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**RIGHTS OR
REVENUE: THE OLD
CONUNDRUM
REVISITED**

1: Points of departure

1. Target group: 2+ billion land dependents
2. A focus on their tenure
 1. Land as “the capital of the poor” & route out of poverty
 2. The land rush brings the issues into global consciousness

2: The key problematic ...

- Is win-win realistic?

If so, are we on track to making this real?

- The conclusion in brief?

In theory win-win is possible

But: a lot is stacked against it, and strategies & targets need to change

3: Using history to help us

KEY MESSAGES UPFRONT –

1. *History matters.* If we locate the rush correctly we understand & can tackle it better
1. Land rushes/grabs are no more than ‘growth spurts’ in deeply-entrenched capitalist transformation
2. Globalization is not new; most rushes expand global relations as a matter of course
3. Plantations are the typical vehicle of rushes

5. The problem is not growth but its characteristic kick-start: accumulation of wealth through mass dispossession. This is the most primitive route but also the easiest & cheapest
5. *The law matters:* state law has consistently been the key instrument of polarization, landlessness, state & elite formation
6. The nature of the local state is as clearly key to the form & results of rushes/grabs

4: Illustrating the case: *Property, plantations & privatization*

- 1608 in Ireland
- 1823 in America
- 1850 in England
- 1885 in Africa
- 1920s in Africa
- 1940s in Africa
- Independence in Africa
- Structural adjustment in the 1980s/90s
- Land reforms 1990-2006

a. 1603-1608 in Dublin

Question:

how to take over Ireland for plantations to secure 'profit & privilege' without paying for the land?

Answer:

find a legal way to deny Irish customary rights amount to property

Route:

show that Irish inheritance laws fail the English test of heritable property

b. 1823 in America

Question:

how to secure 43,000 sq. miles vast areas for shared state/private speculation?

Answer:

find a way to re-position native Indians as lawful occupants, not owners

Route:

show that Indians don't have property because they have no individualized rights and don't till the land

c. 1725-1875 in London

Question:

how to secure 6+ million acres for commercial clover, turnip and corn, and later - roads, industry & housing - and also guarantee labour for factories?

Answer:

show that 'overlords', not the occupants, own the land, allowing eviction at scale & the English working class

Route:

pass 4000 local Enclosure Acts 'in the public interest'

d. 1885-1910 in Africa

The Scramble for Africa – for markets and materials

Question:

how to sustain control over resources & markets?

Answer:

show that Africa is *terra nullius*

Route:

30+ land laws 1890-1910 limiting 'property' to state-granted or registered parcels & issued only to companies & settlers or to elite natives for individual house & farm plots

Dispossessory paradigms

1. *Occupancy & Use, not Property*: Pre-state, community-based systems deemed to have *no force as 'property'* deserving protection of common & civil law
2. *State as definer of property*: 'Property' defined as existing *only through state entitlement/recognition*
3. *Privatization made to equal*
Individualization: as a rational form Collective tenure denied of property holding

Paradigms continued ...

4. *Wastelands:* Off-farm lands defined as unowned wastelands and thence state property
5. *Removal of key assets:* Minerals, oils, water & foreshores made state assets by virtue of their 'nature' (value). Often also forests & rangelands
6. *State as Protector:* only state considered capable of resource protection

20th century Africa

1. 1920s & 30s: Profiteers become 'investors'
2. 1940-50s: new 'white settler' wave & state farms
3. 1960-70s: Nationalization, centralization, new green grabs, parastatals, etc
4. 1990s: structural adjustment demands foreign access, end of conditions & ceilings. Customary rights *do* gain as side-event in >8 states by 2005
5. 2006+: untitled tenure protected in few states; more investment laws than new land laws; tenure reformism slows down, reversals rise

5: Conclusions

1. The rush as only 'high end' of capitalist transformation

- *It is not going to go away. Mitigation rather than cessation is practical*
- *Whether acquisitions go up/down is not the point. Its process & precedents it sets are*

e.g. Rushes harden state resistance to tenure reform & deepen dispossessory norms as 'inevitable'

2. We need to be clear on what is at stake to improve focus

- Not about whether to invest or not
- Not about whether to commercialize
- Not an either/or plantations or smallholding
- Not about privatization
- Not about globalization
- Not about resisting social change
- Not about romantic notions of community

3. The bottom line is still tenure

A. “Who owns what?” (*whose capital is it?*)

And

B. “*How much will you pay for it?*”

WHY?

- ⦿ *Jobs are not enough* – they don’t last
- ⦿ *Education & training help* – not enough
- ⦿ Neither replace the lost CAPITAL of land, resources, social capital, or the simple value of sustainable livelihood
- ⦿ Recognition that populations OWN land & resources provides the most obvious PLATFORM to NEW MODELS OF INCLUSIVE GROWTH

4. The 'state of the state' is key

- ⦿ The rush has more to do with “the state of the state” than with international capital: state landlordism versus majority rights
- ⦿ How far are aligned elites/officialdom prepared to go towards slower, inclusive paths of growth?

5. The stakes have gone up – but have we noticed?

- ⦿ Land is a violent subject
- ⦿ No longer just about livelihood; also rights & capital
- ⦿ Environmental costs better understood
- ⦿ Risk of reproducing food insecurity clearer
- ⦿ Industrialization will not compensate sufficiently
- ⦿ Agrarian society itself is changing in unexpected ways

6. Win-win is still a tall order

1. Easy routes to wealth accumulation are well entrenched & alternatives mainly small-scale
2. The agrarian state has a conflicted persona
3. Those affected lack institutional foundation & public power
4. The reach of grabbing reaches deeply into the village
5. Global food insecurity a powerful pressure

7. Advocacy towards win-win needs to shift its focus

1. Massive international agency anxiety & global media coverage have not discernibly curtailed the rush
2. International guidelines are unlikely to have strong effect on their own
3. Most 'successful' actions so far derive from –
 - Local popular action
 - INGO whistle-blowing on specific cases
 - Institutional forums
 - **NEVERTHELESS, ALL ARE STRUGGLING**

8. 'Rights' are not enough on their own

1. Rights based approaches are key – but insufficient incentive to move from easy routes to wealth accumulation to inclusive growth
2. Inclusive growth strategies need economic traction for uptake – this in turn rests on fair values for land & resources
3. They also need empowered governance: governance reform could be more important even than tenure reform

9. From local leasing to shareholding partnerships

1. Where states recognize communities as owners, facilitating communities as lessors seems the obvious route to win-win
2. In practice this could be turning out to be just another route to dispossession
3. Need to help populations demand shareholding partnerships in enterprise

10. A dramatic rise in land values would move us closer to win-win

Governments are selling off the family silver for nothing more than keep their own expropriation costs down

High land values could limit speculation

High values + recognized local tenure could release lands for reasonable returns

6: Moving forward

PROCESS

1. Recognize in for the long haul: commercialization *must* increase & 'plantations' *will* multiply - food supply demands alone will ensure this
2. Work *directly* with populations: it is they who need the guidelines, not governments: promote public will to drive weak political will
3. In through the backdoor: devolved governance – to *community* level

STRUCTURAL CHANGE

1. Soldier on with TENURE REFORM
 2. Promote COLLECTIVE TITLING as fast-track
 3. Bring WATER & MINERAL RIGHTS into the picture
 4. Get LOCAL LEASING into fairer arrangements
1. Target LOW LAND VALUES
 2. Move beyond 'present-day equivalence' in COMPENSATION
- SHAREHOLDING IS THE LOGICAL FRAMEWORK FOR STRIDES TOWARDS INCLUSIVE GROWTH

THANK YOU FOR YOUR ATTENTION

Any questions?

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