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Exploratory study about Securing land rights as Global Public Good

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Acronyms

CPRC Chronic Poverty Research Centre

FAO Food and Agriculture Organization

GTZ German Agency for Technical Cooperation

IIED International Institute for Environment and Development

IFAD International Fund for Agriculture Development

IPCC Intergovernmental Panel on Climate Change

UN United Nations

UNFCCC United Nations Framework Convention on Climate Change UNDP United Nations Development Program

Introduction

During the last 20 years, an increased concern about global issues has emerged. Some problems like global warming, financial instability or global conflicts led to the development of global governance schemes in order to try to solve them. Recently, a new demand has increased to implement global governance mechanisms according to land as a response to the concern by social, political and academic sectors about the possible negative effects of land grab processes around the world.

One way to study the issue of global problems and global governance is to use the theories related to the concept of Global Public Goods. The objective of this paper is precisely to address the issue of defining if 'securing land rights' can be considered as a Global Public Good. The argument that will be made here is that 'securing land rights' is an intermediary Global Public Good that is necessary to reach the reduction of poverty at a global level.

This paper is based on a literature review realized in a limited time. It mainly draws on existing research reports, documents of international organizations and documents of civil society organizations. The ambition of the document is limited; it only intends explore the issue and propose necessary further research topic related to this question.

In order to achieve its objective the paper will be divided in four main sections. Firstly, it will study the theory of Global Public Goods and propose a simple framework to address the issue. Secondly, it will tackle the problem of defining if global poverty reduction can be considered as a Global Public Good. In particular, the importance and limits of social protection regimes to achieve poverty reduction in developing countries will be addressed. Thirdly, the paper will study the direct and indirect relationships between secure land rights and poverty reduction (specifically the importance of secure land rights as an element of social protection schemes in

developing countries). Afterwards, it will sum up all the previous findings to demonstrate that securing land rights is an intermediary global Public Good that is necessary to reduce poverty at a global level. Finally, the document will conclude by giving some recommendations for policy makers.

1. Defining Global Public Goods

1.1. Defining Public Goods

To understand what Global Public Goods are, it is necessary to grasp in the first place the meaning of the concept of a Public Good. In order to achieve this, it is interesting to study this concept in an historical perspective. Desai (2003) explains very well how the concept of a Public Good was developed in the 20th century based on a history of increasing provision of public goods and services in western countries whether by private actors (e.g. hospitals runs by churches or charities) or by the state. Actually, Desai argues that the needs and demands for public provision increased a lot in the 18th and 19th century when the phenomenon of urbanization induced both a higher demand for goods that were already partly provided and an emergence of a demand for new goods (e.g. sanitation, housing, transport). In addition, the fact that a large number of people were concentrated in limited areas made the provision of public services solely by private actors difficult (church, rich population groups through charity). Thus, there was an increased demand for these goods to be provided by the state. However, the author explains that the role of the state in the public provision of goods and services only became a key element in the early 20th century with the improved participation of the state in the economy and the growth of public revenues. With this work, Desai emphasises the importance of social factors in the definition and provision of Public Goods.

However, the theory of Public Goods was developed in the mid 20th century. It seems that the origin of the theory can be found in Samuelson's work (1954) on public expenditure. It is interesting to notice that Samuelson conceives the concept of Public Goods essentially in an economic perspective and emphasises the role of the state in the provision of these goods. Moreover, the economic conceptualization of a Public Good which has been derived from Samuelson's work gives Public Goods three main characteristics: non excludability, non rivalry and existence of externalities. The first two aspects are directly linked to the consumption of Public Goods; whereas the last one is related to the indirect effects of the provision of these goods. More precisely, according to Morrissey et al., non excludability means that "once the good is provided nobody can be excluded from enjoying its benefits" (2002:32) and non rivalry implies that "consumption by one person does not diminish the amount available to others" (2002:33). The existence of externalities, on the other hand, is related to the fact that external actors are affected by the production or consumption of the good. This economic conceptualization directly suggests that Public Goods production and provision are market imperfections. Thus, they cannot be provided by private actors in the context of market relationships and then, the intervention of the state becomes necessary to correct these imperfections and allow an adequate provision of the goods.

One important aspect that has to be raised from this economic conceptualization is the fact that almost no pure Public Goods exist by nature (see Kaul et al, 1999a). It is also interesting to notice that Samuelson himself indicates the limitation of the use of Economics alone to rationalize the provision of Public Goods and argues for the participation of other disciplines such as Sociology or Welfare Politics to solve the problem. This aspect seems to be central because it gives an important weight in the debate to one of the main learnings of the historical review realized by

Desai (2003) who argues that social demands and social organizations have played a key role in the definition and provision of public goods in history. Moreover, this can be linked to the emergence, essentially inside social movements, of less theorized conceptions of Public Goods that are not only economic but essentially based on moral and ethical demands (Verschave, 2001; Gabas and Hugon, 2001). Particularly, these conceptions are based on the Universal Declaration of Human Rights adopted by the United Nations in 1948 (UN, 1948) and they argue that the rights presented in the declaration have to be publicly provided for every human being.

Both aspects, the importance of social factors and the emergence of new ways to conceptualize Public Goods, reveal the ambiguity in the definition of Public Goods¹ and the problems in using only an economic conceptualization to understand what is behind the concept. That is why in the rest of this paper, Public Goods will be characterized by two key aspects. First, the word ‘Good’ will be understood as a “benefit that provides utility or satisfy wants” (Morrissey et al 2002:35). Second, the public dimension will not depend only on the intrinsic nature of the good, but also of the choices made by the society to separate private and public domains.

1.2. From Public Goods to Global Public Goods

The previous sub-section has explained the emergence and the main characteristics of the concept of Public Good. However, this study was realized in a national scope, considering Public Goods as something restrained inside the borders of a state. This conception has been questioned in the last twenty or thirty years with globalization and the increased concern about some global issues or global challenges. Sandler (1997) argues that these new challenges (e.g. global warming, international terrorism, or ozone shield deletion) share the same characteristics as Public Goods

¹ Even the use of the word ‘good’ is questioned by some authors. Le Roy (2001) for instance argues that it gives a too narrow conception of what is considered by each society as being in the public domain, restricting it to things that can be appropriated and sold.

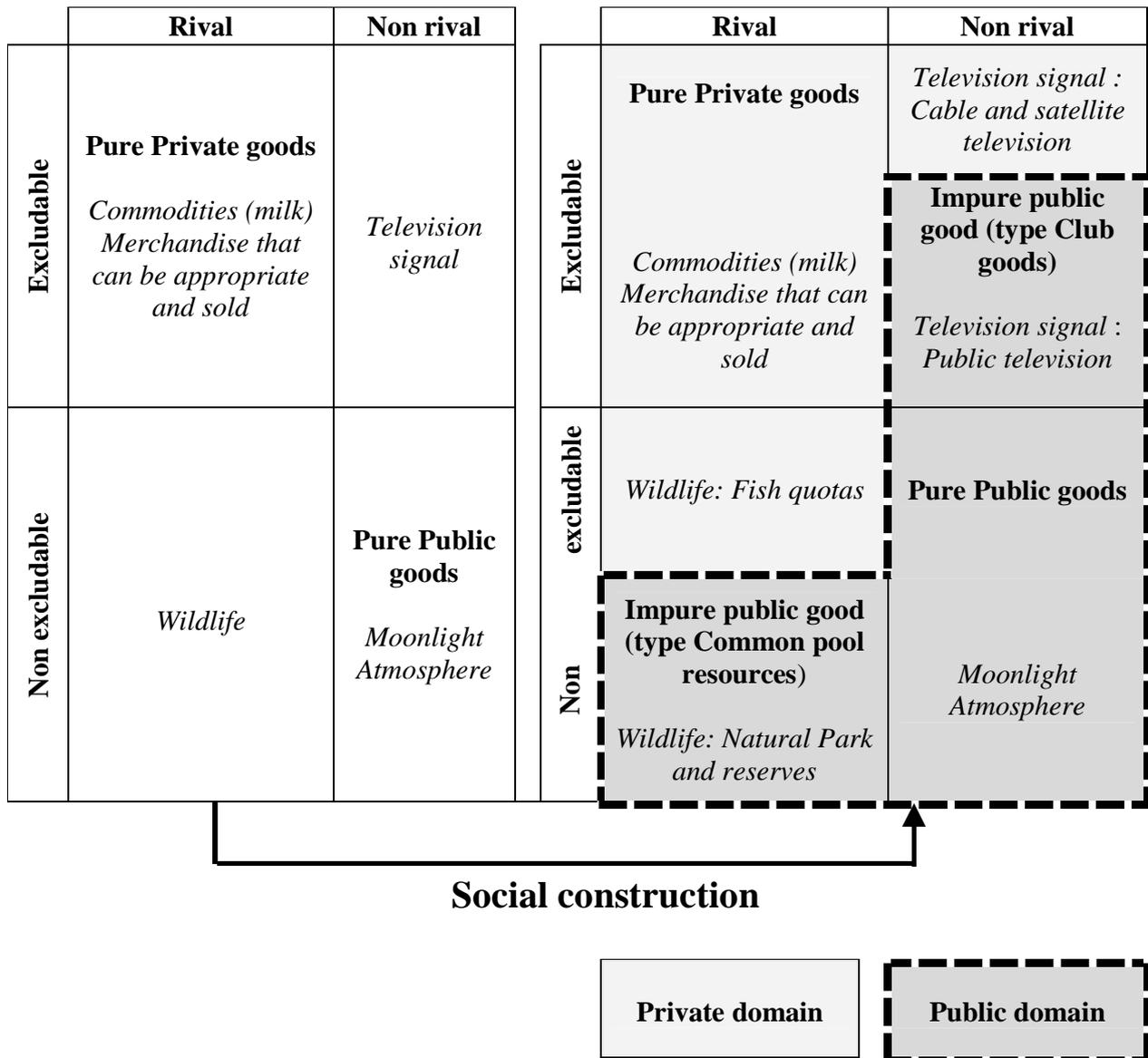
(non rivalry, non excludability and externalities), but in addition their negative consequences or effects cross borders and generations. Therefore, these kinds of concerns have given birth to the new concept of Global Public Goods.

It seems that the first attempt to conceptualize Global Public Goods comes from Kaul et al. (1999a,b) in a report written for the UNDP. In this document, the authors adopt the conventional features of the Public Goods described in sub-section 1.1, but they go much further according to three aspects. First, they give an increased importance to the recognition of the central role of social construction in the definition and provision of the goods. Second, they advance in the discussion about the public dimension present in the concept. Third, they introduce a new global dimension of these goods. Besides, in addition to aiding understanding the concept, the conceptual framework developed by the authors also gives some patterns about the policies and strategies that can be adopted to provide these goods. This framework has then been used as a basis for further studies on Global Public Goods by several authors such as Kaul and Mendoza (2003), Morrissey et al (2002) and Segasti and Bezanson (2001). A synthesis of these works shows that Global Public Goods share four main dimensions: they are social construction, they are global, they are public, and their provision needs several steps.

The first, and certainly most important, feature (that overlaps with sub-section 1.1) is that Public Goods, whether at national or global level, are social constructions. Segasti and Bezanson (2001), Kaul et al. (1999a,b) and Kaul and Mendoza (2003) recognize that most Public Goods are not pure, that means that they are not public by nature. On the contrary, it is the society, and in particular political debate, social demands and/or policy choices that decide where to put the border between public and private domains. For example, taking into consideration the rivalry and excludability factors, Figure 1 shows to what extent the public domain can be socially

enlarged from the pure concept of Public Good into a wider definition that enters into the private domain (e.g. in the case of television signal and wildlife).

Figure 1. The social construction of the Public domain
Adapted from Kaul and Mendoza (2003:82,83)



The second feature is related to the global character of the goods. For example, Kaul et al. (1999a), Kaul and Mendoza (2003), Morrisey et al (2002) and Segasti and Bezanson (2001) argue that a Public Good acquires a global dimension when its benefits cross the borders of a single country. However, one important aspect to underline is that, in general, they do not limit the concept of Global Public Goods to this geographical dimension and add two other features that characterize the fact that one Public Good will be considered global. For instance, Kaul at al. (1999a) introduce the idea that, to be considered as a Global Public Good, the good's benefits have to cover several countries but also several social groups and several generations.

The third feature is related to the public dimension of the goods. In sub-section 1.1 it has been seen that some goods can be considered public because of their consumption attributes. However, Kaul and Mendoza (2003) have enlarged this vision introducing two additional types of 'Publicness'. According to them, goods are public not only in term of consumption but also in term of decision-making (i.e. participation in the choices that are related to the provision of the good and the distribution of the benefits) and in term of distribution of net benefits (i.e. the variety of groups that can benefit form the provision of the good).

Finally, the fourth feature presented by the authors is the idea of a multilevel dimension of Global Public Goods. This means that, in order to achieve the provision of a Global Public Good, several preliminary steps and several activities may be necessary. The simplest classification of public goods according to a multilevel dimension is presented by Kaul et al. (1999a) who argue that a difference exist between the Final Public Goods and the several intermediary steps that must be achieved to reach the provision of these goods. These steps can correspond to national or international levels and in most cases they are themselves 'Intermediary Public Goods' (whether

global or not)² and can for instance include international regimes, bilateral or multilateral agreements, national policies or projects.

1.3. What type of Public goods exists

The previous sub-section outlines the main features of Global Public Goods. However a clear typology is still missing. This paper will adopt the typology proposed by Kaul et al. (1999b) who differentiate three categories of Global Public Goods:

- The Natural Global Commons such as the oceans or the ozone layer;
- The Global Human-made Common such as international networks (e.g. Internet and global communication) or international regimes and norms (Trade regulations, Human rights, Financial regulations);
- The Global Policy Outcomes such as financial stability, or global peace.

1.4. An example: the case of Climate Change

The information included in sub-sections 1.2 and 1.3 can seem quite complex and to some extent disconnected from reality. However, it underlines the main aspects that are necessary in the definition of what can be considered as a Global Public Good. Table 1 illustrates this with the example of ‘Climate change mitigation and reduction of greenhouse gas emissions’ as a global public good.

² See Morrissey et al (2002) and Sagasti and Bezanson (2001) for further reflections about the distinction between Final Global Public Goods and the necessary intermediary activities to provide them

Table 1: Climate change mitigation and reduction of greenhouse gas emissions’ as a global public good

| | |
|--------------------------------|--|
| Type | Global policy outcome |
| Social choice dimension | International community has made the choice in the Earth Summit in Rio in 1992 to consider the issue of climate change as a priority and to tackle it at a global level (creation of the UNFCCC) |
| Global dimension | <p>The atmosphere is considered as a Natural Global Common. Therefore, the accumulation of greenhouse gas in the atmosphere that can lead to a global warming of the earth will have global consequences:</p> <ol style="list-style-type: none"> 1. It will potentially concern all the countries in the world 2. It will potentially affect all social groups (even if the poorest tend to be more vulnerable) 3. It will affect the future generations (even if emissions are stopped, stocks of greenhouse gas will not decrease rapidly). |
| Public dimension | <ol style="list-style-type: none"> 1. ‘Publicness’ in consumption: Nobody can be excluded from reductions of greenhouse gases in the atmosphere: if greenhouse gas emissions are reduced they are reduced for everyone. 2. ‘Publicness’ in decision making: decisions according to the provision of the Global Public Good are taken in the UNFCCC, using the UN system as a framework to reach agreements 3. ‘Publicness’ in benefits: climate change mitigation will profit to every nation in the world and not just to those who will reduce their emissions. |
| Multilevel dimension | <p>Several steps and actions have been necessary to reach the Global Public Good:</p> <ol style="list-style-type: none"> 1. Construction of a global policy making space (UNFCCC) 2. Providing international knowledge about the global issue and the possible solution to it (IPCC) 3. International regimes and treaties (e.g. Kyoto protocol) 4. National policies (European carbon markets) and international agreements (Clean Development Mechanisms) |

The findings of this section have shaped the characteristics of a possible framework to study the issue of Global Public Goods. In the one hand, this framework gives patterns to define what a Global Public Good is. It provides a simple typology of Global Public Goods but it also highlights the importance of the existence of social choice and proposes a conceptualization of both the public and global dimension of the goods. On the other hand, the framework brings some important inputs according to the possible pitfalls in the provision of these goods, underscoring in particular the ‘publicness’ in decision-making and in net benefits, and the necessity of a multilevel or multi-step approach to reach an adequate provision of the good. The following section will try to apply this framework to poverty reduction as a first step in tackling the issue of securing land rights as a Global Public Good.

2. Global poverty reduction and social protection from the perspective of Global Public Goods

2.1. Global poverty reduction as Global Public Good

Sagasti and Bezanson (2001:23-24) give a list of issues that have been proposed by various authors as Global Public Goods. In this list, the authors indicate that ‘reducing world poverty’ has been considered as a possible Global Public Good. In addition they also list two other issues that are directly linked to poverty reduction: ‘improving global equity’ and ‘ensuring global food security’. However, this vision is not shared by all the authors, Morrissey et al. (2002) for instance argue that poverty reduction in itself is not a Public Good because increasing the income of the poor is excludable and rivalrous. That is why this sub-section will address the issue of demonstrating that poverty reduction can be considered as a Global Public Good of the type Global Policy Outcome (see sub-section 1.3). In order to achieve this, the framework developed

in section 1 will be used and therefore the four dimensions undermined above (Social choice, Global dimension, Public dimension and Multilevel dimension) will be discussed.

2.1.1. Poverty reduction as a social choice

The fact that poverty reduction has been put in the public domain cannot be challenged since the international community decided in the United Nations Millennium Summit in 2000 to commit itself to reduce poverty and has defined as the first Millennium Development Goal the eradication extreme poverty and hunger. More precisely the declaration of the Millennium Summit states the following:

“[Article 11] We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are committed to making the right to development a reality for everyone and to freeing the entire human race from want.

[Article 12] We resolve therefore to create an environment – at the national and global levels alike – which is conducive to development and to the elimination of poverty” (UN, 2000:4)

2.1.2. Global dimension of global poverty reduction

The global dimension of global poverty reduction is actually linked to two aspects. The first one is related to moral and ethical issues and has positioned poverty eradication as a central element to achieve global justice, global fairness and the respect of basic human rights (CPRC, 2009). The increasing demand of societies to global justice is not new but it has regularly increased for the last century with the improvement in welfare of a large part of the world population, as stated

by Desai (2003) in his historical review of Global Public Goods in Western countries. According to this author, when people become more prosperous they tend to demand more and better Public Goods and this demand includes goods with across-borders provision. For example, the author writes that “[people] do not like to see massacres in faraway lands on their television if their government can do anything to help” (Desai, 2003:73). That is why some issues, such as poverty reduction, have taken a global moral dimension.

The second aspect that gives a global dimension to global poverty reduction is its positive effect on global security which is considered as a main issue to be tackled by the international community. According, to the United Nations Millennium Project (2005), there is a positive link between poverty reduction and international and national security and stability because of several aspects. First, poverty tends to be related with weak states that cannot effectively respond to the demand of their citizens bringing discontent and the possible emergence of violent struggle and violent armed movements. Second, poverty can exaggerate pressure on resources (in particular natural resources) which lead to violent competition to access diminishing and scarce resources. Finally, poverty and lack of economic opportunities encourages the emergence of illegal activities and, therefore, “creates a seedbed of instability and increases the potential of violence” (UN Millennium Project, 2005:8).

2.1.3. Public dimension of global poverty reduction

The public dimension of global poverty reduction is more difficult to grasp. Actually, it seems that there is limited public dimension of the good according to consumption because, as it has been argued above, increasing the income of the poor is excludable and rivalrous (Morrissey et al., 2002). However, this is very different for the two other elements of the public dimension. First,

there is a strong ‘publicness’ in decision-making in relation to global poverty reduction, as it is demonstrated by the involvement of the UN institutions, national governments and donors agency in the achievement of the Millennium Development Goals (UN Millennium project, 2005). Second, the ‘publicness’ in benefit is also very important and is related to the positive relation between poverty reduction and global security (see sub-section 2.1.2). More precisely, if global poverty reduction leads to improved global security, then, this benefit does not only concern the poor. On the contrary, it will spread directly or indirectly in all nations around the world (with benefits for trade and welfare).

2.1.4. Multilevel dimension of global poverty reduction

The multilevel dimension of global poverty reduction is quite obvious. To achieve the provision of the good, actions are needed both at national and international levels and the construction of an enabling space is necessary (in terms of trade regulation, access to public services, access to financial services, access to natural resources, access to education). One important intermediary activity which seems necessary to achieve global poverty reduction is the development of social protection mechanisms that decrease the poor’s vulnerability in front of shocks (CPRC, 2009). The importance of this aspect and its linkage with poverty reduction will be studied in the following sub-section of the paper.

2.2. Poverty reduction and social protection

2.2.1. The direct linkage between social protection and poverty reduction

First of all, this paper considers that social protection (or social security) includes “all interventions – from public, private and voluntary organisations and social networks – to support

communities, households and individuals, in their efforts to prevent, manage and overcome vulnerability” (CPRC, 2009:39).

It is important to notice that the recognition of the key role played by social protection in human development is not new. Social security is in effect considered by the United Nations as one of the basic human rights (UN, 1948). However, the existence of a positive relationship between social protection and poverty reduction seems more difficult to grasp. To try to understand the linkage between the two concepts, this paper will look at the work realized by the Chronic Poverty Research Center (CPRC) on poverty traps (CPRC, 2009). In its study, the CPRC identifies five poverty traps that interact to keep people in poverty: insecurity (i.e. vulnerability to all kind of shocks), limited citizenship (i.e. limited participation in political arenas), spatial disadvantage, social discrimination, and, poor work opportunities. Moreover, as a response to these poverty traps, the CPRC proposes the five following policy areas to be used by policy makers:

1. Social protection and social assistance (only refers to direct transfers in cash or kind to poor households)
2. Public services for the hard to reach
3. Building of individual and collective assets
4. Anti discrimination and gender empowerment policies
5. Strategic urbanization and migration.

The CPRC gives a particular attention to the first area because it believes that it has the capacity to tackle all the five poverty traps listed below. More precisely, the CPRC argues that social

protection has the potential to diminish the vulnerability of the poor to shocks, to help the poor to accumulate and conserve their assets and to improve the poor's social and economic relationships with other actors. In a nutshell, this leads the CPRC to state that "making social protection a central pillar of strategies to eradicate poverty is one [...] major development challenge of the coming two decades" (2009:55).

Nevertheless, when entering in the details of the social protection policies proposals, the CPRC focuses essentially on the social assistance component, and in particular on direct transfers in cash to poor households. This reduction of the scope of the social protection schemes seems to be too narrowed to address the situation of poor developing countries. This issue will be tackled in the next sub-section.

2.2.2. The question of social protection in developing countries

The conventional approach to social protection is based on the study of the historical evolution of social security systems in Western countries. This approach gives a predominant role to state and markets arrangements to provide social security (Wood and Gough, 2006 and CPRC, 2009). However, Wood and Gough (2006) argue that this approach is not well adapted to developing countries where both states and markets are inefficient and where the importance of familial and social network and informal arrangements are a key element for poor households to have access to social protection. More precisely, according to these authors, social security schemes in developing countries can be characterized as Informal Security Regimes or as Insecurity Regimes. The former, refers to situations where households essentially depend on family and communities and a diverse portfolio of livelihoods to provide their social security. The latter, on the contrary, corresponds to cases where even the previous informal arrangements are inefficient

to produce social security and where poor households are in a situation of extreme vulnerability if they are hit by shocks (e.g. conflict affected countries).

Therefore, it seems that in most developing countries neither the state nor the markets are able to provide an adequate level of social protection to poor households. In this context, households have to look to other strategies to access security, particularly to decrease their vulnerability in front of shocks. It has been seen above that the familial and community relationships seem to be key elements in this. However it can be argued that asset endowments, inside households, also play an important role in Informal Security Regimes. The following section of this paper will precisely address the importance of one asset – land - in providing security and enabling an escape from poverty. Particularly, the next section focuses on the role of securing land rights as a necessary step to achieve global poverty reduction.

3. Securing land rights as an intermediary Global Public Good to achieve global poverty reduction

3.1. Land property or Land rights

The aim of this section is to understand the linkage between land and global poverty reduction. However, to understand this issue, it is necessary to begin by defining which aspects of land will be considered. In particular, a rapid reflection on land property and land rights is necessary.

Comby (1997) and Merlet (2007) explain how the concept of land property is controversial. According to these authors, the features of a piece of land are very specific. First, it cannot be taken and moved from one place to another, like any object (a table for example). Second, it contains natural resources that do not come from human activities and which utilization can be

controlled by norms and regulations in society (e.g. rules related to the use of water, or to the exploitation of the subsoil). Third, land refers to a territory, or more precisely a piece of land is part of a territory. That means that it is a place where human beings live and interact with each other and that is related with the fact that several people, not only the ‘owner’, have access to the land or to the resources that are inside the piece of land (this is called ‘easement’³ in legal terms). As a result both authors argue that the concept of absolute ownership is not adapted to land and think that land property is composed by a superposition of several rights hold by several actors:

“As far as land is concerned, property is actually a bundle of rights. In other words, land ownership is nothing but the ownership of one or more rights and thus a landowner is merely he or she that has the most rights among all others. This leads to many possibilities; rights can overlap without causing problems, or be in contradiction with one another” (Merlet, 2007:8)

Therefore, it seems that what is important is not the property in itself but the diversity of rights linked with a piece of land and their interactions. This paper will adopt this conception and it will understand the term ‘land rights’ as the diversity of rights related to land, not only the rights of the owners but also the rights of others (e.g. water rights, passage rights, grazing rights, picking rights, hunting rights). In addition, it will not make any difference between the different legal systems that can exist around land (conventional legal frameworks, customary laws, religious laws) assuming that all of them have their own legitimacy to attribute land rights and participate in their management.

³ For instance water rights or rights of passage.

This sub-section has focused on the basic concept of land rights. The following sub-sections, on the other hand, will use this concept and the work realized in sections 1 and 2, to directly address the existence of a linkage between land rights and poverty reduction and thus, the possibility to consider secure land rights as a Global Public Good.

3.2. The role of securing land rights to achieve poverty reduction

First of all, it is important to underline the importance of rural poverty at a global level. Chen and Ravallion (2007) have found that, even if it seems that urban poverty has become more important between 1993 and 2002, global poverty is still largely rural (75.45% of the poor⁴ live in rural areas in 2002). In the same way, Mazoyer (2001) says that 75% of the people who suffer from chronic malnutrition in the world live in rural areas, besides the rest 25% is still largely composed by poor rural households that have abandoned their farms to migrate, more or less recently, into cities. In addition, Mazoyer points out that most of the malnourished in rural areas have a linkage with agriculture, whether directly (under-equipped producers, small-scale or landless farmers, producers with little access to water or living in disadvantageous regions) or indirectly (agricultural workers or traders of agricultural products or inputs). This indicates the importance of considering agriculture when it comes to address the issue of poverty at a global level. Moreover, as agriculture is directly related with land, a link should also exist between land rights in rural areas and reducing poverty at a global level.

Several authors such as Deininger (2003), Cotula et al. (2006), or IFAD (2008) have tried to study the link between land rights and development or poverty reduction. They all consider that land is a key asset for the poor and claim that, when secure rights on land exist, they can bring

⁴ 1 US\$ poverty line

direct implications for poverty alleviation for several reasons. First, they underline the positive relation between equality in land distribution and sustained growth. Second, they argue that secure land rights are a key mean for the poor to generate income and food security (because they are able to develop sustainable and efficient production systems). Third, they say that land is a main vehicle to have access to other services (such as credit) and to enlarge the scope of possible strategies to cope with shocks or escape from poverty. For instance, households who have secure land rights can widen their production strategies (e.g. they can develop perennial instead of annual crops). Finally, they highlight that secure land rights have an important role to play in the relationships between generations (transfers of land between generations). Interestingly, even if these authors recognize the variety of land rights (as is it has been done in sub-section 3.1) they consider essentially in their studies the rights related with land access and land tenure. For simplification reasons, the rest of this paper will also focus on these two types of rights.

In light of this information and on the study realized in section 2, it is also interesting to use the lens of social protection to study the specific relationship between secure land rights and global poverty reduction. As it has just been seen, the previous authors (Deininger, 2003; Cotula et al., 2006; and IFAD, 2008) consider land as a key asset because of its possible implication on poverty reduction and development. This aspect is actually crucial concerning social protection in developing countries because, as it has been concluded in section 2, asset endowments inside households play a key role in the social security regimes in these countries. This role is essentially related to the fact that asset endowments, and land in particular, is a way to diminish the insecurity or vulnerability of the poor to any kind of shocks. Actually, the positive relation between assets endowment at household level and the capacity to cope with shocks is not new

and it has been illustrated or conceptualized in relation with several kinds of shocks that can be suffered by the poor as is shown by the three examples below.

The first example is related with trade shocks. McCulloch, Winters and Cirera (2002) have developed a framework to study the effect of trade shocks on poor households. In this framework, the authors say that one key factor that can be used by households to adjust to a trade liberalisation is the assets that they have (in particular they talk about natural assets such as land). More precisely, they believe that assets availability will enable households not only to cope with the shock but also to identify and take advantage of the new opportunities brought by the shock.

The second example is linked with vulnerability to environmental shocks. Moser and Satterthwaite (2008) argue that vulnerability to environmental disasters, and in particular to those linked with climate change, is related with a lack of assets. As a response to this, they propose that adaptation to climate change at a community level has to be based on assets. Even if this framework has initially been developed to deal with adaptation in urban centres, it can easily be adapted to rural community based adaptation and therefore take into consideration land as one important element to cope with shocks.

The final example is based on the financial crisis in Indonesia in the late 1990s. Thomas and Frankenberg (2005) have studied the strategies actually implemented by poor households to deal with this crisis. They have found that one of the strategies used by poor urban households was to migrate temporarily to join their family in the rural areas where there were more opportunities to earn money. Even if the authors do not state it explicitly, it seems that the main difference between urban and rural households was that the former depend only on a salary to earn income,

whereas the later can work on their own land at least to produce the food for the home. This aspect highlights the importance that can have a secure access to land for poor households.

As a conclusion, it seems that secure land rights have a key role to play in developing countries in reducing poverty. Particularly, it has been demonstrated that secure tenure and access to land, by decreasing the vulnerability to poor households to shocks, are an important element of social security systems in these countries. Therefore, using the framework developed in section 1 about Global Public Goods, it seems that securing land rights can be considered as an intermediary activity or step to achieve the provision of the Global Public Good 'global poverty reduction'. The last step of the reasoning developed in this paper is then to define if the intermediary activity of securing land rights can be considered in itself as an intermediary Global Public Good. This study will be realized in the following part.

3.3. To what extent can Securing land rights be considered as a Global Public Good

First of all, it is important to precise that, if securing land rights have to be considered as Global Public Good, then it will enter in the type of a Global Policy Outcome. This sub-section will then use the framework developed in section 1 to try to grasp if securing land rights can be considered as a Global Policy Outcome.

3.3.1. Securing land rights as social choice

The demand for a global intervention to secure land rights is not new. For instance, the FAO organized an international conference to tackle the issue of agrarian reform in 1979. In 2006, a new conference was organized about the same issue (International Conference on Agrarian

Reform and Rural Development) and, during this event, the international community recognized that securing land rights had to be considered as a priority in national policies (FAO, 2006).

In addition, as a response to the growing international land grab processes around the world in the recent years a social demand has begun to spread in several sectors for a regulation of international land transactions and in particular for measures that allow the securing of land rights of local populations. This concern is raised in particular by the following institutions:

- International Organizations such as UN (De Schutter, 2009) and UNDP (Mann and Smaller, 2010)
- Civil society organizations such as the GTZ (GTZ, 2009)
- International networks such as International Land Coalition (Taylor and Bending, 2009)
- Research institutes such as the IIED (Cotula and Vermeulen, 2009)
- National government such as the government of Japan (Aso, 2009).

This information highlights the fact that international society has made the choice to consider insecure land rights as a global issue, and therefore, to consider the provision of secure land rights as public issue.

3.3.2. Global dimension of securing land rights

Land rights are actually part of countries' legal framework, which means that the issue has been considered in the public domain at a national level. However, the question is then to know if secure land rights can also be considered as a public good at a global level. The answer to this

question seems to be affirmative. Actually, just like for the social choice dimension, it appears that the role played by land grab processes in the shift from a national to a global level has been determinant.

First, land grabs involve international transactions, this means that the consequences of the deals cross the borders; they do not only concern the local community and international investors, on the contrary, they also affect the host countries as a whole through the possible effects on environment, food security or water access (Mann and Smaller, 2010). Moreover, these investments concern a large variety of countries whether from investors' side (private investors from all over the world, governments of India, China and oil producer states) or from the host country side (the acquisitions of land are taking place in Africa, South East Asia and some countries in Latin America) (GTZ, 2009).

Second, international investments on land involve a large variety of actors: private investors, governments, hedge funds, and private firms, local communities from several countries (GTZ, 2009; Taylor and Bending, 2009). Finally, land grab processes include long term agreements that can have consequences that can be intergenerational.

Therefore, it seems that securing land rights cover the three domains of the global dimension because their adequate provision will potentially affect several countries, several social groups and several generations.

3.3.3. Public dimension of securing land rights

The public dimension of securing land rights is essentially based on two of the three public dimensions that have been defined above in this paper: the 'publicness' in consumption and the

‘publicness’ in net benefits. The first of these can be grasped quite easily because no one can be excluded from legal and practical arrangements that make land rights secure (actually even foreign investors should see their rights strengthen). The second one, the ‘publicness’ in net benefits, can easily be explained by the positive effects of secure land rights on poverty reduction and social protection (see sub-section 3.2.), which are not limited to the owners of some rights, but, on the contrary, overlap on the whole population.

On the other hand, the ‘publicness’ in decision making seems to be more problematic. Despite the constant demand for a regulation of international land investments, it seems that nowadays there is no public space to deal with this issue. Actually, Mann and Smaller (2010) explain that international land deals are governed by two types of legal framework: the domestic laws and the international laws related with international investments. The authors argue that the later, that are designed essentially to protect foreign investors, often provide stronger rights than the former. Thus, in case of any conflict, international investors are often in a better situation than local populations to have their rights respected.

3.3.4. Multilevel dimension of Global poverty reduction

The process that will lead to secure land rights, both at national and international levels, is not yet in implementation. That is why the social demand for regulation in international land investments is still strong (see section 3.3.1). Various authors have tried to propose some strategies of action that cover both national and international levels of action (essentially in relation with the international land transactions) but they still remain at the stage of recommendations (De Schutter, 2009; Mann and Smaller, 2010; GTZ, 2009; Taylor and Bending, 2009; Cotula and Vermeulen, 2009). The main proposals that can be found cover the following domains.

First the authors underline the lack of official information about the processes of international land transactions and claim for more transparency in the transactions and more participation of domestic stakeholder that can be directly and indirectly involved (e.g. local communities, civil society). Second, they emphasize the necessity to assess and monitor the processes of international land acquisition in order to be aware of all their possible direct and indirect effects (e.g. food security, access to water, labour). Third, they highlight that a prerequisite to foreign investment in land in host countries has to be the strengthening of the land rights of local populations. Finally, they argue that an international framework has to be created in order to regulate the international investments in land. It is interesting to notice that the majority of the authors propose the establishment of international guidelines or international conduct codes, however, the only author to introduce the idea of concrete sanctions for investors if their investments do not respect some commitments according to important issues (e.g. environmental issues, labor rights) is De Schutter (2009).

Therefore, it seems that securing Land rights can be considered as a Global Public Good as it is summarized by Table 2. However further research is still necessary to define the public decision making spaces concerning the good and the mechanisms or activities necessary for its provision.

Table 2: Securing land rights as a Global Public Good

| Type | Global policy outcome |
|--------------------------------|--|
| Social choice dimension | Securing land rights at national level have been recognized by international community during the ICARRD ⁵ organized by the FAO (2006). Moreover, several sectors (civil society, research centres, governments and international organizations) claim for the regulation of international land acquisitions. |
| Global dimension | <p>The global dimension is based on the increasing phenomena of land grabs around the world in the recent years because they involve and/or have consequences on:</p> <ol style="list-style-type: none"> 1. Several countries: investor's countries and host countries 2. Several social groups: governments, investors, private firms, local communities, etc... 3. Several generations (one important dimension of land rights is their transmission in time, e.g. through inheritance). |
| Public dimension | <ol style="list-style-type: none"> 1. 'Publicness' in consumption: Nobody can be excluded from a regime that makes land rights secure. 2. 'Publicness' in decision making: for the moment, there is no public space for decision making on the issue of land rights 3. 'Publicness' in benefits: secure land rights will have an effect on poverty reduction and social protection. This can directly and indirectly benefit the whole society and the world (increasing global security levels) |
| Multilevel dimension | <p>The steps to provide secure land rights are not yet well defined. The following activities should be covered:</p> <ol style="list-style-type: none"> 1. Construction of a global policy making space about land rights 2. Development of an international information system to monitor international land transfers and their effects 3. Construction of an international legal framework to regulate international transfers of land 4. Implementation of national land regimes that recognize strengthens land rights (essentially those of the most vulnerable populations) |

⁵ International Conference on Agrarian Reform and Rural Development, FAO

Conclusions and recommendations

As a conclusion this paper has demonstrated that securing land rights can be considered as an intermediary Global Public Good which is necessary to achieve poverty reduction at a global level. The reasoning that has led to this conclusion is not straightforward; however this complexity is due to the complex linkages that exist between land and other global issues such as poverty reduction. To sum up, different steps have been followed in this document to achieve the conclusion presented above. First, it has been necessary to develop a simple framework to address the issue of Global Public Goods. This framework has highlighted the following aspects as being key elements in the study of Global Public Goods: the social dimension, the public dimension, the global dimension and the multi-level dimension. Afterwards, this framework has been applied to prove that global poverty reduction is a Global Public Good. This step was in fact necessary because the public dimension of securing land rights is directly linked to the direct and indirect effect that secure land rights have on poverty reduction. This relationship is based on the fact that land is a key asset that provides security in contexts where both the state-based and market-based social protection regimes have failed. Once the paper has demonstrated that securing land rights is a necessary intermediary activity to reach global poverty reduction, it has entered in the last part on the reasoning which was to prove that securing land rights can also be considered as a Global Public Good.

At this moment of the reasoning, it has been highlighted that the actual processes of land transactions at an international level play a key role in enlarging the public dimension of securing land rights from a national to a global perspective. This aspect justifies the new social demand for a global governance framework on land rights in addition of the former existing demands for fair and efficient land rights regimes at a national level. However, it has also been seen that there are

still many limitations to provide efficiently national and international regimes that secure land rights, essentially for the most vulnerable populations. The following propositions could help to overcome some of these obstacles both at national and international levels.

First of all, it is necessary, at national levels, to implement and develop land rights regimes that recognize the diversity of rights that exist on land, leaving behind the concept of absolute property. In particular most attention has to be given inside these regimes to common property rights and to develop processes that secure the rights of those populations whose rights are more easily questioned by more powerful actors (e.g. women, youth, and indigenous). Second of all, it is necessary for the international community to build, or at least to define, what will be the global policy making space that will tackle the issue of securing land rights. Nowadays, several international institutions express their views on the issue (e.g. UN, UNDP, FAO, World Bank) but none of them has yet received an official mandate to handle with the problem. Third of all, it is necessary to develop a global system that provides scientific and trustable information about the international land transfers and their direct and indirect implications. For the moment, the attempts to grasp the amplitude of this global issue are dispersed and most of the information is based on the reports of national and international civil society organization. Finally, international norms or rules related with international land deals are also necessary. This rules need to have more than just an economic dimension and, moreover, they need to be binding, otherwise their effect risk to be limited.

Further research is needed to define the actual mechanisms to adequately achieve the establishment of the previous propositions. However, the first step is certainly to try to grasp better the interaction in securing land rights between national and international level. Some questions that can lead this work could be the following: What role has to play international laws

in securing land rights? How to integrate international regulations, state and non state laws (e.g. customary laws) in securing land rights of local population? Actually, this last question raise a very important but complex issue, because a large variety of legal frameworks that deal with land rights exist around the world (common law, code civil, Islamic laws, customaries laws etc..) and thus their interaction in one unique global market for land is very problematic.

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