

# SCRIPTIE THE IMPACT OF CIVIL SOCIETY ORGANIZATIONS ON LAND TENURE SECURITY

## *Analyzing CSO Influence on Land Tenure Policies in India and Cambodia*

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■ ***Wat is de kernvraag van je onderzoek en waarom heb je dit onderwerp gekozen? Waar was je nieuwsgierig naar en waarom?***

My research question is: *What explains legal changes concerned with land tenure security in target states?* For this research, I looked at the impact of Civil Society Organizations (CSOs) on legal changes concerned with land tenure security, the certainty that a person's rights to land will be recognized by others and protected, in states that are targeted by land grab. I was triggered to look into domestic legal changes as a result of external pressure by an article of Liz Alden Wily (2014) I had read. CSOs' relevance in value-laden debates and the variation in its strength in my case studies triggered me to explore the influence of CSOs on domestic policy in my Political Science master thesis at Leiden University.

■ ***Wat is de bijdrage van de scriptie aan de theorie en praktijk op het gebied van watergovernance? Wie kan hier verder mee en op welke manier?***

The focus on the influence of CSOs in local conflicts on natural resources bears high relevance to the field of water governance. The buying or leasing of large pieces of land often contains a claim to water use rights of the land, which, as a result of the absence of adequate water management policies, might have serious consequences for the water quality and groundwater level. The inability of governments to act in these situations, in which they sold or leased the land in return for an investment and lost their authority over the land, opens up space for CSOs as mediators in water management issues. As this research is a preliminary exploration, it leaves a lot of space for future research by either political scientists or other academic fields to explore power relations between states and non-state actors and their influence on domestic policies.

■ ***Welke uitkomsten van het onderzoek en/of ervaringen tijdens het onderzoek hebben je specifiek verrast?***

In my case studies, India and Cambodia, I found some laws that explicitly secure land tenure. What surprised me is how, besides an often lacking effective implementation and compliance to these laws, many states in Asia are actually decreasing their land tenure security policies by adopting economic policies, something that is also addressed in a report by Grain (Grain, 2015). I expected the development of land tenure security, as part of sustainable development, to move in a linear direction: once states acquired a certain level of land tenure security, they would try to keep up this level of security and improve it. However, my findings did not correspond to this expectation.

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## Managementsamenvatting

The past years have seen a revaluation of land ownership, driven by the global crisis in food, energy, finance and the environment, which led to an increased rush for land after 2008 (Alden Wily, 2014; Borras et al., 2011; 209). States and companies aim for new land, mostly located in the global south, to secure their access to natural resources. The main trends that drive the increase in the rush for land are the growing demand for food, a surging demand for agrofuels and other energy sources, the shrinking resource base and the liberalization of trade and investment regimes (Anseeuw et al., 2012; 10).

The increase in land grab in the last decade resulted in global attention to this topic and its problematic consequences. Land grab often results in violations of human rights, as investments in land place investors and local communities in competition for access to land and natural resources. The majority of the population in most target states lack official rights and claim their land based on customary rights, which leaves them vulnerable to displacement or criminal charges of squatting (Brent, 2013; 4). Land grab can require the displacement of current occupants by force, economic pressure or expropriation. In most cases of displacement, there is no adequate compensation for the forced evictions. In general, individual property rights are seen as the most secure way of land tenure, the way in which people hold and acquire their land, by most people working in the world of development policies (Mearns, 1999; 4). The commonly held idea is that secure land tenure, the certainty that a person's rights to land will be recognized by others and protected, prevents human rights violations. This idea is fundamental to my research.

According to Alden Wily (2014), factors such as increased attention to the consequences of land grab, an environment of advanced communication, emergent mass empowerment and new platforms for land law raise demands for improved national law status of land tenure security in Sub-Saharan Africa. Therefore, she suggests that land grab might be more of a legal friend than foe. This is interesting since it seems more obvious that a rush for land decreases the status of customary rights because of economic benefits for the host country. This triggered me to focus on legal changes in the domestic sphere concerned with land rights and land tenure security as a result of external pressure. As this suggestion was made based on African cases, I wondered whether this might also be true for other continents. The aim of this research

is to find what triggers governments to implement legal changes concerned with land tenure. This is reflected in the research question: *What explains legal changes concerned with land tenure security in target states?*

The factors mentioned above suggest that legal changes that increase land tenure security involve external coercion. Constructivism and norm localization theory see a key role for non-state actors and stress the ability of local non-state actors to influence governance and local norms. Initially, I explored pressure by international organizations and CSOs, but international organizations did not show variation in persuading my case studies to adopt legal changes. Earlier research showed that CSOs are particularly relevant in value-laden debates over human rights, the environment, women's rights and indigenous people (Keck and Sikkink, 1998: 9). As my topic also concerns a value-laden debate over human rights and based on the theory and on literature on CSOs, I decided to explore whether CSO activism answers the research question. CSOs are the voluntary organizations in which citizens act to achieve collective goals, express citizen concerns, make demands on the state, address needs or holds state officials accountable.

I answered the research question with a paired comparison through literature research. The case studies, India and Cambodia, are both located in Asia, which is, after Africa, the second most targeted continent by land grab. India and Cambodia are highly targeted by land grab but vary on CSO activism, which makes them relevant to compare. As the political environment can either facilitate or block CSO activism, CSOs in India are by definition more powerful than CSOs in Cambodia as India is categorized as a democracy, whereas Cambodia is not. The hypothesis, civil society activism leads to legal changes in domestic law that increase land tenure security, expects more legal changes in India than in Cambodia. An extensive analysis of literature and information on CSOs and their actions in India and Cambodia supported the hypothesis. It showed that civil society in India has a bigger impact on government policies and creates a more secure land tenure situation than CSOs in Cambodia. CSO activism and demands were, for example, effective in implementing different acts (the Forest Rights Act and the Land Acquisition, Rehabilitation and Resettlement Act) that supported land tenure security. The findings support the expectation that a stronger and more developed civil society leads to the implementation of more legal changes that secure land tenure.

Even though the findings support the hypothesis, there are also other factors and variables that play a role for governments to implement legal changes. A striking finding was that both states recently implemented policies that decreased land tenure security. Investments in land under the Special Economic Zones (SEZs) policy in India and under the Economic Land Concessions (ELCs) policy in Cambodia can evict local people despite official rights they might have acquired. CSO protests and demands in both states did not make any difference in this situation. A report by Grain, in which it is stated that decreasing land tenure security is a trend in many Asian states, supported these findings. Governments across Asia are introducing changes to land laws that threaten to displace millions of peasants by which they undermine local food systems instead of securing them, and they remove policies that prevent foreign and national companies from acquiring large areas of farmland (Grain, 2015). Although CSOs showed to have an impact in the realization of laws that secure land tenure, they fail to explain these policies. These developments reject CSO activism as an explanation on itself for legal changes in policies concerned with land tenure.

Land grab in India and Cambodia proves to be more a legal foe than friend. The findings of this research supported the hypothesis that CSO activism leads to legal changes concerned with land tenure security, but recent developments and domestic policies that set aside land for investments suggest that CSO activism on itself is not the answer to the research question. In the two case studies I explored, it turned out that neoliberal policies in both states decrease land tenure security despite CSO activists making demands on the state: CSOs have so far not been successful in preventing the recent implementation of policies that decrease land tenure security. Thus, the findings of this preliminary research actually raise new questions. In the light of the neoliberal policies, there is a need for additional variables and factors that might explain legal changes in the domestic sphere concerned with land tenure security. As the policies that decrease land tenure security all aim to increase investments, economic factors should be included in future research. Secure land tenure would also lead to economic benefits for the state as secure land tenure would attract land investments. Therefore, it would be interesting to explore how policymakers explain the neoliberal policies in contrast to policies that secure land tenure. A remark that should be made is that this research is based on the idea that (individual) property rights to land are the most secure way to secure land tenure.

One can wonder whether this is actually true as every state and even different regions within states have their own ways to secure land tenure. For example in many African states, research showed that land tenure is embedded in social relations and that there are often different layers of owners. This is something that I think is important to take into account in more extensive future research. Another limitation of this research is the fact that it is only based on literature research, which makes it difficult to get a grip on the actual local situation and actions by CSOs. However, as land tenure security is a relatively new concept in the field of political science, this thesis provides a broad preliminary exploration of issues related to conflicts on land and power relations. It leaves space for future research by political scientists on the issue of power relations in conflicts on natural resources.

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