

Report LANDac International Conference

8-10 July 2015

Muntgebouw, Utrecht, The Netherlands

Summary

The LANDac International Conference 2015 (the Conference) was held 8-10 July 2015 in Utrecht, The Netherlands. The Conference was hosted by LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development and organized on the occasion of LANDac's first lustrum.

LANDac is a network of seven Dutch organizations that are active in the field of land governance and development which includes: Utrecht University (International Development Studies group) [leading partner], Wageningen University (Sociology of Development and Change group), Agriterra, HIVOS, African Studies Centre, Royal Tropical Institute (KIT) and the Netherlands Ministry of Foreign Affairs.

The Conference aimed to:

- take stock of five consecutive years of research, policy and practice;
- present state-of-the-art knowledge on how land governance may contribute to equitable and sustainable development;
- set the agenda for future research;
- foster new collaborations for research, policy and practice.

Over 250 participants from roughly 35 countries attended

The main themes addressed during the Conference included:

- Local governance and stakeholder participation
- Urban issues
- Food security
- Public land policies
- Private sector
- Land tools
- Conflict-related displacement
- Gender
- Oil palm
- Environmental issues
- Large-scale infrastructure; mining

over 30 thematic sessions that featured presentations, key note debates, documentaries, workshops, and games, among other formats. Each session focused on the roles of different stakeholders in the land governance debate, the causes and diversity of increasing pressures on land, and the tools and instruments that are available for addressing land issues. Contributions came from researchers and academics, practitioners from NGOs and development organizations, private sector stakeholders and the financial sector, policy makers from governments, journalists and others.

This report summarizes and synthesizes the outcomes of the LANDac International Conference 2015.



Opening and speeches

Welcoming remarks

The official opening of the Conference was held in the Productieruimte of the Muntgebouw and included a welcoming by **Annelies Zoomers**, Professor of International Development Studies at Utrecht University and Chair of LANDac, and **Frits van der Wal**, Senior Policy Advisor and Focal Point Land Governance at the Dutch Ministry of Foreign Affairs. *Annelies Zoomers* kicked-off the event by explaining that the Conference was organized on the occasion of LANDac's first lustrum to take stock of five years of research, policy and practice as well as to set the agenda for future research and foster new collaborations.

Zoomers continued by pointing out that the importance of what is commonly referred to as 'the global land rush' cannot be understood by simply referring to numbers of hectares 'grabbed' or numbers of affected people. Large-scale investments in land are drivers of broader processes of societal transformation that go hand in hand with rapid landscape change including the emergence of engineered landscapes via monocropping, the increase of no-go areas in the form of nature reserves and gated communities, as well as the destruction of landscapes as a consequence of mining or hydropower dams. Even though land 'grabbing' is usually analysed in the context of rural areas, Zoomers stressed, it is very important to acknowledge the importance of rural-urban linkages and that similar processes are taking place within urban settings. In addition, she commented that rather than presenting the global land grab as an unexpected issue (i.e., the sudden food crises), it should be viewed as the logical and *intended* outcome of earlier policies. According to Zoomers, 'Much of what is happening today is the direct result of the 'good government' agenda that puts emphasis on the need to attract foreign investors and creates modern land markets, and one that stimulates decentralization. Local governments are often not strong enough to countervail the power of these guiding processes in the direction of inclusive development'. Finally, Zoomers underlined that much of what has happened is also due to the lack of policy coherence. New concerns about food security and how to solve the energy crisis are contributing to the appearance of new agro-hubs, as well as the expansion of REDD+ projects and the development of hydropower dams. For Zoomers, 'Land governance is about dealing with competing claims and interests – it is a balancing act'.

Zoomers expressed the hope that the Conference will be able to bridge the gap between disciplines and sectors. She concluded her welcome by saying that, 'It is reassuring to see that so many people from so many sectors and disciplines are brought together at this Conference'.

In his welcoming remarks, *Frits van der Wal* looked back on five

years of LANDac. Van der Wal recalled that the first conference on land issues he attended counted some 50 participants, none of whom were from the private sector. According to van der Wal, LANDac has proven to be a catalyst by bringing together stakeholders from different sectors and by bridging research, policy and practice.

Van der Wal went on to assure that the Dutch Minister of Foreign Trade and Development Cooperation, Lillianne Ploumen, is very interested in the topic of land governance. Moreover, even though the land issue became a hype after 2008, 'Hypes usually fade out'. Land issues, however, have not and are persistently high on many agendas. The strength of a network such as LANDac is that it looks beyond the incidents and beyond the hype, and faces the challenges from a structural point of view.

Official opening

Piet Hoekstra, Dean of the Faculty of Geosciences at Utrecht University, officially opened the Conference by sharing his experiences with land grabbing from the perspective of physical geography. Taking examples from his own research in Kalimantan, Indonesia and the Mekong Delta in Vietnam, both coastal areas with competing land claims, Hoekstra pointed out that in many cases there is a risk of what he calls 'double land loss'. The world's largest cities can be found in river deltas and this often leads to competing claims. Land deals in such areas have huge impacts, for example in Kalimantan where land deals are associated with deforestation, mining, logging, oil palm plantations and conflicts over land. Deforestation in turn leads to a washing away of soil into the sea which leads to changes in marine ecology and diminished fishing opportunities.

Hoekstra stated that processes like urbanization lead to a greater need for freshwater – both for direct human consumption as well as for agriculture (e.g., rice). Agribusinesses often cannot access enough surface water, and so rely increasingly on groundwater. This in turn leads to parched soils and the subsequent washing away of soil. Subsidence levels in some cases exceed 25 cm per annum,



which leads to the loss of functions of land. Hoekstra called this a 'double land loss' that counts not only the loss of the functions of land, but the literal loss of land as the topsoil is washed into the sea. Hoekstra opened the Conference by expressing his hope that the Conference contributes towards working on solutions for such problems.

Opening keynote addresses

The Conference featured the key note speeches of Jun Borrás and Esther Obaikol.

Saturnino 'Jun' M. Borrás Jr. is Professor of Agrarian Studies at the Institute of Social Studies (ISS) in the Hague and Editor-in-Chief of the Journal of Peasant Studies (JPS). He is a political activist and academic who has been deeply involved in rural social movements in the Philippines and internationally since the early 1980s. Borrás was part of the core organizing team that established the international peasant movement La Via Campesina and has written extensively on land issues and agrarian movements. Jun is also Adjunct Professor, COHD at China Agricultural University, Beijing; a Fellow at the Transnational Institute (TNI) and Coordinator for Initiatives in Critical Agrarian Studies (ICAS).

In his keynote address, **Jun Borrás**, Professor of Agrarian Studies at the International Institute for Social Studies (ISS), started by stating that Piet Hoekstra's approach links to the concept 'interconnectedness' that is central to his current presentation. Borrás propagates interconnectedness as the main unit of analysis. Crop booms in Southern countries should, for example, be studied in connection with crop booms elsewhere.

Borrás discerned three waves of research in regard to land grabbing. The first wave was one of research and activism and was mainly focused on the following questions: What is happening? Who are the actors? What are the drivers? And finally, who profits? As a result, there was an immediate response to several cases of land grabbing that gained worldwide attention roughly seven years ago. The second wave was about deepening our understanding through specific case studies and conducting research into the consequences of land deals for local agriculture as well as the environment and labour patterns. Borrás then explained that the third wave of research is all about interconnectedness.

One aspect is spatial interconnectedness that relates to overlapping land claims. This is evident in the Limpopo Transfrontier Park that straddles the borders of Zimbabwe, Mozambique, and South Africa. This land, initially destined as a nature and game reserve, is promised to local settlers as well as to foreign investors for plantation agriculture. According to Borrás, these competing claims result in difficult challenges for democratic land governance.

Another aspect of interconnectedness relates to political economy. Borrás pointed out that it would be a mistake to focus solely on large-scale, foreign land grabbing as land grabs by local actors – through fraud, stealth and theft – are quite common and result in notable changes in land use. Borrás painted a grim picture of urban elites who gain control over large areas by buying up small but crucial pieces of land. As this prevents local people from exercising their historic grazing rights, they lose their livelihoods. Abandoned farms are then bought cheaply by the elite. This in turn leads to even more shifting cultivation as evicted smallholder farmers are forced into marginal lands or are forced to cut tropical rainforest to regain livelihoods. Borrás thinks that the many 'pin pricks' resulting from these practices are perhaps more devastating than large-scale land grabs. Government policies against these practices (such as putting a per hectare cap on land ownership) are not popular, and go against neo-liberal thinking.

A third aspect of interconnectedness focuses on labour flows. As an example, Borrás referred to the annual migration of some 80,000 Vietnamese sugarcane workers to sugar plantations in China. The rise and popularity of 'flex crops' should also be studied in relation to land governance. Flex crops are crops that are suitable for different end uses including feed, food and fuel. Examples are oil palm in Indonesia and rapeseed in the EU. Governance is difficult as the function of land where flex crops are cultivated can change overnight.

Borrás finally advocated a political and historical perspective in research because violence often accompanies land deals. But it is important to understand that violence comes in different shapes. For instance farmers in Burma were evicted from their lands under the accusation that they were producing opium. According to Borrás, 'This is also violence'.

Borrás continued by warning against a limited view of the behaviour of capital. Capital flows to where it will generate a profit. This means that money not only flows to countries with weak governments, it also flows to strong and well-organized ones as well. Land deals take place in a transparent environment and big investors also engage in small-scale investments. If a profit can be made, small-scale investments will not be excluded. Therefore, Borrás stressed, profit is key to understanding capital.

More often than not, governments are actively involved in the land grabbing process. In fact, the state is often a key facilitator of a majority of these deals. Investors do not enter into a country spontaneously or at random; they are taking advantage of state policies that offer investors room to manoeuvre.

Borrás continued by stating that it is important to investigate the different types of protest. In Brazil for example, the protests led by the Landless Workers Movement, or MST,

makes for a very dynamic land process. In Burma, by contrast, there is no comparable organization yet people resist most fiercely in communities. Burmese women have been known to steal bulldozers from the invading companies and the companies do not dare to claim them back.

Land investments do not need to effectuate to have an impact. Borrás called this 'the challenge of governing nothing'. Borrás also pointed out that land deals have a huge local impact as soon as they are announced. If and when they are called off, governments are left without the tools or the funds to manage the local impacts. According to Borrás, our challenge goes beyond an analysis from different points of departure. We should also aim to change negative processes. Borrás himself combines the role of researcher with that of an activist. 'I am an activist hiding in the academic world. I don't really believe in separating the two roles', he said provokingly. The duties of an activist-researcher are to protect, to promote and to restore. Voluntary guidelines are not enough to manage and steer land grabbing practices. To regulate land grabbing, state interventions are sorely needed. Borrás closed his key note by stating that a question remains: what is land governance, really? The term is problematic and this Conference needed to take this into account.

Ms. Esther Obaikol is a lawyer who holds a Master's degree in management and eighteen years of experience in legal and social research in environment and land. Over the past 20 years Esther has gained broad experience in a variety of areas from developing policy and institutional frameworks to drafting legislation and providing training and sensitization on land and natural resources. In Uganda, Esther has worked on law review and policy development within the land and natural resources sectors since 2004; she also served as the Executive Director of Uganda Land Alliance. Esther has also held several research positions at the Faculty of Law at Makerere University, Uganda. In 2008 Esther founded a women's land rights movement that is spreading across the country. Esther also served as the Country Coordinator for the World Bank's Land Governance Assessment Framework 2012 – 2014. She is currently coordinating the Global Land Indicators' Initiative at the UN-Habitat hosted Global Land Tool Network (GLTN). Esther is part of the Uganda country team working to improve the governance frameworks around land and agricultural investments.

The second key note address was given by **Esther Obaikol**, a long-time activist and researcher who currently leads the Global Land Indicator's Initiative at the Global Land Tool Network. Where Borrás emphasized interconnectedness, pointed out the importance of structures, and advocated a global perspective, Esther Obaikol's key note address stressed that *real people* are behind the aggregated data and political analysis.

Obaikol started out by sketching, from her own experiences as a social activist, the reality of women in a country like Uganda. Women are, more than men, defined by the places they occupy, Obaikol said. For Ugandan women, their house and their land is virtually all they have. Everything these women possess is in the house they live in and on the land they work; losing that is being robbed of their livelihoods. In Uganda, the success rate of compensation claims is very limited and rebuilding smallholder livelihoods is often left to chance.

Women are affected differently by land deals than men, Obaiko argued, because women are strongly connected to the land; men are merely passing by. As such, it is no wonder that women have protested most fiercely against land deals. As an ultimate sign of protest and indignation women have even undressed in front of the Minister of Land. Along the same lines, she also stressed the driving forces behind land deals. As a protester against such a deal, Obaikol herself was accused of being an 'economic saboteur'. The act of 'economic sabotage' was recently embedded in new security laws and made punishable by 25 years imprisonment. Land deals are thus made into a matter of national security, Obaikol explained.

Obaikol reiterated that her government is basically clueless when it comes to the issue of land grabbing; they have no idea what the best course of action should be. What kinds of investments are needed? While land grabbing is a nation-wide issue, there is no national approach. Obaikol ended by stating, 'We have good laws, but they are not enforced. I hope that during this Conference we find solutions that can be put into practical use'.

Parallel session I

After the opening key note addresses of Jun Borrás and Esther Obaikol, participants split up for the first round of parallel sessions that focused on the following topics:

- **Urban(izing) land grabs in the Global South I**
Chair: Femke van Noorloos, Utrecht University
- **Where are the real stakeholders? How to promote policy debate in 'recipient' countries that include farmers' organizations**
Chair: Jur Schuurman, Agriterro
- **Beyond plantations: Exploring the viability of alternative agriculture business models I**
Chair: George Schoneveld, CIFOR
- **Gender and commercial land investments**
Chair: Caroline Archambault, Utrecht University
- **Innovative land tools**
Chairs: Jaap Zevenbergen and Rohan Bennet, ITC University of Twente; Jean du Plessis, GLTN – UN Habitat
- **Grabbing nature to save it: appropriating land for nature conservation**
Chair: Robert Fletcher, Utrecht University

The following snapshot, *Participatory land administration – in one day* by Mathilde Molendijk, of Kadaster International, is a summary of a presentation at one of the parallel sessions.

A trustworthy land administration is not only vital for farmers to secure tenure, it is necessary for sustainable land use and planning. In many parts of the world, however, such an administration is lacking; cadastres are not up to date. Mathilde Molendijk, from Kadaster International, estimates that some 75 per cent of the world's population does not have access to formal systems to register and safeguard their land rights. Their ownership cannot be confirmed by an official land administration.

Land surveying, however, is a costly and time-consuming affair. Molendijk explained that it takes a team of at least four surveyors, carrying heavy equipment across sometimes inaccessible terrain, to survey a plot of land. Each point that is measured in the field with conventional high-accuracy GPS devices takes up a significant amount of time. On the spot, the survey team must discuss every boundary with all neighbours. Next, all data must be entered into the cadastral system. The whole process can easily take a day; it also costs about a thousand dollars for every plot. In Colombia, for example, the Organisation for Economic Cooperation and Development states that 40 per cent of the ten million rural parcels are not formally registered; the registration of these plots would cost about four billion dollars.

There are millions of unregistered parcels worldwide. However, with present capacities and conventional methods and techniques, not only would registration take hundreds of years to complete, it would cost billions of dollars. However, there is an alternative according to Molendijk. In cases where there is no need for survey data with the highest level of accuracy (such as the data required in the cadastres of Western urban environments), 'grassroots' surveyors can complete a fit-for-purpose survey in a day. Molendijk experienced such a survey during a pilot project in the Colombian department of Popayan and in the municipality of Tenjo near Bogotá. 'With a mobile phone in your hand you can walk, in ten minutes, around a three hectare plot capturing the GPS coordinates of the border with

good enough accuracy', Molendijk explained. The information can be entered into a mobile phone app and also includes data regarding the person(s) and the land rights. All of this data is then uploaded into the cloud, for all to see. Moreover, most sources of conflict can be avoided if all neighbours are shown a map that displays the collected data. With this data at hand, a certificate of ownership can be easily arranged. As the total costs of such a certificate in the Colombian example are estimated to be about 30 dollars and as it takes on average only twenty minutes to measure the parcel, the process is participatory, affordable, quick and transparent.

DAY 2: Thursday, 9 July 2015

Key note debate: 'What are the issues?'

On the second day, Annelies Zoomers reopened the Conference by briefly looking back on the previous day's keynote speeches. Zoomers then introduced the topics for the day, including the two key note contributions of Pádraig Carmody and Robin Palmer. Annelies finished by reminding the audience that the afternoon's focus is on the roles of the private sector and financial institutions.

Pádraig Carmody lectures in Development Geography at Trinity College Dublin, from which he holds both a BA in Geography and History and a MSc in Geography. He completed his PhD in Geography from the University of Minnesota in 1998. Subsequently he taught at the University of Vermont, Dublin City University, and St. Patrick's College, Drumcondra. He also worked as a policy and research analyst for the Combat Poverty Agency from 2002 to 2003. His research centres on the political economy of globalization in Africa. He is editor-in-chief of Geoforum.

In the first key note speech **Pádraig Carmody** referred to the globalization of land. Carmody, an Associate Professor in Geography at Trinity College in Dublin, started his presentation by noting that land is fixed in place and consequently, when combined with scarcity, inflows of capital result.

Carmody termed the current land rush as *ecolonization* – a new round in the process of globalization where more powerful countries, consumers and companies consume a disproportionate share of resources. However it is a multifaceted process which also results in the rising political importance of resources. This creates new frontiers of eco-accumulation and land grabbing that is driven both by global forces and local actors. States are pressured by donors and international financial institutions to liberalize markets, which causes the authority over land to shift from the local and national to the global. The term *ecolonization* is fitting, Carmody stated, as colonialization was basically a denial of



ownership over land and a deprivation of civil and political rights.

Carmody continued by coining the term 'biopolitical power' where local opportunities arise for capital accumulation, political control and displacement. By way of example he cited the people in Uganda who have been evicted in the name of REDD+. In addition, the ceasefire in the North of Uganda with the Lord Resistance Army offered opportunities for local elites to take possession of abandoned lands. In response to Esther Obaikol's remarks about the cluelessness of authorities of Uganda, Carmody stressed the role of the government as a driver in this process.

Robin Palmer is a Global Land Rights Policy Specialist with a particular focus on Southern and Eastern Africa and South-East Asia. For 20 years he worked with Oxfam GB in a range of advisory, management and communications posts where he gained experience in land rights, gender, HIV and AIDS, livelihoods and food security. He also has 15 years of experience as an academic, predominantly in Southern Africa, with a focus on agrarian history. Robin has published extensively on land rights and agrarian issues as a development worker, as an academic and as a Mokoro consultant. He has worked on governance issues, giving advice and programme and advocacy support to civil society organizations, governments and donors on global land rights issues, including women's land rights and legal issues, principally in Africa and South-East Asia. He has undertaken consultancy work on land rights issues for DFID, Danida, the EU, the Legal Resources Centre of South Africa, and Oxfam. He is currently working on the impacts of global land grabbing and continues to manage the prestigious <http://mokoro.co.uk/land-rights-in-africa> website.

In the second key note speech, Global land rights policy specialist **Robin Palmer** (Mokoro) started by posing the question: How best to respond to the great contempt shown by Africa's ruling elites towards their own small-scale farmers and pastoralists? Palmers argued that people need protection against their own leaders and that this is a relatively new phenomenon.

While working in Zambia in 1977, Palmer would never have guessed that just two decades later, African leaders' contempt for their own rural poor would grow. African elites have forgotten their own history, he argued. Moreover, Western-style multiparty democracy might have made matters worse; within the democratic system of recurring elections, African leaders grab what they can before their time is over.

The historical perspective is important, Palmer claimed. For example, when the global copper price collapsed and the world oil prices soared in the seventies, Zambia was brought to its knees. The World Bank came to the rescue with a simple

remedy they called 'structural adjustment'. The dictate was simple; Zambia should stop spending money on healthcare, education and agriculture. The private sector would come in and take over such services. And so the argument was made. Big pieces of land were sold, new plantations were set-up, but none of it paid off. No large-scale land deal has ever fostered development, Palmer argued. He is therefore pessimistic about the solution coming from land management thinking and hopes that part of the solution can be found in bottom up approaches that address local inequalities. Local, demand-driven projects can serve to empower people.

In response to Palmer's presentation, the audience raised the issue of family farming. 'Modern' thinking dictates that family farming cannot feed the world. However, practitioners, policy makers and researchers taking part in this Conference could and should make an effort to put family farming back on the agenda.

Another observation addressed the notion of territorial states. As this basis of world order is not obvious anymore, the conjunction between states and territories is challenged. For example, many people consider the Palestine territories a state, but as yet they do not have a territory. Other existing states see their territory disappear, for example because of rising sea levels.

Parallel sessions II

After the key note debate, participants attended the second round of parallel sessions which focused on the following topics:

- **Urban(izing) land grabs in the Global South II**
Chair: Femke van Noorloos, Utrecht University
- **Grounded analytical approaches to stakeholder interaction in large-scale land acquisitions in Africa I**
Chairs: Sandra Evers and Froukje Krijtenburg, VU University
- **Beyond plantations: Exploring the viability of alternative agriculture business models II**
Chair: George Schoneveld, CIFOR
- **Gender and land**
Chair: Caroline Archambault, Utrecht University
- **Land tools – impact assessment**
Chairs: Jaap Zevenbergen and Rohan Bennet, ITC University of Twente; Jean du Plessis, GLTN – UN Habitat
- **Dual session: Governing the commons and forest governance**
Chair: Malovika Pawar, Utrecht University and India Administrative Service

The following snapshot, *Floriculture, food security and land governance: the impacts of Dutch floriculture investments on food security and sustainable development in Eastern Africa*, by Evans Kirigia, LANDac and Utrecht University is a summary of one of the parallel session presentations.



The next parallel session snapshot summarizes the contribution titled *Developing policies and legal frameworks to incentivize forest protection* given by Maryka Paquette from the School of Public and International Affairs, Columbia University, New York and in partnership with World Resources Institute.

In the wake of the Kyoto Protocol and global climate talks, incentives programmes for forest protection have been launched worldwide to mitigate carbon dioxide emissions from deforestation as well as protect the vital ecosystem services that forests provide. However, weak forest governance and insufficient incentives for forest protection drive negative outcomes beyond climate change; these include biodiversity loss and the marginalization of forest-dependent communities.

This study analysed the design and implementation of incentive programs in a number of case studies to determine key policy mechanisms, governance dimensions and land tenure regulations that enable forest conservation, restoration, or other conservation-related topics.

The key themes identified in this study, including tenure, adaptive management, participation, and monitoring capacity, are critical in policies ranging from climate finance to national-level policies. A key challenge is how to align these very large international programmes with local realities, needs, and bottom-up approaches as there is a great risk that these programmes overrule and dictate local level actors.

In response to the expected REDD+ money funnelling into the country as well as an eagerness to deal with it via state forest enterprises, there was an observed tendency in Vietnam to centralize forest management. As REDD+ experience on the ground is still limited and the cases are too new to make a strong assessment whether REDD+ is beneficial for communities and will work well as a scheme, the question remains on whether or not local communities will lose out. Much will depend on how the financing system will be organized.

Finally, the issue of tenure security requires a better understanding of what security means in different contexts as well as what approaches and types of arrangements are needed to provide 'good enough tenure'. Extendable community management contracts, as implemented in Madagascar, might be one of many ways to provide tenure security in local communities.

Plenary session: 'The role of the private sector'

The afternoon plenary session focused on the role of the private sector and included two business representatives as well as a representative from a major financial institution. The session was chaired by *Guus van Westen*, co-Chair of LANDac and Assistant Professor of Human Geography and International Development Studies at Utrecht University.

Together with Gemma Betsema, Coordinator of LANDac, Evans Kirigia looked at the impacts of Dutch floriculture investments on food security and sustainable development in Eastern Africa, namely Ethiopia, Kenya, Tanzania and Uganda. Kirigia conducted fieldwork in the four countries and found different linkages between the flower farms, local food security and the land and water governance structures. The first link the research revealed relates to the flower producers and food security. Kirigia found that the acquisition of land by floriculture investors was largely unproblematic. However, as the flower farms are often located on land that was previously used by farmers or pastoralists, a strain on local food production resulted. Moreover, in some cases, local agriculture had been adversely affected by water scarcity as a result of flower farm water usage.

The main contribution of Dutch flower growers lies in the provision of local employment opportunities, particularly for women. However, the quality and wages of these jobs are insufficient and so do not fully benefit local development. The extra benefits for employees (such as meal and health programmes as well as clean drinking water at the work place) often do not reach the employees' family members. Moreover, the majority of employees in the floriculture sector is fully dependent on the wages earned at the flower companies. This dependency on wages was primarily an outcome of many employees migrating from other localities, and who therefore had no alternative way of securing basic needs and accessing food such as through family farming. At the same time, the influx of people leads to more local business, which can be a boost for the local economy and with that local food production.

The presence of large-scale flower farms in Eastern Africa also has an impact on the nutrition side of local food consumption. For example, as women work long hours on the flower farms, local dishes are becoming less popular because of the lack of time to prepare food. The introduction of imported foods also changes local food preferences. Kirigia concluded that there are opportunities for floriculture to improve their impacts on local development and food security, including addressing working conditions, increasing salaries, and considering community consultation in order to identify community needs and decrease 'enclivity' of the farms.

Maria Anne van Dijk is Head of Environmental, Social, and Ethical Risk and Policy at ABN AMRO Bank. As a member of the Sustainable Development Management Team, she is responsible for policy development and risk management in the areas of society and the environment. Maria Anne has over 10 years of working experience in sustainable development.

Jan van de Haar is General Director of Solagrow PLC, a company working with Producer Groups in the highlands of Ethiopia on developing full crop rotation systems of potato, barley, onion, linseed, and cabbage. This partnership covers all farming aspects from varieties and basic seeds to crop production and marketing. Jan has a background in Plant Pathology at Wageningen University.

Dr Tony Liwang, Board Member of the Indonesian Oil Palm Community (MAKSI), started his career in 1999 at PT SMART Tbk. As Division Head, Liwang was tasked with establishing the SMART Research Institute (SMARTRI) and the Dami Mas oil palm seed garden. In 2007 he also established the Plant Production and Biotechnology Division of PT SMART Tbk. to develop a new era of research in tissue culture and biotechnology in oil palm and *Jatropha* sp. Liwang holds both a Bachelor of Science and a Master of Science in Agricultural Engineering and Physics from Wageningen Agricultural University, the Netherlands as well as a Doctorate in Management and Business from Bogor Agricultural University, Indonesia. He joins Indonesian Government delegations abroad in support of the Green Campaign for Sustainable Palm Oil. Besides doing research and promoting sustainable palm oil, in the last decade Liwang has published a book and over 90 papers in national and international journals.

The plenary's first speaker was **Maria Anne van Dijk**, Head of Environmental, Social and Ethical Risk and Policy at ABN AMRO bank. Before taking the floor, it was clarified that ANB AMRO was not a private company; the institution was taken over by the Dutch state during the peak of the financial crisis. Nonetheless, van Dijk retorted, ABN AMRO will be publicly offered on the Dutch Stock exchange later this year, making it a true private enterprise once again. In her presentation, van Dijk stressed that as a financial institution, the ABN AMRO is not directly involved in the field of agri-business. She went on to state, 'But our clients are, that is our link.' Through its agri-investments (mainly in commodity trade flows) the ANB AMRO is an indirect actor in the matter of land use for the global market. In the course of her work as the Head of Risk Policy, van Dijk takes land issues into consideration when deciding on investments lending and client onboarding. 'But',

she states, 'It is just one of the issues taken into account'. Her team analyses supply chains in all high-risk investments from a sustainability perspective whether it concerns diamonds, cacao, copper, or corn. Van Dijk stated, 'We look at our own role and that of our clients. We discuss our policy choices with, what we call, 'critical friends'. We want to be informed from all sides. We cover a wide range of topics when deciding on an investment, and we ask our potential clients a range of questions'. Before finishing her presentation, van Dijk posed two questions to the floor: What would you ask about land if you were a bank? What questions would you ask our potential clients, in order to ensure that investments contribute to social and environmental sustainability? Audience input will be used for ABN AMRO's new agri-commodities policy.

Tony Liwang is Board Member of the Indonesian Oil Palm Community (MAKSI). He has been actively involved in the oil palm sector as a researcher, as an entrepreneur, and as an employee of the Indonesian multinational Sinar Mas. Liwang opened his speech by stressing the importance of oil millers in the production cycle of palm oil. As oil palm fruit can only be sold to the oil mill, the millers become the deciding factor in all oil palm investments, Liwang claimed.

With roughly five million people directly involved and more than twenty million people dependent on the income earned in the industry, palm oil is an important sector in Indonesia. According to Liwang, the policies of his company go further than government requirements in Indonesia. For example, Sinar Mas has a zero-burning policy; no forest is being burned down for oil palm plantations. Also, plantations are no longer developed within high value forests, on peatlands, or in high carbon stock areas.

The expansion strategy of Sinar Mas relies on intensification as opposed to extensification. In other words, Sinar Mas focuses on increasing yields on existing oil palm plantations, not on increasing the amount of acreage planted. Toward this end, his company has developed new seed varieties that result in twice the amount of oil produced per acre as compared to other varieties. In addition, the practice of Free Prior and Informed Consent (FPIC) is also a company standard.

Liwang stated that as sixty per cent of palm oil is now certified for sustainability, it is the most globally-certified crop. The certification system, however, is extremely complicated with several certifying institutions. The problem, Liwang argued, is that the certification process is not driven by demand; it is rather the outcome of international pressure.

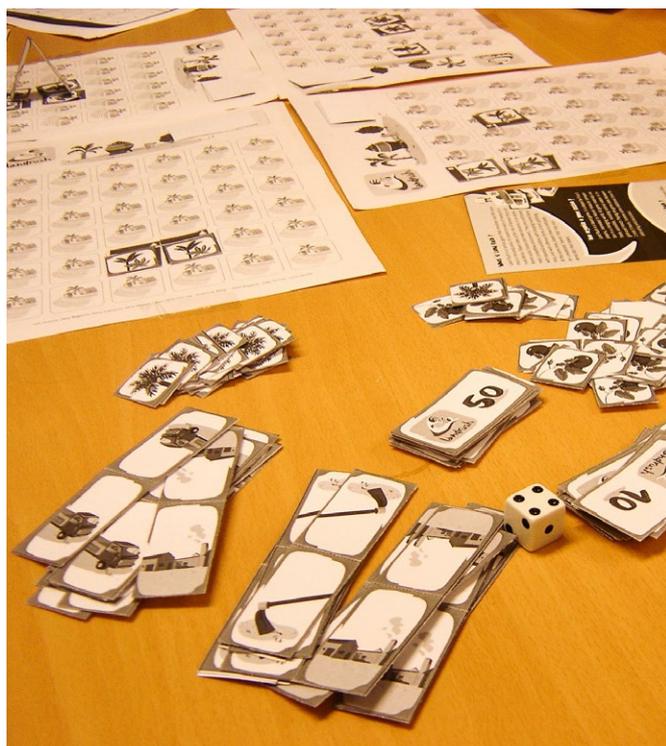
Jan van de Haar, General Director of Solagrow PLC in Ethiopia, started by stating provokingly, 'We are land grabbers'. His company owns roughly 500 hectares of land in this Eastern African country. Van de Haar stated that working with smallholders in Ethiopia is highly profitable if you are a good neighbour and if you experience what smallholders experience on a daily basis. The mission of Solagrow is

twofold: capacitate smallholders for successful and profitable entrepreneurship, and optimize production for both the Ethiopian and international markets.

The initial focus of Solagrow relied on one crop – potatoes. As this was not a good strategy, Solagrow broadened its approach towards the development of full crop rotation systems of potato, barley, onion, linseed, and cabbage. They provide their growers with micro-finance, knowledge, market information and organizational capacity.

To indicate the success of this approach, van de Haar stated that the payback rate of the micro-credits is 100 per cent. According to van de Haar, 'If presented with the opportunity to grow a new crop, a farmer will always inquire about the market'. Dutch investors may provide such a market and the opportunity to link smallholders with these markets. For example, a Dutch potato factory is currently being developed in Ethiopia; here, Solagrow plays the role of broker between Dutch investors and Ethiopian smallholders. Challenges remain however and include local elites and what van der Haar referred to as the persistent 'money acquiring disorder' (i.e., corruption). Building trust and awareness takes time.

As land registration is surprisingly well organized in Ethiopia, knowledge about ownership is rarely a problem, van de Haar said. Even at the local level, land issues do not arise over ownership. Van der Haar stated, 'Local land deals cannot be done in isolation: everybody will interfere and everybody knows what land belongs to whom'. Tony Liwang added that the situation in Indonesia is similar; people know who owns what. The issue becomes more complicated when land deals involve 'new land'. In those cases Liwang's company invites all stakeholders to the table to ensure that everyone is heard.



Session chair Guus van Westen used this opportunity to link the presentations of Tony Liwang and Jan van de Haar by posing the question: Is a smallholder set-up, like the one in Ethiopia, suitable for the production of palm oil in Indonesia? Tony Liwang stated that he is doubtful; oil palm is typically a plantation crop for the international market. Growing oil palm through a smallholder set-up would not be very practical. In comparison, Jan van de Haar explained, some 90 per cent of agriculture in Ethiopia is in the hands of smallholders. If you want to make an impact in this country, working with smallholders makes sense. In fact, improving production among smallholders by 10 per cent has more effect than increasing production by 20 per cent in large-scale agriculture. At the same time, Solagrow also focuses on the international market. The reason for this, van de Haar stated, is that the Ethiopian government wants foreign investors to focus on export; this is one of the requirements with which his company must comply.

The session was followed by discussions with the audience. Responding to the earlier request of Maria Anne van Dijk, an audience member suggested that compliance with existing guidelines would be a good condition for financial participation. Van Dijk replied by stating that international standards are already part of the lending conditions. For example, without a process of Free Prior and Informed Consent with local stakeholders, ABN AMRO will not lend money. However, the devil is in the details, said van Dijk, as local circumstances differ greatly. It is not enough to simply honour existing standards; local circumstances require a local approach. In addition, van Dijk stated that some standard requirements are unnecessary in certain conditions, while in other cases more specific requirements are needed. It is impossible to capture all eventualities in a checklist van Dijk explained. As such, ABN AMRO works with an NGO Solidaridad to devise more suitable requirements and compliance questions.

Maria Anne van Dijk also pointed out that existing financial regulations make it difficult to invest in those countries that need investments the most. Investing money in high-risk countries requires higher financial securities. In other words, if ABN AMRO wants to lend money to enterprises in high-risk countries and in high-risk sectors, the bank must maintain a higher reserve in some cases. She therefore concluded that, 'There can be a disincentive to lend money to high-risk countries.' Another comment from the audience on the bank's activity with innovative businesses led van Dijk to state that while ABN AMRO is interested in investing in innovative businesses, the proposition must be sound. Soundness is not only evaluated from an economic point of view; environmental and social capital are taken into account, as exemplified by the recent cooperation the bank started with the True Price organization.

Parallel sessions III

The private sector key note debate was followed by the third round of parallel sessions that focused on the following topics:

■ Land governance and food security I

Chairs: Frits van der Wal, Ministry of Foreign Affairs and Gemma Betsema, LANDac

■ Grounded analytical approaches to stakeholder interaction in large-scale land acquisitions in Africa II

Chairs: Sandra Evers and Froukje Krijtenburg, VU University

■ Understanding the role of finance in farmland acquisitions

Chair: Oane Visser, International Institute for Social Studies

■ Discussion session: Gender and land

Chair: Caroline Archambault, Utrecht University

■ Legal and socio-legal perspectives in land governance

Chair: Carolien Jacobs, Van Vollenhoven Institute, Leiden University

■ Climate change adaptation interventions, land use and the production of exclusion

Chair: Sebastiaan Soeters, Utrecht University

The following parallel session snapshot summarizes the contribution of Marie-Gabrielle Piketty from CIRAD Agricultural Research for Development.

How does the local context shape Corporate Social Responsibility in Mining? The case of Vale

Mining activities are notorious for harming the environment and social welfare in vulnerable areas. In three local contexts (Green Municipality Eastern Amazon, Brazil; Goro Mine, New Caledonia; and Moatize, Mozambique), Marie Gabrielle Piketty looked into how local and institutional contexts shape the Corporate Social Responsibility (CSR) activities of a mining company as well as their local impacts. The company that was investigated is Vale S.A., a Brazilian mining company. Vale invests heavily (between US\$ 1 and 1.5 billion annually) in socio-environmental initiatives; Piketty's assumption was that more local capacity, in terms of organization and negotiation, would lead to more participation of local communities and institutions in CSR design and implementation; it would also translate into larger positive impacts on local development. Piketty concluded,



however, that despite the positive results, large amounts of money, the adaptation to local contexts and the participation of local communities and institutions, the capacity of a private firm to deliver sustainable development through CSR is limited and the company faced various constraints. Moreover, without a full monitoring of their impacts, the complete devolution of the implementation of some CSR activities to local institutions remains questionable in terms of responsible business.

Parallel sessions IV

After the break, participants attended the last round of parallel sessions of the second day. The following topics were included:

■ Land governance and food security II

Chairs: Frits van der Wal, Ministry of Foreign Affairs and Gemma Betsema, LANDac

■ Regulating land acquisition: what is the role of local governance I

Chairs: Gemma van der Haar, Wageningen University & Research and Gerard Baltissen, KIT

■ Responsible business and land: bridging the gap between corporate investment in land and the protection of local land-related livelihoods

Chair: Guus van Westen, Utrecht University

■ Game: Land rush – an introduction into a simulation game on land dynamics

Chairs: An Ansoms and Giuseppe Cioffo, Université Catholique de Louvain

■ Oil palm expansion in Latin America: Linking development pathways to socio-environmental impacts

Chairs: Antonio Castellanos Navarrete, Wageningen University & Research, Fabio de Castro, CEDLA and Pablo Pacheco, CIFOR

■ Large-scale infrastructure development projects: how to make these investments more beneficial for all?

Chair: Ty Pham Huu, Hue University, Vietnam

■ Discussion panel: The role of media and use of big data

Chair: Annelies Zoomers, Utrecht University

Wrapping up & issues for debate

Taking Jun Borras' 'interconnectedness' term as a focal point, Guus van Westen and Jur Schuurman wrapped up the second day. During the past two days many interconnections became apparent, according to van Westen. Interconnections are relevant between the political economy sphere and the geographic-translocal point of view. A very practical interconnection was raised by Maria Anne van Dijk when she pointed out that existing EU regulations make financing in high-risk areas more difficult and less appealing. Another interconnection presented on the first day is the one between the process of land grabbing and urbanization; land acquisitions can be analysed in terms of processes of global-wide urbanization. Still another interconnection

with land issues is the shift in consumption patterns, or the 'supermarketization' of society. People increasingly change their consumption habits by choosing different food supplies and other producers; this affects smallholders and is thus relevant in relation to the land issue.

Van Westen went on to note that stakeholder dialogue is gaining ground. While these processes can be messy, there is no alternative. Research is needed to support such stakeholder dialogues. Sometimes the basis for dialogue can be strengthened in a relatively practical way, for example by improving the cadastre systems through the use of GPS-equipped devices like mobile phones, as van Westen learned during one of the parallel sessions.

Jur Schuurman, Senior Management Advisor with the Dutch NGO Agriterria, highlighted that women have a different relationship with the land than men. He referred to a meeting he had some years ago in Burundi with a woman who worked a plot of land but was not able to make ends meet. She worked at a loss, but was not willing to give up her land and seek employment elsewhere; she felt strongly connected to the land she was working on. This different attitude between men and women towards land merits further investigation, Schuurman said. Women often draw the short end of the stick in land deals.

Also, local communities are too often perceived as homogeneous; it should be taken into account that within communities, different, and sometimes conflicting, interests exist. Schuurman was struck by the positions that both Carmody and Palmer took in their presentations regarding (in terms of Palmer) the 'contempt of African elites towards small farmers'. Such contempt may exist, says Schuurman, but it is important not to generalize too soon. Differences must be noted and studied; policy improvement is especially fostered by studying differences.

Exploring Jun Borrás' concept of 'interconnectedness', it was then argued during the discussion that the term 'land governance' needs to be approached from a political, rather than a technical, point of view. Land governance was pointed out to be a matter of power; policy choices regarding land governance are moral and highly political.

Following the wrap-up and discussion, **Julian Quan** briefly introduced the new programme, LEGEND (Land: Enhancing Governance for Economic Development), that is supported by the UK's Department for International Development (DfID). LEGEND builds on the belief that weak land governance and insecure property rights constrain economic development. On the other hand, land offers opportunities to enable and drive inclusive growth. The programme is set up to mobilize knowledge and capacity, to improve land governance as an essential and inclusive basis for economic development, and to strengthen land and property rights. The programme's priorities include strengthening land and property rights, improving investments, bettering knowledge and evidence

on land, and promoting coherence and alignment amongst partners during the implementation of the Voluntary Guidelines on Land Tenure (VGGTs).

DAY 3: Friday, 10 July 2015

Keynote debate: 'Experiences from the field – moving forward'

Alda Salomão is an environmental lawyer from Mozambique. She holds a Master's in Environmental Law from American University and is currently pursuing her PhD under LANDac at Utrecht University and within the International Development Studies Group. After working as a lawyer at the Ministry for Coordination of Environmental Affairs in Mozambique from 1995, she worked, from 2000 to 2002, as a project coordinator at the World Resources Institute's Institutions and Governance Program, in Washington DC. In November 2002, Alda founded the Center for Environmental Research and Advocacy – Centro Terra Viva (CTV) in Maputo, where she initially served as Executive Director and Coordinator of the CTV Environmental Law and Policy Research Program. Currently Alda is CTV General Director and Senior Legal Advisor. She represents CTV on several platforms and boards, including the Technical Committee of the National Consultation Forum on Land, the Steering Committee of the Community Land Fund, the Steering Committee of the Civil Society Platform for Extractive Industries, and the National ITIE Coordination Committee. Alda has authored and co-authored several articles on participatory land and natural resources governance.

Mr. Harold Liversage is a Land Tenure Advisor for the International Fund for Agricultural Development (IFAD). He has 18 years of experience working in land rights advocacy and land policy formulation and implementation, mainly in Eastern and Southern Africa. He worked at a land rights NGO and subsequently as the Land Reform Pilot Programme Coordinator for the Department of Land Affairs in KwaZulu-Natal, South Africa. He has also worked as a Land Tenure Advisor for the Zambézia Agricultural Development Programme in Zambézia, Mozambique as well as a Land Policy Advisor for the Ministry of Lands and Environment in Rwanda.

Frits van der Wal chaired this debate between three practitioners working in the field: Alda Salomão, Director of the Mozambican NGO Centro Terra Viva; Harold Liversage, Senior Land Specialist with the UN's International Fund for Agricultural Development (IFAD); and Esther Obaikol, former director of the Ugandan NGO Uganda Land Alliance and

current advisor at the UN's Global Land Tool Network. His question to the panel members was concise and direct: What is the way forward? **Harold Liversage** responded by saying that in order to know where to go, one needs to know from where we came. And we have come a long way, he argued. Land governance is high on the agenda now. Guidelines have been set up, and local communities are considered. The centre of attention has moved from the negative towards a more solutions-focused approach. Dialogue with the private sector has taken off, and experiences are being shared. Liversage stated that he has learned about several innovative approaches during this Conference, and these need to be collected and scaled up. What is needed are simple, practical tools.

Frits van der Wal added that, in terms of land governance, a comparison between Uganda and Mozambique could provide useful insights for the way forward. In the remainder of the debate he invited the panel members to draw lessons from both cases.

In response, **Alda Salomão** stated that Mozambique was relatively early in recognizing community rights. Moreover, the dialogue between local communities and private investors was regulated and promoted. The focus was placed on communities rather than on individual rights. In Uganda by contrast, **Esther Obaikol** claimed that the focus was placed on law development, which has led to individual property rights that are relatively well formulated. In contrast to Mozambique however, the focus is at the individual level, rather than on communities. In addition, compared to Mozambique, stakeholder dialogue is not much promoted in Uganda. At the same time, to some extent NGOs have taken up their role, for example by setting up paralegal advice centres.

Van der Wal went on to ask Salomão: What would Mozambique need to move forward? According to Salomão, more attention should be placed on the role of the state. Laws regarding land governance are in place, but what is falling short is a compliance with rules and regulations. Mozambique is a young state; it is still dominated by the movement that liberated the country some 40 years ago. But it is in transition and citizens need to follow this transition. The state should not be perceived as all-powerful and there is a need for citizens to be aware of their rights when dealing with the state. However, Salomão admitted that legal illiteracy is still a problem. The state tries to attract investors to foster development, but the country and its people are not ready to govern these investments. 'We must go beyond the nice set of laws that we have,' she concluded.

In response, Obaikol stated that she sometimes feels overwhelmed by the philosophical and theoretical level of contributions. She wants to go back what is really at stake: competing land claims. This leads to political controversies that people would rather not go into. The land issue, however, must be solved in order to steer investments and

make them a tool for development. On paper Uganda has been decentralized, but in reality power structures have not changed. Decentralization has brought chaos to the governance of local land deals. But within this chaos, who profits? Salomão responded by stating that, 'What we can learn from Mozambique is how to invest in platforms for dialogue; so that at the very least we can agree to disagree'.

Salomão then warned that the dialogue in Mozambique – although it is an example for Uganda – is, to a large extent, limited to the urban elite; it needs to be expanded towards the community level. Most important is that deficiencies in the legal framework are filled with other instruments. Moral principles must lead the design and implementation of land policies.

What goes wrong in Uganda regarding the development of community-based institutions? According to Obaikol, political will is lacking. There are no investments in people, she explained. Only 0.5 percent of the government budget goes to land issues. That is maybe enough to pay for the salaries of civil servants, but it is not enough to really develop decent policies. And that is typical when there is a lack of political will; people have fuzzy rights and as a result, it is relatively easy to control them.

As a final question, van der Wal asked the panellists: If you were in charge of land issues in their country, what would their first priority be? Salomão responded by stating that, to her satisfaction, a Minister for Land and Rural Development has recently been appointed by the government. She then stated that, 'It is important that land issues, rural issues, and environmental matters are governed by one ministry. If I would lead such a ministry I would prioritize what I just said: compliance with the existing rules and regulations. Mozambique needs a reliable cadastre and most of all we need people to know the law. So legal literacy would be my top priority'.

Obaikol, stressing that ministers should not be afraid to let themselves be fed by opposing opinions, stated, 'If I were minister, I think I would be brave enough to do just that: listen to community voices and not merely follow the interests of foreign companies and investors. I would seek cooperation with other key ministries like Justice, Agriculture and the Presidency. The land issue is hugely important for the development of Uganda. That cannot be dealt with in isolation'.

For 'minister' Harold Liversage, his natural allies would be change agents within government and civil society. These forces need to agree on a common agenda. Land governance must be placed higher on the national agenda. Liversage made his point by stating, 'Typically, if you go to a district government office you will find that it is housed in a big, impressive building. The agriculture department, however, cannot be found inside the main construction, but it is housed in a simple outbuilding on the premises. Even the land bureau

cannot be found there; the land bureau is accommodated in a small shack, way back on the terrain.' This unfortunately illustrates the priorities of many countries and the low position of land bureaus in general.

Parallel sessions V

The key note debate on experiences from the field was followed by the first round of parallel sessions. The following topics were addressed:

■ Public land policies and instruments I

Chairs: Tejo Spit and Thomas Hartmann, Utrecht University

■ Regulating land acquisition: what is the role of local governance II

Chairs: Gemma van der Haar, Wageningen University & Research and Gerard Baltissen, KIT

■ The role of guidelines and principles in improving land governance

Chair: Louisa Jansen, FAO

■ Grounding land governance

Documentary and discussion chaired by Mathijs van Leeuwen, ASC, Leiden University/CICAM, Radboud University Nijmegen

■ Towards sustainability of various oil palm production models in Indonesia: a need for integrated and participatory land use planning I

Chairs: Pita Verweij, Coupennicus Institute for Sustainable Development, Utrecht University and Paul Burgers, Wageningen University & Research

■ Land governance in the artisanal and small scale mining sector I

Chair: Chris Huggins, LANDac

■ Land governance and local outcomes

Chair: Guus van Westen, Utrecht University

The following parallel session snapshot summarizes the contribution of Easter Chigumira of the University of Zimbabwe.

Different faces of access control in a Zimbabwean gold mine

In this session, Easter Chigumira described her work which has uncovered new forms of land deals between smallholders and former commercial farmers. The deals involved agricultural land that has been reallocated under Zimbabwe's Fast Track Land Reform (FTLRP) and relates to land being used for gold mining and gold processing mills. The FTLRP was part of a strategy put forth by President Mugabe so that he could regain popularity by redressing the inequitable distribution of rural land under the colonial era.

One effect of the FTLRP is that it shifted land use from large-scale commercial agriculture to mostly subsistence farming. Chigumira explained that, alongside subsistence farming, the new smallholders also engaged in gold mining on their recently-acquired properties. As a result, between 2004 and

2013 there was a great influx of people moving into small-scale gold mining in Zimbabwe.

The revenues of this artisanal gold mining are mainly used to improve infrastructure on the farms (including the addition of toilets and solar panels) as well as to buy inputs (such as seeds and fertilizer) for the farm. By way of example, Chigumira told the story of Mr Jhamba, a veteran of the Zimbabwe freedom fight, who was given a piece of land under FTLRP; the piece of land that Mr Jhamba was given was formerly owned by a white commercial farmer. In Mr Jhamba's village, 10 hectares of agricultural land was then reallocated to the former white owner to start a gold processing mill. In return, the former white owner provided infrastructural support (namely piped water and taps) as well as jobs for the unemployed youths in the village. Chigumira, herself a native of the region where she did her research, ended her presentation by quoting Mr Jhamba. While showing her a gold-bearing rock, Mr Jhamba emphasized the importance of mining when he stated, 'This rock is the future for my children. I have more secure tenure in mining than in farming this land.'

Parallel sessions VI

Early in the afternoon, participants split up for a next round of parallel sessions:

■ Public land policies and instruments II

Chairs: Tejo Spit and Thomas Hartmann, Utrecht University

■ Community voices and land governance

Chairs: Kei Otsuki, Utrecht University, Danny Wijnhoud and Arelys de Yanez, ActionAid

■ Land governance and the landscape approach

Chair: Sjoerd Panhuysen, HIVOS

■ Conflict-related displacement: challenges to land governance

Chairs: Gemma van der Haar, Wageningen University & Research and Mathijs van Leeuwen, ASC, Leiden University/CICAM, Radboud University Nijmegen

■ Towards sustainability of various oil palm production models in Indonesia: a need for integrated and participatory land use planning II

Chairs: Pita Verweij, Coupennicus Institute for Sustainable Development, Utrecht University and Paul Burgers, Wageningen University & Research

■ Land governance in the artisanal and small scale mining sector II

Chair: Chris Huggins, LANDac

■ Can *Jatropha* have a second chance? Insights based on past experiences

Chair: Richmond Antwi-Bediako, Rural Environmental Care Association and Utrecht University

The following parallel session snapshot summarizes the contribution of Fabian Thiel from Frankfurt University of Applied Sciences.

TTIP meets public land policy

Forget the chlorinated chicken, Fabian Thiel, Professor for Real Estate and Land Valuation at the Frankfurt University of Applied Sciences, said. The dangers of the Transatlantic Trade and Investment Partnership (TTIP) are not merely environmental; the trade and investment agreement currently being negotiated between the EU and the United States could develop into an instrument that threatens the options of the public sector to provide a fair and equitable land policy.

For the past months Thiel has studied the thousands of documents drafted by legal firms as part of the TTIP negotiating process. 'It is quite alarming,' Thiel said. 'Nobody reads this material, but in fact what is being prepared is a direct attack on government land policies.'

Thiel focused on the case of the city of Berlin. To make Berlin affordable for ordinary people, Berlin has designed several procedures that prevent some properties and plots of land from being sold to the highest bidder. Instead, buildings can be leased, or are made available to owners or occupier construction groups or to domestic urban housing companies. TTIP, once in place, gives foreign investors the opportunity to contest these policy measures before a special tribunal. 'The TTIP documents are full of terms and provisions such as Regulatory Cooperation Councils; Arbitral Tribunals; Indirect expropriation; and International basic right of undisturbed investment activity. While the meaning of these terms remains unclear, they have an ominous sound for public land policies,' Fabian Thiel warned.

Parallel sessions

In the late afternoon, three discussions wrapped-up the parallel sessions and synthesized their conclusions from three different angles. These included:

■ **Public land policies in Europe and its links to other contexts**

Chairs: Tejo Spit and Thomas Hartmann, Utrecht University

■ **Local governance, stakeholder participation and community voices**

Chair: Esther Obaikol

■ **Oil palm**

Chairs: Paul Burgers, Wageningen University & Research, Pita Verweij, Coupennicus Institute for Sustainable Development, Utrecht University, and Pablo Pacheco, CIFOR

The following snapshot is a summary of the Discussion Session titled Local governance, stakeholder participation and community voices. It was chaired by Esther Obaikol, in collaboration with each of the local governance session chairs. This session was a wrap up of the theme 'Local governance and stakeholder participation' where previous sessions touched upon the importance of identifying all relevant actors in land deals, finding out the specific interests of the local populations, and exploring existing power relations as well as the challenges of gaining a better understanding of local processes that are

shaped by a wide range of actors. Moreover, land deals can only contribute to local development if common ground is found and where all interests are acknowledged. To achieve this, the voices of local authorities must be strengthened.

Previously prepared statements as well as the results of each of the 'Local governance and stakeholder participation' discussions guided the session. The first statement referred to the idea that the real struggle over land occurs at the local level. Esther Obaikol asked participants not only to theorize, but to delve into the practical consequences of land deals. This discussion focused initially on the role of decentralisation, a process that was proclaimed after the end of the Cold War. Participants observed that the act of channelling more resources to the local level does not guarantee that local community interests will be secured. It was also stressed that corruption at the local level blocked effective and fair local governance. Nevertheless, local governments are legitimate representatives of citizens. As such, governments should play more active roles in evaluating what the goals should be of accepting land investments. Currently, many governments have no strategy and no long term vision.

A second statement concerned the voices of local communities. Contributions focused around the operationalization of 'Free Prior and Informed Consent', or as one participant commented, 'Nothing about me, without me.' A leading question was posed: How can local communities, should they want to do so, stop land investments? According to one participant, 'It seems that the voices of local communities are only heard if they say what we want to hear'. And in the end, who profits from the chaos? The pressing question is: Are we really listening to what communities tell us? We also need to keep in mind that communities are not homogenous. We need to find ways to encourage people to speak out, especially vulnerable groups within communities.

A final remark referred to Obaikol's key note address where she stated that governments are clueless and communities are the victims. The challenge to see the individual people behind the discourses, behind the aggregated data, and behind the processes was recognized. We identify little agency within terms such as 'local development' and 'local governance'. One participant stressed the need for dialogue, while another focused on the useful role of protest in solving issues. We also pay attention to the political and economic contexts within which local



development processes are embedded. While much qualitative research has been done at the local level, we need to better link the research results to political and economic policy debates. It was concluded that, in reality, the issues we deal with are more a matter of conflict management than with conflict resolution. How do we connect our research results to practical procedures that facilitate stakeholder participation? Moreover, how can our research strengthen local governance so that the voices of citizens and communities are reflected in policies? Continual dialogues featuring a long-term perspective need to be encouraged.

Closing panel discussion: 'Joining forces'

The closing panel of the Conference was chaired by *Annelies Zoomers* and *Frits van der Wal*. After stating that, 'Even though the ideas need time to mature, it is time for harvest', Zoomers then invited the four panel members, *Alda Salomaõ*, *Julian Quan*, *Tony Liwang* and *Pádraig Carmody* to look forward and name the one thing that would improve land governance.

Julian is currently team leader of the DfID land governance advisory and support programme (LEGEND) of the UK government. Dr Quan has served with the Natural Resources Institute of the University of Greenwich for over twenty years. During this time he has worked as a development researcher and practitioner, undertaking a wide range of consultancy and applied research assignments for a variety of international clients including the African Union, DFID, the European Union, FAO, IIED, SIDA, UNDP, UN Habitat, the World Bank and a number of developing country governments. Dr Quan's work has focused on: land tenure, land rights and land policy; rural territorial development; rural institutions, policy and governance; local economic development; climate change adaptation and mitigation; rural livelihoods, community based natural resource management, development of smallholder agriculture, and rural extension in developing countries, particularly in sub-Saharan Africa but also in Latin America.

In the closing panel *Alda Salomaõ* stressed the importance of a well-organized country at all levels and sectors. She stated that, 'Mozambique needs organization more than anything else. People need to be able to exercise the rights they formally have. Rights without organization don't mean anything'. *Salomaõ* added that a strong state needs strong citizens. Local communities need to be actors of development. They must be facilitated in order to interact with the state, with investors, and with NGOs. As local communities are currently faceless and without a voice, strengthening civil society should be a priority. In addition, to avoid disappointment and conflict, local governments need to be strengthened so that they are organized before investors arrive. *Salomaõ* ended by stating that we need to direct our focus to the local level.

Pádraig Carmody felt that scholars were making important contributions to strengthening land governance and that the burden must be lifted from the people who usually get the short end of the stick. Carmody stated that it his personal role as well as his ambition to be the best researcher possible. He closed by warning Conference participants against a 'technical fix' as techniques are political.

The private sector always likes 'easy entry and easy exit' as well as 'low input and high returns' confessed *Tony Liwang*. But these days are over, particularly for the palm oil sector in Indonesia. Profits will have to be shared and private enterprise needs to engage with local communities. At the same time it must be recognized that plantation owners nor the small farmers are the key actors in oil palm investments. *Liwang* stressed that there is a lack of attention on other parts of the supply chain, and that palm oil mill owners are very important players. *Liwang* ended by pointing out that, 'Without mills there are no investments in land. The mill is the trigger.'

From his position as a researcher and as an advisor, *Julian Quan* claimed that strengthening global collaboration in research, combined with increasing the attention governments pay to the results of this research, is key. Land governance requires us to manage knowledge and build networks between actors involved in the land issue. According to *Quan*, the added value of a conference such as this can be captured in the word 'continuity', or the act of looking beyond incidents towards patterns and structures. Contextualization is also important. In a very practical sense, *Quan* advocated building capacities within local governments as well as a focus on 'inclusive' land deals. It is also important to look at who profits from certain investments as well as the pros and the cons. In this regard, *Quan* stated that small- and medium-sized investments merit more attention from researchers and policymakers alike.

The overall discussion ended with a focus on rights versus responsibilities. *Alda Salomaõ* stressed that civic responsibility requires a knowledge of the law. If the legal context is known, many issues surrounding land investments can be avoided. *Tony Liwang* countered that Indonesia's laws are often unclear as a result of a disastrous decentralization process. For an example, *Liwang* stated, national policies dictate that 60 per cent of the Indonesian land surface must remain forested whereas local authorities often maintain a 30 per cent requirement. This offers companies room to manoeuvre yet the back and forth between the national and the local levels leaves all stakeholders confused.

The closing panel ended with a short review of the contacts established during the Conference and a suggestion from *Caroline Archambault*. *Archambault* stated that researchers could strengthen the gender focus of land research by re-evaluating their own research from a gender perspective; this may lead to new insights. As much improvement can still be made in mainstreaming gender into land governance policies, *Archambault* then invited researchers to contact her with any insights.

Closing remarks¹ by Annelies Zoomers

In her closing remarks, Annelies Zoomers looked back on a successful Conference. The land issue, which started as the land grab hype, has developed into a well-established and dynamic field of research and interventions over the past seven years. By way of conclusion, she highlighted some of the major issues that emerged during the Conference such as the need to pay more attention to the priorities and plans of local groups; in order to make development more inclusive it is not enough to simply inform or 'consult' local groups or offer space to become part of outgrower systems.

The Conference also raised important questions such as what kind of investments are required, and how capital can be mobilized for the realization of locally-defined ideas and plans. Moreover, sufficient attention should be given to differences of opinion between gender and generations.

Zoomers stressed the positive developments taking place that include new attempts to make business more responsible as well as the appearance of a landscape approach. While this approach could help to bring an integrative aspect, outcomes are highly reliant on whether or not local stakeholders are strong enough to defend their interests and to place their priorities centre stage. What kind of investments do people in communities want and need?

Spatial aspects remain another underappreciated element. How can we ensure that investments are geared towards areas that need them the most? How can stakeholders prevent large scale land investments and human settlements from flowing into the 'wrong' places, for example flood-prone areas in coastal zones, or other less desirable parts of a country? Moreover, current compensation policies place inordinate attention on facilitating compensation payments; focus is limited to compensating affected households based on the number of hectares lost. While this is a clear imperative, it often comes at the expense of equally-important issues. Policies need to place more attention on the support people need to rebuild their livelihoods in the best locations possible as well as take into account the indirect effects of displacement.

This Conference took stock of where we are in research, policy and practice as well as identified new topics on the agenda. LANDac activities such as our annual Summer School, the coming LANDforum in (February 2016), and the Netherlands Land Governance Multi-stakeholder dialogue initiated by our Minister for Foreign Trade and Development Cooperation will guarantee follow-up of the discussions.

¹ Marjan Oudeman, President of Utrecht University's Executive Board, was unable to attend due to delayed travels.

LANDac coordinator Gemma Betsema closed the Conference by thanking all participants and organizers for their diverse and high-quality contributions. To continue fostering new collaborations for research, policy and practice, Conference materials, including the list of participants, will be shared through the LANDac website (www.landgovernance.org).

Organizing committee

Annelies Zoomers (Utrecht University/Chair of LANDac), Guus van Westen (Utrecht University/Co-chair of LANDac), Gemma Betsema (Coordinator of LANDac), Gerard Baltissen (Royal Tropical Institute), Gemma van der Haar (Wageningen University), Chris Huggins (LANDac), Mayke Kaag (African Studies Centre), Froukje Krijtenburg (VU University), Femke van Noorloos (Utrecht University), George Schoneveld (CIFOR), Jur Schuurman (Agriterra), Marja Spierenburg (VU University/CERES), Oane Visser (Institute for Social Studies) and Jaap Zevenbergen (University of Twente).

We would like to thank everyone who contributed time and energy to make this Conference a success!

In March 2016, LANDac will present the Conference outcomes as well as organize various follow-up activities at the World Bank Conference on Land and Poverty to be held in Washington D.C. Also keep an eye out for the upcoming International LANDac Conference 2016 in Utrecht, The Netherlands.

More information about LANDac and our activities is available on our website: www.landgovernance.org.

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