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New Directions in Land Reform: An Editorial Overview

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1. Introduction

Land is a basic resource upon which all humanity depends. It can be seen in many ways: our natural environment, a factor of production, store of value, source of security and power, or font of cultural and community significance. The term land reform is traditionally associated with a government-initiated property redistribution from large land-owners (typically feudal landlords) to those who work the land, with or without compensation; individual ownership transferred to collective farms might also return to smallholdings. Land reform after 1945, with the world emerging from two disruptive and destructive world wars, aspired to create more classless, democratic societies through land redistribution from rich to poor, but in the 21st century, these aims have changed. *Land* journal's Special Issue on new directions in land reform explores the emerging new knowledge in the area, both within academic disciplines and inter-disciplinary. This editorial overview provides a context and cites much recent published research, including other recent Special Issues of *Land* journal, such as 'Land Tenure and the Future of Cities' and 'Fit for Purpose Land Administration'.

2. The Changing Narrative of Land Reform

Land reform has a long history, back to the ancient Roman empire and beyond [1]. It was a key demand of the French, Russian, and Chinese revolutions from the 18th to the 20th century. Following the First World War, the collapse of empires led to land reform in many countries, taken up by anti-colonial movements in Asia and Latin America. The newly established United Nations in 1950 adopted its first resolution on land reform, which remained on the global development policy agenda until the 1980s [2-5]. The majority of UN member states were newly created, with histories of European colonisation influencing their boundaries, governance structures, and land reforms [4]. Economists of economic development theory dominated the early policy agenda of the World Bank and FAO [5–8]. From the 1980s, when structural adjustment programmes were performing poorly, the World Bank shifted its policies towards issues of governance, poverty reduction, and land tenure security [9]. With a growing number of players in the field, its annual Land and Poverty conference grew from a small gathering in 1999 to attract over 1500 participants by 2019, offering a global forum for research and practice on land reform and wider issues of land governance. The previous century's state-dominated redistributionist land reforms, supported by both Marxists and capitalists, had been reduced, as powerful vested interests continued to benefit from inherited systems of control and exclusion [10,11]. Mexico's land reforms in the early 20th century, for instance, transferred millions of hectares from large feudal estates to village community control under ejido tenure, but in recent decades, private sector developments have undermined, segregated, and fragmented rural communities [12]. Post-apartheid South Africa undertook programmes of redistribution, tenure reform, and restitution of lands taken under racial laws, but a constitutional review since 2018 has been considering yet further radical measures—state custodianship of land accompanied by expropriation without compensation [13]. In neighbouring Zimbabwe, land reform away from large-scale white-owned to small-scale African farms has resulted in black farmworkers being targeted more than white farmers [14,15]. In Scotland, the



Citation: Home, R. New Directions in Land Reform: An Editorial Overview. *Land* **2022**, *11*, 160. https://doi.org/10.3390/land11020160

Received: 2 December 2021 Accepted: 10 January 2022 Published: 20 January 2022

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abolition of feudal tenure led to further reform proposals for access to farmland and rent reviews of agricultural tenancies.

The UN's eight Millennium Development Goals, set in the millennium year of 2000, evolved into the 17 Sustainable Development Goals (SDGs) for the period 2015–2030, and entered their 'decade for action' in the year 2020. Five SDGs (1, 2, 5, 11, and 15) explicitly refer to land governance as a cross-cutting issue for sustainable development, with numerous legal instruments for land management being devised and applied. Institutional arrangements develop rapidly, assisted by new information technologies [16]. Astronomical global forces are involved: the planet's human population grew by a fifth in the first two decades of the 21st century, and the proportion of urban populations passed half in 2007, up from a third half a century earlier. Such changes, unprecedented in human history, raise new and urgent issues for land reform: increasing and diversifying food production, changing man's relationship with nature, managing urban–rural interactions, and millions of people displaced by reacting to climate change, extreme weather events, and associated conflicts.

The production of new research in these areas now involves a wider academic community than before, with new inter-disciplinary and post-disciplinary approaches. For decades, land reform was predominantly the preserve of economists, but that has changed, as anthropologists, sociologists, political/governance specialists, and others address wider social and cultural dimensions [17]. Land reform requires legislation, yet the role of law reform was neglected enough for a leading academic in the field, the late Patrick McAuslan, to entitle one of his books 'Bringing the law back in' [18]. The land itself in the new so-called Anthropocene age is the subject of increasing research by Earth and geo-spatial scientists, geographers, surveyors, etc. Historical research is increasingly engaged through such fields as world history, historical institutionalism, indigenous practices, colonial involvement with different urban forms, controlling illegal informal construction, land enclosure, and boundaries [19–24].

The relationship of different land tenure systems is changing between state, private and communal, customary, and social. Many land laws required proof of 'productive use', without which the state might override the resource claims and collective land rights of local populations and occupiers. Lands so affected were pasturelands, rangelands, bushlands, swamps, forests, hilly areas, under seasonal rights and uses, and comprise globally a greater area than those under state or private tenure. International law protects private property rights but not explicitly an individual right of access to land. State policies might favour large-scale commercial operators, facilitating transnational investment flows and exports rather than responding to domestic basic needs and aspirations. After the global economic crisis of 2008, fears about future global food supply triggered a rush for investors to obtain concessions over large areas, most marked in the so-called second 'scramble for Africa', pushing many small-scale farmers off the land and making their livelihoods more precarious, while the gains accrued to power brokers allied with to the state [25–27]. Land expropriation by the state (variously known as a compulsory purchase or eminent domain) is perhaps becoming less confrontational, with World Bank and other guidelines asking governments to allow local participation by occupiers, and seeing acquisition as a development opportunity for the affected poor [28–30].

Communal or customary tenure—considered bound for extinction only a few decades ago—is becoming better protected in many national laws and constitutions, and granted equivalent legal force to private property (in principle, if less so in practice). The rise of international human rights law and indigenous peoples' land rights has been advanced with the UN Declaration on the Rights of Indigenous Peoples in 2008, although that remains 'soft' rather than 'hard' law. Devolved and democratised resource governance is emerging within the community land sector, making such land inalienable against seizure by governments, and community consent increasingly required for resource extraction, being seen as affording better protection than remote state agencies. In 2012, Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) became the first international document on agreed principles for the governance of land tenure, although international

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investment treaties still allow foreign investors to pursue compensation for state conduct that adversely affects their business [31].

The tension between universal human rights and local practices is seen particularly in the treatment of women. SDG5 supports gender equality, as do many national constitutions and GLTN's 'gendered land rights' initiatives. SDG5 target 5.a. states: 'Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws.' The supporting statistical indicator 5.a.2. records the proportion of countries where the legal framework guarantees women's equal rights to land ownership and/or control [32].

Different legal forms for community ownership continue to develop: vesting title in elected and accountable bodies, with rules and membership registers, and including the legal concept of trust, with versions rooted in Islamic law [33,34]. Distinguishing between protecting an area for conservation and its ownership helps communities to protect forests and wildlife, and pursue restitution of degraded environments. Community land trusts, not-for-profit organisations owning land and property in trust for a defined social group, can operate in both rural and urban areas, for instance in Brazil [35–37]. Social enterprises can buy out private owners at discounted values, with their land titled, registered, and coordinated with local authorities [38–40]. Overlapping claims by national and local government authorities may still, however, threaten the loss of lands by communities even during the formalisation process [41].

The UN's Global Land Tools Network (GLTN) is promoting new legal mechanisms; it was created in 2006 as a multisectoral alliance of international partners, physically co-located with UN-Habitat in Nairobi, Kenya. UN-Habitat, with its vision of 'a better quality of life for all in an urbanizing world', is the custodian of the Global Land Indicators Initiative, monitoring land-related indicators such as 1.4.2 on tenure security for all by 2030 [42]. The GLTN supports the SDG target of 'all men and women having equal rights to ownership and control over land by 2030'. Without explicitly entering into the politics of land reform and redistribution, the GLTN's 'bottom-up' approach can subvert top-down political settlements, particularly by prioritising users over owners. It advocates a land rights continuum which ranges from customary, occupancy, anti-eviction, adverse possession, group tenure, and leases, and registered freehold seen as the final and highest form.

GLTN has many land tools at different stages of development, three in particular gaining leverage. Firstly, land readjustment, originally associated with rural farm consolidation, is increasingly applied in urban situations, pooling land ownerships for urban extensions and densification, and funding better infrastructure, public space, and amenities. The GLTN's version, Participatory and Inclusive Land Readjustment (PILaR), seeks to expand the existing land readjustment model with more inclusive negotiation processes, sharing costs and benefits more equitably between landowners and other stakeholders, and less confrontational than compulsory expropriation [43,44]. Secondly, participatory mapping (sometimes called counter-mapping or cadastral politics) records land uses by groups previously under-recognised by state institutions, drawing upon oral history and traditions and helping communities to assert their occupancy claims and participate in land governance. Indonesia's Community Mapping Network (JKPP), linked to the International Land Coalition, has over 20 years of established strong experience in participatory mapping, spatial conflict advocacy, and community land rights [45,46]. Thirdly, the Social Tenure Domain Model (STDM) is being increasingly applied on projects, often with NGO support for open-source survey technology by local volunteers, particularly women and young people. The World Bank claims to have transformed Rwanda, Ethiopia, Ecuador, and much of eastern Europe through the concept of Fit-for-Purpose Land Administration (FFPLA), promoted by the International Federation of Surveyors (FIG) [47–50].

Land reform is now found in urban as well as rural areas, and not just in food production, as recognised in SDG11 and the New Urban Agenda since 2015 [51,52]. Urban law is emerging as a distinctive field, much concerned with the effectiveness of land use

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planning and building regulations [53–56]. Technical tools include land value capture and transferrable development rights [57,58]. Measures of urban land use efficiency, made possible by the analysis of spatial data over time, raise important issues for future land management—land consumption that exceeds the population growth rate and the possibility of achieving more compact cities through densification (UN-Habitat recommends 15,000 people per square kilometre as a desirable aim), reducing wasteful urban sprawl, and protecting farmland and ecosystems [59]. Transitions from rural to urban may be facilitated by a regulatory framework for land conversion; China, for example, operates a process of land circulation, whereby construction rights can be exchanged between rural and urban areas, with the aims of balancing a surplus of rural homesteads against a shortage of urban building land [60,61]. New transport corridors between cities create new property markets, allying electorally strong agrarian landed interests with inward investors in property development, and perhaps opportunities for previously excluded groups [62,63]. Transport corridors across national borders can create frictions in the treatment of both immovable and moveable property, with, for example, railway rolling stock needing legal protection.

Legal tools are also developing for nature-based solutions to protect ecosystems and sequestrate carbon, often requiring complex tenure and management arrangements between multiple actors. Research suggests that managing 30% of global land for conservation could safeguard 70% of all terrestrial plant and vertebrate animal species, as well as conserving carbon stocks and freshwater resources [64–66]. Measures include rewilding, a process in which humans step back to make self-regulating and self-sustaining natural environments. Within urban areas, open green spaces need protecting for residents' well-being, reducing urban heat islands, and air pollution [67–69]. The water–energy–food nexus has risen in prominence for development policy discourses since 2011, although criticised for neglecting basic issues of livelihoods and the environment [70]. The Intergovernmental Panel on Climate Change and Land in 2019 advocated secure community landholding to help mitigate climate change by protecting nature and ecosystems [71].

The concept of resilience is another recently emerging issue with implications for land reform, especially since the Sendai Framework for Disaster Risk Reduction 2015–2030 [72–75]. Resilience can be broadly defined as society's capacity to survive, adapt, and grow, against extreme stress from climate change and other hazards. Approaches to disaster risk reduction formerly focused on threats such as natural disasters and terrorism and are now expanding into longer-term strategies for improving water, sanitation, and ensuring safe mobility. Cities are complex adaptive systems that interact with political and institutional processes, and planning for urban risk management includes matters such as vulnerability assessments for high-risk areas, resilient building construction, support for disaster-affected communities, and building public health capacity [76]. Land management is important for the recovery phase after the immediate emergency response needed for displaced people, who are more likely to be displaced by weather events than by conflicts (which themselves are often related to climate change). The Pinheiro principles seek to protect property rights for displaced people and refugees, with insecure tenure and poor land records affecting recovery of public infrastructure investments [77-79]. Displaced person camps, intended as temporary, may become permanent after the relief agency ceases operation, and settlements around the camps continue as trading centres, with land subdivided, and local governance institutions emerging [80–82].

3. Ways Forward

Land reform has moved beyond the classic redistributionist approach to recognise changing relations between governments and citizens, especially since the SDGs were adopted in 2015. Better information technology, connectivity, and data capture are facilitating knowledge production, transfer, and exchange, and closing the gap between high-level policy and practical action on the ground. Citizens, especially young people and women, are increasingly engaged through open-source technology in recording local land rights, monitoring extreme weather events, and learning their legal rights and ways to engage.

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The policy emphasis has shifted from land reform to tenure security, and new institutions emerge and evolve at all levels, as envisaged in SDG16 on 'strong institutions' [83]. Such institutions include the GLTN and United Cities and Local Governments (UCLG) and are active in both urban and rural situations. The legislative change that land reform requires can be a highly complex, political, and slow process, with uncertain outcomes; more local approaches are needed, rather than centrally directed and top-down national approaches [84]. Land reform researchers have responsibility for faster communication of new knowledge, management, and exchange, for instance, through open-access academic publishing, and strategies of learning and adaptation across the Global South and North [85,86]. The COVID-19 pandemic since 2020 is driving much strategic re-invention, leveraging research partnerships, digitalisation and innovation, city-to-city learning, and mentorship schemes to accelerate the transfer of knowledge and best practices [87].

Conflicts of Interest: The author declares no conflict of interest.

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