than others.
6. CONCLUSIONS

Many land reforms, past and present, portray a focus on the state as their primary initiator and implementer. This model of state-led land reform emerged in the 1960s and 1970s, when land reform was envisaged as one of the “big pushes” in state-led development and bureaucratic implementation was considered most efficient. Today, many land reform programs continue to assign the state the primary role, whether they promote land redistribution, registration, or post-totalitarian distribution. This very emphasis on top-down state action and bureaucratic modes of implementation, the essay has argued, may limit the potentials of land reform to achieve desirable changes in land tenure and land use in practice.

There are sound empirical and conceptual reasons for shifting the emphasis from state toward community. Community-led strategies may create openings for new processes and modalities of land reform not available under the state-led approach. A shift toward community, therefore, may be able to draw in a more diverse set of political actors inside and outside the state that can initiate and sustain land reform. It may also enhance the flexibility of land reform programs to accommodate diverse meanings of land, plural notions of property, and varied authority relations. At the same time, community and state should not be seen in binary opposition to each other. They exist in close relation with each other, even if land reforms employ community-led strategies. These relations can take a large variety of forms, defying singular notions of state-led and community-led land reform.

The benefits of shifting the emphasis toward community are far from proven, although conceptual insights and empirical evidence exist in support. There is a need, therefore, for policy-makers and researchers to critically assess the potentials of community-led strategies. This essay has identified key issues that demand primary attention in such an assessment. More broadly, the contributions to the special issue demonstrate the need to look at what land reforms do in practice. Knowledge about land reforms remains limited without an understanding of the changes in land tenure and land use brought about by particular kinds of land reform on the ground.

Further research and policy on land reform will benefit from incorporating multiple perspectives. Land reforms are the concern of many academic and professional disciplines, including agricultural economics, development studies, geography, social anthropology, and sociology. There is a need, therefore, for collaborative efforts that include experts from diverse backgrounds. This issue is intended to do just that: promote multidisciplinary collaboration on land reform. It seeks to help to establish a new tableau for the empirical analysis of land reform by bringing together case studies that not only originate from diverse geographical settings, but are also informed by multiple disciplinary perspectives.

NOTES

1. These are obviously problematic terms. Our usage does not want to reify “state” and “community” as unitary entities but to ignore the tremendous variation in the social relations and practices constituting states and communities, as we hope to demonstrate in the remainder of this essay.

2. Mexico and Kerala are interesting exceptions, as both witnessed significant land reforms initiated by more reformist leftist governments (Grindle, 1990; Herring, 1990).
3. As indicated by John Bruce (personal communication), the “push” was more moderate in some countries, such as Taiwan, Korea, and South Vietnam, where land-to-the-tiller programs conferred the ownership of land they had already farmed as tenants on small cultivators. It took more radical forms in Latin America, where redistributive land reforms involved the breakup of large estates.

4. Land reforms take many different forms in practice, are embedded in diverse agendas, and carry different meanings for different actors. What follows is a rather crude classification intended to highlight—and not to conceal—the variety of forms land reforms take in practice. There is obviously wide variation within each category. Land reforms in different categories may also share important features, as demonstrated by Fay and James (2008). Moreover, concrete land reform programs in particular countries (e.g., South Africa) may include multiple approaches.

5. Some (early) publications by the World Bank also refer to this kind of redistributive land reform as “community-based.”

6. Discussions of post-socialist land reforms commonly distinguish between distribution and restitution as two different strategies. This article uses the term “distribution” to refer to both strategies, in the sense of restituting a kind of distribution on the basis of historical landownership.

7. See Bryden and Geisler (2007) for a case and survey of “community-centric reform.”

8. Many governments now recognize community rights to forests or are debating the recognition. This trend has lifted the share of total forest owned by local groups to 14% in developing countries, another 8% being reserved for them (White & Martin, 2002).

9. On a more practical note, community action may not involve any kind of formal organization, making it very difficult to recognize such communities as legal persons and confer property rights and/or management powers to them.

10. See the papers by Peters (2009) and Place (2009) for an illustration of this consequence. Despite the apparent differences in language and style of anthropologists and economists, they conclude their respective reviews of anthropological and economic research on African land rights with similar arguments about the reasons underlying the failures of many state-led registration programs.

11. The following list is far from exhaustive. There are other important issues not discussed here, such as the interplay with land disputes (Peters, 2009) and cost concerns (Bruce & Knox, 2009).


REFERENCES


