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Improved land governance and halting land degradation: the central role of property rights and social processes

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Identification of the different categories of local stakeholders with access to land cannot be based on predetermined, all-encompassing categories (women, youth, indigenous people and other vulnerable groups), presumed as homogeneous and like-minded. **These categories are stratified, their members have differentiated rights and experience inclusion and exclusion in a range of forms:** social status –and therefore modes of access to land, and the capacity to mobilise savings, work and social networks for its rehabilitation– can thus vary greatly. Within the “women” category, this varies between wives, according to their rank, between wives and daughters, between mothers and daughters-in-law, between married women, divorcees and widows, and between women in different wealth groups.

5. The choice of methods for intervention is not neutral

Deciding on how to address a degraded site is not just a technical issue. **The choice of sites and intervention methods** (techniques selected, stakeholders supported, uses to be preferred over others) **is also a political decision.** The approach must be negotiated with the users of the area concerned, while taking into account their diverse status and needs.

Projects to address land degradation may serve the interests and strategies of local stakeholders, who seek to exclude others and accumulate land for themselves. There are risks of interventions being coopted for the benefit of project agents, external investors and political operators (and thus supporting “green grabbing” processes).

Interventions also have financial implications. Access to international aid resources often conditions the design and implementation of projects. The mobilisation of **private funds is increasingly presented as an essential additional lever. Yet, this mobilisation of funds is not without risks:**

- donor-supported projects are based on standardised protocols that are difficult to adapt to diverse ecosystems and societies;
- private finance often has short-term profitability objectives that are difficult to reconcile with the long-term benefits expected from land rehabilitation;
- conceding large areas considered degraded to private investors leads to the dispossession of local stakeholders, which raises acute questions of social and environmental justice. It may be a source of violent opposition, which risks compromising rehabilitation operations.

In conclusion

Sustainable land restoration interventions cannot be based on **quantitative objectives alone, such as in terms of hectares restored or trees planted.** Above all, it must give local stakeholders, both individual and collective, the means to define and implement the actions they deem useful and relevant. These will depend on the given environmental and socio-political context. Such an approach gives a central place to the process of negotiation to adjust the means and objectives.

“Quantitative indicators” of the “state of the resource” are only a part of the diagnosis. The relevance and effectiveness of an intervention to rehabilitate degraded land depend on the willingness of local stakeholders to agree on the actions to be taken and organise themselves to this end.

The challenge is to create and support a dynamic process through which institutional and financial incentives on the one hand, and access to equipment and techniques on the other, enable local stakeholders to change how they use land and resources, and better manage the tension between short-term economic interests and longer-term ecosystem preservation.

Making progress requires knowledge of the diverse range of land users, their constraints and interests, as well as existing mechanisms of land governance. It demands a willingness from those seeking to intervene to co-design what is to be done with local people. And it implies paying attention to inequalities in terms of access to resources and financial capacities, to the differential effects of interventions (particularly in terms of exclusion of certain local stakeholders) and to the conflicts that they may generate or reinforce.



6. Participation is essential, but it cannot be the result of blue-print measures

Participation is usually presented as an objective in itself, and a necessary condition for both the inclusion of local people and their commitment to a particular development project. **But relying on standardised participatory mechanisms does not guarantee real participation: bringing together a range of interest groups in a public forum is no guarantee of free expression of interests and oppositions.** Local communities are marked by relations of power, in which some dominate others, and patron-client relations make it difficult to express dissent.

Moreover, participation is too often conceived as merely consultative, which leaves little room for taking into account the points of view and priorities of local stakeholders. The challenge lies in ensuring **the collective design** of territorial projects to ensure the diverse users can sign-up to it.

7. Funding must be adapted to the objectives and capacities of local stakeholders

Investment in land restoration must first and foremost be made by the different users who, individually or collectively, will have to modify their practices to maintain and improve the productive capacity of their environment. Their investment of labour and money is the guarantee of a long-term commitment. Flexible external financing should enable local stakeholders to do more and better, in line with their capacities and medium-term objectives. The design and structure of interventions –mitigating risks, investing in soil fertility, and supporting livelihoods– must therefore be designed and implemented in collaborative fashion.

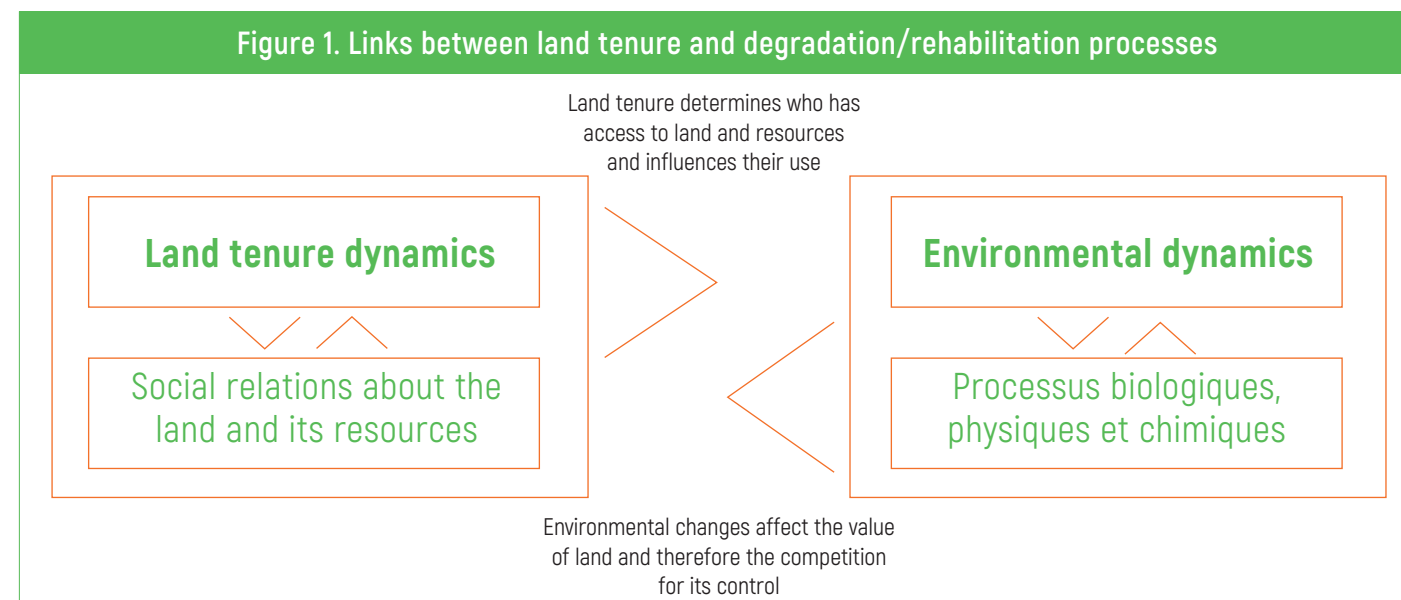


Improved land governance and halting land degradation: the central role of property rights and social processes

By

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Just like climate hazards, land degradation is the result of human activities that overexploit eco-systems. Yet, there are very few empty places where no property rights to land and other natural resources exist. Ecological interventions usually take place in areas that have been occupied, appropriated and used by local people for many years, according to their own rules – whether for agricultural, pastoral or extractivist ends. The links between land tenure and resource degradation, and how they evolve, are therefore a central issue in land rehabilitation (Figure 1).



Understanding these links requires paying attention to the scale and forms of intervention:

1. Land rehabilitation interventions cannot be limited to physical and biological measures. **They must take into account the users of the different resources and their associated rights;**
2. **The choice of intervention areas cannot be made solely on the basis of biophysical criteria or highlevel indicators:** satellite images often render invisible the legitimate uses and users of the landscape. The choice of area must take into account the stakeholders living in and using these resources, and also those who control access to land.

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For further information: <https://pole-foncier.fr/>

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People draw resources from nature in order to live, but **not all anthropogenic modifications of ecosystems necessarily cause degradation**. For example, land clearing for agriculture can be a problem if not regulated, but some clearing of undergrowth, for example, is essential to prevent large-scale degradation, such as from large fires.

Legitimate use of land and resources, through agriculture, animal husbandry, forestry, fishing or mining, requires possession or use rights. The statutory legal framework is part of the institutional setting that defines these rights, but is only a part of it. Social norms or rules² also structure them. Together with legal rules, social norms define who may access a particular resource, the kind of use they can make of it and under what conditions, and which authorities are responsible for defining and enforcing these rights. Social norms are not always congruent with written law. They are often described as "informal" because they are not defined and recognised by it. Yet, they are legitimate for local stakeholders and often more relevant.

Land tenure security is an essential condition for the sustainable management of land resources. The ability and incentive of users to implement sustainable practices or to invest in actions that reverse land degradation are directly linked to how secure they feel in their access to land.

Land tenure security does not necessarily demand private ownership of land. Land tenure security is not associated with any particular type of ownership, whether public, collective or private. It is first and foremost a matter for the institutions and governance bodies responsible for guaranteeing the legitimate rights of holders when these rights are challenged, regardless of their nature.

Land governance and land degradation: key insights into complex relationships

1. Land governance is a matter of social and political relations above all, and secondarily of interactions between people and land

Land governance organises who has access to resources. These modes depend on the type of use made of the land (agriculture, pastoralism, forestry, etc.), and take the form of a wide range of individual and collective rights. Land governance may also include rules that specify by whom, how and when a particular resource may be exploited. Finally, land governance often combines a range of different customary, administrative or project-based authorities.

Land governance does not necessarily have an environmental purpose. Its main objective is the regulation of social relations and management of



2. The term "norms" is more generic than "rules". It also includes values, principles, and not only prescriptions or prohibitions.



conflicts related to control and use of resources. This objective may include criteria for maintaining conditions of use, so that the resources will provide for the livelihoods of future generations. Rural societies have historically established land tenure rules to preserve certain resources, regulate offtake and organise overlapping and competing uses of the space they control. But these norms inevitably evolve with demographic, social, political and economic changes. They may be called into question when new pressures and uncertainties emerge, which push people to take a short-term perspective. Social norms are often weakened and practices become exploitative where long-term considerations no longer prevail.

2. Failures in land governance are central factors leading to land degradation

Land degradation occurs mainly in situations where resources are used without clearly associated rights, and where local authorities are either not able to regulate use, maintain contradictory regulations, or fail to arbitrate tensions between different land users. Avoiding such degradation requires that **land tenure rules are adapted both to the ecosystem and the socio-economic context, such that local authorities are capable of enforcing sustainable practices**. These rules must also evolve in order to allow land tenure systems to cope with environmental, economic and demographic changes –for example, limiting the access of certain social groups to certain areas and at certain times, or through establishing new rules for use of a specific resource.

3. Sudden changes in local land tenure rules lead to land degradation

Massive degradation processes may occur when demographic and commercial pressures on land or competing uses increase rapidly. The arrival of external economic agents, such as charcoal burners or firms, or the demand for access to resources by new generations, may lead to the over-use of woodland, fallow land or pasture. Finally, development or conservation projects may also encourage local people to over-use the surrounding landscape, if land values rise and people suffer eviction.

4. Land degradation can be prevented or reversed if land governance regimes are deemed socially legitimate and well adapted to local issues

States and international aid have often undermined local modes of resource governance, by calling for "rational" systems of management that ignore the specificities of local ecosystems and rules. To avoid the degradation caused by such lack of understanding and the resulting conflicts, these states would benefit **from recognising the rights that local societies exert on the resources of their territory, and supporting negotiated and equitable agreements** between all local interest groups.

For example, such local rights can be made evident through agreement of local conventions, and ensuring the state and its officials respect such accords.

5. Land governance must support the coexistence of agricultural and pastoral land-use

Mobility is a key way of regulating pressure on dryland resources which are variable over space and time. Seasonal mobility is critical for pastoral production to operate effectively. Pastoralism is not in itself a source of degradation, but both agro-pastoralists and pastoralists have found their production systems challenged by continual expansion of cultivation into former grazing zones. Herding peoples rarely have formally recognised rights. Land rehabilitation and anti-degradation projects must take into account the need to maintain a balance between cultivated and grazing areas, ensuring herds can access water and move through the landscape via recognised pathways or "corridors". Negotiated grazing agreements should be encouraged, where they do not already exist, as well as arbitration bodies to which parties involved in a dispute could have recourse and find a fair arbitration.

6. Social tensions linked to land degradation do not automatically lead to violent conflicts

Media and political discourse highlights the links between resource degradation, land tenure tensions and violent conflicts, particularly those between farmers and herders in the Sahel. Increased pressure on land and the scarcity of resources have led to growing competition for control over land. **But land tenure tensions do not always lead to violent conflict**. The failure of local institutions to prevent and resolve such tensions plays a major role in their violent escalation. Moreover this escalation is not pre-ordained: **it happens as a consequence of political interests, and interventions by specific intermediaries**, such as warlords and fighters –who usually are external to local societies– seeking to profit from violence.

Taking local land tenure regimes into account in land rehabilitation actions

Land rehabilitation involves a set of interventions aimed at reversing degradation and regenerating soils and vegetation. It requires appropriate land governance, but also specific actions, such as the protection of some areas and installation of anti-erosion bunds, tree or hedge plantations, etc. Financed by public and increasingly private funds, these interventions have a range of implications.

1. Rehabilitation actions take place in areas which are used and controlled, according to given property rights

Actions to combat degradation take place in areas that are subject to existing rights, even if these are considered "informal" or illegal from the State's point of view. One cannot reforest or carry out anti-erosion works in a given area without taking into account existing land rights, the stakeholders who have access to such resources, and those who control this access. For example, not everyone is allowed to plant trees or build anti-erosion bunds on the land they are using: local norms normally consider such long-term investments in land to be a means of asserting rights over the land, appropriating it and consequently excluding other rights-holders. Such investments are thus often forbidden to women, socially disadvantaged groups, tenants or land borrowers. **When inter-**

ventions favour certain uses and users, they inevitably risk to induce the exclusion of others. Disregarding local land rights, even if they are "informal" in the eyes of the law, will likely be a source of failure and potential conflict.

2. Securing land tenure and promoting investment do not necessarily entail the formalisation of rights

Expert literature and policy documents commonly present the legal formalisation of land rights as a necessary and sufficient condition for investment in land rehabilitation and conservation. However, these causal links need more careful examination. On the one hand, **many empirical studies show that significant productive investments occur in the absence of formal rights** (e.g. West African peasant plantation agriculture). On the other hand, they show that **legal formalisation of land rights is not sufficient to create the conditions for investment** in peasant societies (in the absence of an accessible credit system, or of a credible justice system). **It may also be a source of tension and insecurity**, or even exclusion, for certain categories of rights-holders, especially if the only legal framework proposed is based on individual private property.

3. Land rehabilitation depends on building social consensus at landscape level

The implementation of a land rehabilitation project requires local negotiations to identify the wide range of interests involved, to build compromise and to agree the actions to be undertaken. **The fight against land degradation is above all the responsibility of local stakeholders who may decide to implement measures that they consider relevant and feasible on their private plots, or on their family- and community-owned lands**. They must have the means, technical and material, financial and institutional, alongside some certainty about benefiting from the fruits of their efforts. Landscape rehabilitation cannot rely on individual initiatives alone: these initiatives must be coordinated at the level of a portion of landscape or of a watershed if they are to be ecologically effective.

4. Any land intervention will generate both economic and political challenges

Any land intervention redefines, at least partially, the rules of access and what are considered legitimate uses. It can prohibit the use of certain portions of land –temporarily or permanently– and thus impact the livelihoods of the people who used them. Through investment or planting, interventions also change the value of land and thus the competition for its control. **Identifying these issues is essential for understanding the interests of different stakeholder groups, the constraints the intervention is likely to place on them, and for negotiating terms that are acceptable to the majority.**

