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Opportunities and Constraints for Building a Global Movement for Secure Land Tenure and Property Rights

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This paper explores opportunities and constraints for the emergence of a robust global movement dedicated to solving the problems of insecure land tenure and property rights. It explores the recent history of land tenure and property rights reforms to establish the scope and relevance of such a potential movement. It then makes reference to lessons from public health movements to draw parallels for a movement around land tenure and property rights. It then assesses some of the resources and entry points available or developing in the land tenure and property rights field as it currently stands to catalyze such a movement.

Our starting premise is that current rates of change and scale in the provision of secure land tenure and property rights are insufficient to meet the challenges posed by population growth and urbanization, food security and environmental threats. Rapid growth in informal urban settlements, under-utilization of farmland and conflict over farmland, and high rates of deforestation and displacement of forest dwellers globally provide the backdrop for this premise. These phenomena indicate that, in many parts of the world, the institutions charged with providing and protecting property rights are not keeping up with the challenges when considered from a macro perspective.

With the goal of addressing this challenge, we explore the opportunities and constraints to the emergence of a global social movement for six inter-related areas:

- 1) To bring about change in the experience and delivery of improved land tenure and property rights;
- 2) To promote inclusive and just property rights at a global scale;
- 3) To address socioeconomic and political determinants of land tenure and property rights;
- 4) To democratize the production and dissemination of knowledge about land tenure and property rights;
- 5) To change cultural and societal norms which prevent reforms of land tenure and property rights; and
- 6) To propose new land tenure and property rights innovations and policymaking processes.

The paper proceeds to offer historical analysis of the ways in which land tenure and property rights have been viewed in global development discourse. The historical review shows that, despite a good deal of policy attention to an increasingly wide agenda of land and property rights reform, efforts to resolve deep governance and implementation challenges for creating secure and sustainable land rights for all citizens have tended to consistently fall short of their aims, largely because of failure to tackle deep-seated political economy questions and because of a lack of sufficient institutional innovation to meet expanding demands. The historical review also highlights how recent events such as the 2007-2008 food crisis have created conditions for the emergence of a global movement for improved land tenure and property rights, particularly by showing that there is unrealized potential for convergence of interests across local communities, the private sector, local and national governments, and international organizations.

The paper then turns to references from lessons learned from successful public health efforts in the anti-tobacco movement, the HIV/AIDS movement, to draw lessons for successful movement creation potentially applicable for land tenure and property rights.

The paper concludes by bringing these two strands together to envision some of the characteristics which a global movement might require, and to describe how some incipient aspects of such a movement are taking shape in the areas of, metrics/indicators, expanding constituencies, and awareness raising.

Historical Background: The Shift from Agrarian Reform to Security of Property Rights (In the Context of Post-colonial Landholding Structures and Reforms and Cold War geopolitics)

This section explores the history of land and property rights reforms since World War II. The historical exploration shows that land and property rights issues have commanded steadily increasing attention development policy across a steadily widening set of domains, but never at the level necessary to create comprehensive solutions. This historical background shows why a global social movement around land tenure and property rights (LTPR) may be necessary to raise the prioritization of these issues in global public opinion and national policies in order to break through entrenched political economy barriers.

To the extent that land commanded the attention of the development field in the early post-colonial years after the end of the World War II, it was largely focused on large-scale redistributive land reform in rural sectors. The cases of Japan, Taiwan and Korea, in which feudal landholding structures were reformed through massive redistribution to previous tenants, were identified as structural “miracles” which set the stage for modernity by creating a broad-based rural middle class. This rural middle class drove productivity improvement and permitted industrialization to accelerate. In the Cold War context, these examples were counter-posed as an alternative to the nationalization and collectivization of agriculture in Communist China and in the Soviet Union.

Latin American redistributive land reforms were also part of the modernization formula. These reforms began with Mexico’s early reform in 1910, and then expanded in other parts of Latin America in the 1950s, spurred by anti-feudal reformists in Guatemala (overturned), Peru and Bolivia. These types of reforms extended to more countries in the 1960s and 1970s including Chile (partially overturned), Colombia, Brazil, Paraguay, and the Central American countries, in many cases pushed by reformist military elites seeking to overthrow feudal relationships in agriculture which were seen as a drag on sectoral and national modernization and industrialization.

In the Middle East, a series of authoritarian regimes, starting with Nasser’s Egypt pushed through nationalizing land reforms to break up pre-colonial feudal tenancies and resulted in a mix of fragmented smallholder ownership, state-owned cooperatives and attempts at

large-scale land settlement in arid areas. Redistributive land reforms were also a feature of nationalistic post-colonial regimes in the Middle East, including Egypt, Algeria, Tunisia and Iran, but slowed or were reversed by the 1980s. A few countries in Africa also attempted redistributive land reform to address colonial landholding, like Zimbabwe, and later South Africa, also with mixed or few results.

In India the post-colonial moment brought large reforms to eradicate the widely-loathed land tax intermediaries and rent-collectors, establish land-size ceilings and create state tenancies for the landless, but the reforms only partially changed the underlying patterns of ownership and tenancy, meaning that widespread tenancy, land scarcity for agriculture and fragmented holdings continued to be the norm in rural India. Cities grew at a rapid pace as the Indian population skyrocketed from around 354 million in 1949 to the current 1.3 billion generating a proliferation of informal settlements in the major cities.

Redistributive land reform often became tangled in political fault lines between structural modernizers seeing it as a key step to break down feudal power relations obstructing middle-class led capitalist industrialization, and socialist idealists seeing land reform as a pathway to egalitarian, rural-worker-based societies and political coalitions. These tensions were rarely more than partially resolved, and as the Cold War ended, Latin American, Middle Eastern and Asian governments' focus on rural land distribution as a political priority waned. Rural-urban migration and social protection policies began to supplant land reform as the preferred pathways out of rural poverty, even as inequalitarian distributions of landholding remained prevalent in many locations.

During the late 1980s and early 1990s the Washington Consensus on the desirability of market-based solutions to development challenges and the role of property rights to undergird efficient land allocation and use came to the forefront of policy. In addition, new poverty reduction tools like targeted cash transfers and social floors emerged. As new social protection tools emerged and rural-urban migration reduced the pressure on land-based livelihoods, many countries reduced the role of redistributive land reform as a basic response to rural poverty.

In some parts of the globe, rural social movements have continued to mobilize around the need for redistributive land reform based on appeals to social justice, poverty reduction, food sovereignty and environmental sustainability. In Brazil, for example, this movement has been led nationally by the *Movimento Sem Terra* (MST), and in the wider global context the Via Campesina. But the appeal of these movements to rural grass-roots groups has been reduced by rural-urban migration, social protection programs, alternatives like land rental, and the direct recognition of indigenous rights.

Policies aimed at making land available to impoverished rural households through market subsidies and specialized credit programs have also represented an attempt to deal with land access problems through land markets (usually purchase markets). Market assisted reforms have had a mixed record, with a relatively large and robust success in Brazil, a full-scale, successful program in Malawi, and less successful attempts in Colombia, Honduras, Guatemala, Bolivia and South Africa.

While these struggles for rural land rights continued in various forms, cities in Latin America, Asia and Africa expanded rapidly with inflows of rural migrants. Restricted land markets in these cities pushed many of these migrants to obtain housing in informal settlements with precarious rights.

In Africa a post-colonial redistributive land reform process also started in the 1970s and 1980s, in particular in Zimbabwe and post-1994 in South Africa. Nonetheless, in much of the continent traditional landholding structures continued to operate, usually with little connection to the inherited systems of statutory law and national governance inherited from the colonial administrations.

The demographic takeoff of cities started later than in other parts of the world as African economies entered the post-war period at lower levels of income per capita and industrialization than other regions, but during the 1950s until the 1980s African cities grew at rapid rates, creating massive urban informal settlements across the region.

In Southeast Asia, civil and ethnic conflicts engulfed the region in the post-colonial reorganization of state systems, and quasi-authoritarian regimes emerged in much of the region which maintained land governance systems characterized by both neglect in some areas and heavy state involvement in others. Asia's mega-cities formed during this time as the rural-urban migration accelerated and the region's growth models increasingly focused on export-led growth. Nevertheless, as of this writing in 2017, the backbone of these societies, holding about half of the population, continues to be smallholder agriculture, much of which carried out with legally unprotected land rights.

Expanding Secure Tenure: From the Washington Consensus to the Global Land Rush and Beyond

At the outset of the 1990s the Cold War ended, taking with it part of the political economy justification of state-led redistributive land reform as the main locus of land governance reform. This was the era of the Washington Consensus and the triumph of policy positions that prioritized market and price mechanisms, based on the belief that state intervention in the land sector was counter-productive, as long as clear property rights were established and land markets permitted to operate.

This position drew strength from the fact that redistributive land reforms in Latin America and Africa were bogging down in quagmires of government bureaucracy and politicization, landowner resistance, and limited results in beneficiary welfare and productivity. A focus on clarifying property rights became an increasingly attractive policy option. At almost the same time the collapse of the Soviet Union and socialism in Eastern and Central Europe, and the rapid privatization of housing and agricultural land in that region led to a major push for new land administration systems and land market support, as well as a consensus against collective agricultural production on efficiency grounds.

The idea that clarification of property rights itself could help to drive economies to a more efficient allocation and use of resources made land regularization a major policy focus. Land titling and administration began to be viewed by policymakers as a critical step for economic development. The experience of the Thailand Land Titling Project, and the land administration system it developed, became a model for replication (Feder 1988). It was influential, in part, because it was one of the first projects to feature data-driven evaluation. The data showed both positive investment effects of titling and effects on credit availability. Similar positive evaluation effects in the on-farm investment side were soon documented in Honduras in a program to title coffee growers (Seligson and Neesman 1985).

China's country-wide de-collectivization of agriculture and the productivity gains associated with the move to household land rights (albeit with limited protection by the state and often poorly documented) gave further strength to the view that individualized tenure holds powerful incentives for labor effort and investment. (Lin 1992)

The policy trend towards resolving legally precarious property rights as the leading tool for the land sector engendered titling programs across the world. But in Africa individual freehold titling was less appropriate in places where customary rights were vested in communities, families and tribes, and some attempts at titling in customary areas met with failure. The rationale that individual freehold rights created superior incentives to household labor effort and investment began to be rebutted by results such as Bruce and Migot-Adholla (1994) which showed no difference in productivity and levels of investment of titled and customary land in Africa. Since then, it has become steadily more of a policy consensus that customary tenure can have equally strong security of rights as statutory tenure, and that customary areas can be managed in parallel to, or embedded within statutory systems, although they are not without a variety of issues including internal fairness and representation, gender equity and relationship with outsiders.

While the narrative of secure property rights as a cornerstone of economic growth achieved increasing prominence in the early 1990s, (and gained steam as the socialist economies transitioned into market-led economies), many groups around the world continued to focus on distributional issues and social vulnerability. Their critique that the focus on property rights often ignored continuing inequities and power imbalances linked to landholding carried weight in light of stubbornly high rural poverty in some countries, especially where improved access to land assets by poor and vulnerable groups through markets appeared limited by realities of political power and the asymmetric access to finance and market information.

Based on these recognitions, in 1995 a group of civil society organizations and donors formed the Popular Coalition to Eradicate Hunger and Poverty. The coalition centered on advocacy around the lack of land access for poor households and the vulnerability of rural groups lacking secure land tenure. The coalition would be renamed the International Land Coalition, which has continued to champion access to land and land redistribution through a global network of member organizations. The global social movement Via Campesina takes an even stronger position on these issues, calling for major shift in national global

policies toward land redistribution and food sovereignty.

Expansion of the secure tenure discourse on urban land governance (1980-2015)

On the urban side, the discourse around property rights for housing went through a similar debate around the centrality of individual freehold tenure and titling, ultimately working around to a similar view as in the rural literature, that recognition of various forms of rights and a variety of types of tenure and protection of tenure have their places.

Payne (2002) notes that, apart from a few path-breaking studies in 1950s and 1960s, as rates of urbanization began to increase, urban tenure received scant attention until the period of rapid increases in land prices in the 1980s, when Angel (1983), Barnes (1985), Baross (1983), Doebele (1983, 1987) and MacAuslan, published a series of works on the range of urban land tenures and their social, historical and cultural roots. These studies documented the range and variety of urban tenure types and demonstrated their social legitimacy within their local contexts. Payne's work demonstrates how the strands of urban land rights recognition and its particular challenges began to be considered in similar terms to rural land rights, as titling was seen for a period as a critical reform, before being augmented and expanded by a view that a continuum of rights and protections can exist and evolve dynamically.

This debate can be seen in the World Bank's 1993 housing report *Housing: Enabling Markets to Work* (1993) which strongly advocates titling, and its rebuttal by Payne (1996) who argues persuasively for recognition of a range of informal types and need for security as opposed to title. By 2000 the World Bank's urban strategy advocates "secure tenure" but not titling *per se*. In the following years, a strong current in the literature emerges to call for recognition of a continuum of urban land rights (Payne 2002) ranging from simple protection from eviction through certification of occupancy and on through full titling.

Expansion of Secure Tenure in The Socialist Transition: Mass privatization of land and housing and the creation of new land administration systems (1991-2015)

Meanwhile, the transition of the formerly socialist bloc to market economies and the corresponding wave of privatization of housing and agricultural land created a major new regional arena for land governance. The European and Central Asian (ECA) countries were generally middle income and could afford relatively sophisticated land administration platforms, but still had to build legal and administrative institutions almost from scratch, and carry out massive national exercises in systematic registration, cadastral mapping and provision of services to the population. After slow starts during transition, urban real estate markets in the former socialist bloc began to gain steam, and the land administration reforms were credited with enabling that process.

In agricultural areas of ECA the literature has demonstrated relatively high productivity on the small, family-managed plots which emerged in many areas after privatization and parcelization of agricultural land (Lerman 2000). Pursuing greater efficiencies on small

family-operated farms, several programs sought to facilitate land consolidation to join up and rationalize the many small parcels issued under privatization (Moldova, Turkey). But in some of the biggest countries of the region—Russia, Ukraine and Kazakhstan—new, vertically-integrated corporate farms also emerged which amalgamated the privatized land plots or land shares into large farms for oil seed and grain production. While these farms may not have equal levels of productivity as the family farms, they have a dominating business logic in areas where capital for family farms is constrained, labor supply is limited and there are high returns to vertical integration (Nizalov and Deininger 2014).

The World Bank updated its positions on the fundamentals of good land governance in 1999, with an expanded view on security of tenure and the need for stronger legal frameworks (Evolution of Bank's Land Policy Deininger 1999). The update looks back at the influential 1975 paper and concluded the fundamental guiding principles of secure property rights and efficient land markets have remained the same. However, it expanded the view of the ways in which security and efficiency can be obtained to include the following ideas:

- (1) **communal tenure systems** can be more cost-effective than formal title;
- (2) that titling programs should be judged on their **equity as well as their efficiency**;
- (3) the **potential of land rental markets** has often been severely underestimated;
- (4) land-sale markets enhance efficiency only if they are **integrated** into a broader effort at developing rural factor markets;
- (5) land reform is more likely to result in a reduction of poverty if it harnesses (rather than undermines) the operation of land markets and is implemented in a **decentralized** fashion;
- (6) achieving land policies that incorporate these elements requires a
 - (a) **coherent legal and institutional framework**, together with a
 - (b) greater reliance on **pilot projects**

The call for further expansion of tenure security as a development driver was pushed further in Peruvian economist Hernando de Soto's book, the *Mystery of Capital* published in 2000. The book, addressed to a general audience portrays informal land as "dead capital," unable to leverage credit and investment due partly to its lack of formal recognition, the lack of rule of law and contract enforcement, and inability to function as collateral. The book was influential in development circles at the time, partially because it seemed to have located such a large pool of untapped assets in the developing world, partially because it created a new dimension of optimism around regularization and titling, and partially because it moved the discourse away from politically intractable questions of historical wrongs and towards a future-oriented position of "awakening" of dead or sleeping capital.

The promise of de Soto's vision remains tantalizing, and the core economic fundamentals of his argument valid. In practice, however, realizing the vision of bringing "dead capital" to life through linkage with financing has been difficult to achieve. Financial institutions

are reluctant to lend on the basis of low-value properties with substantial resale complexities, even in the presence of secure title. At this point it appears that further financial reform linked with property rights reform are needed to make this linkage. Other factors such as rule of law, contract enforcement, and ease of access to the judicial system also require strengthening. It has become clear that leveraging property rights for development requires good governance including rule of law, contract enforcement and access to justice, to make property rights meaningful.

Globally, there was recognition that different types of land tenure systems could be optimal as long as they were clearly defined. The Global Land Tool Network (GLTN), for example, was brought into being by UN-Habitat to provide information on multiple policy implementation modalities for improving tenure. Many countries and cities support the use of a continuum of rights to facilitate secure tenure when formal land rights are not possible.¹ The belief in the World Bank shifted as well: 1) freehold titles are not always better than communal tenure systems, 2) for titles to have the desired impact they need to be integrated into a broader development strategy and be systematically conferred, 3) land rental markets are a good way for the poor to access land, 4) redistributive land reform is still needed for both efficiency and equity (Deininger & Binswanger, 1999, pp. 248-249). Operationally, there was recognition that land administration systems were needed and that to ensure maintenance, they should be efficient, service oriented, and cost effective for citizens.

The consensus about the efficacy of customary structure for providing land tenure security was strongly endorsed for Africa at this time. (see for example, *Evolving Land rights policy and tenure in Africa*—Camilla Toulmin and Julian Quan editors (2000)) which note the “General failure of free-market models emphasizing the conversion of customary tenure to individualized freehold rights,” and emphasizes a human-centered, livelihoods approach which recognizes customary land tenure as a central institution for African land governance.

In 2003 the World Bank published a new flagship document on land, “Land Policies for Growth and Poverty Reduction.” The piece was the first comprehensive statement from the Bank on land governance since 1975. It shifted emphasis away from state-led redistributive land reform toward market-assisted land access policies, and emphasized the efficiency effects of improving the operation of markets including a big emphasis on rental markets, and expanded the view on the security of property rights to squarely support customary forms of tenure security.

The report’s acknowledgement of power/wealth issues in land markets and land tenure security concentrated much more attention on legal and governance aspects. The report also made clear that urban and rural land governance, including forests, are parts of the same system of governance and need to be addressed together in national legal and information systems. The report and the global process of debate it provoked helped identify the need for better evidence and data around land governance, better standards,

and global, comparative perspectives on good practice.

Many of the legal developments for expanding the scope of tenure security were summarized soon after (Bruce, et.al. Land Law Reform 2006). This synthesis includes guidance for law reform in lending, and touches on: indigenous rights; gender equity; forest tenure; customary land; and the use of law to achieve pro-poor development objectives.

The themes of the centrality of property rights and land markets as a cornerstone of economic development and the expansion of tenure security for social justice merged in the movement for the Legal Empowerment of the Poor, which gained international stature from a high-level commission led by Madeline Albright and Hernando de Soto. Their influential report focused on “making the law work for everyone” and contained all the core elements of the emerging consensus on good practice in land governance. Its recommendations were to promote legal identity of people; simplify property rights certification; recognize customary tenure; protect indigenous rights; make rights more gender equitable; and deal with limited capacity and conflict.

In the urban areas, the Commission recommended a series of measures to encourage affordability and inclusivity in land availability for the poor. The measures recommended are to: 1) eliminate inappropriate planning regulations; 2) establish participatory land use planning; promote mixed-income neighborhoods; 3) establish special social interest zones; 4) establish density mixed use zones; 5) give bare minimum plots in slum upgrading then provide services; 6) support street entrepreneurs; 7) involve stakeholders in spatial planning; 8) expand dispute resolution; 9) include the poor in property value through land sharing or equity sharing models; 10) create the enabling environment for rental markets; 11) encourage redistributive land reform; and 12) expand the use of Tradeable Development Rights.

Technology was evolving rapidly during this time and new developments like affordable satellite imagery, accessible GNSS systems and lower cost receivers, internet communications, and cheap data storage began to make many governance reforms technically feasible at much lower costs than in previous decades (Tonchovska, et. al. 2012).

In 2007-2008, the food price spike and ensuing global land rush set off an intensification of efforts to reconcile existing local rights, a new wave of capital investment into agriculture (some of it speculative and rent-seeking), and the changing nature of global food systems. The attempt to document the real trend and find pathways for reconciliation of multiple stakeholders' interest was summarized in the World Bank's report on the issues in 2011 (Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefit? 2011).

In the meantime, the global recognition of the environmental impact of land tenure had been slowly growing through the 1980s, 1990s and 2000s, as deforestation, degradation and desertification intensified, and attempts began to address the land use dimension of

human-caused climate change from the emission of greenhouse gases

Environment and forest tenure and indigenous rights become a bigger focus of land governance as climate change becomes a development priority

Alarming rates of deforestation and the rise of the climate change agenda beginning in the late 1990s and gaining policy attention in the 2000s increasingly focused policy attention on governance of land in forest areas. Prior to this new stage of attention, most forests were considered hinterland: remote, “backward” areas largely controlled by remote state agencies which were external, often urban and divorced from full understanding of the ecosystem services of forests, and the ways in which forest-dwelling peoples manage livelihoods and natural resources. Forests were downplayed in development discourse as being of little use to national development or the world except as a supply of low-valued natural resources. The image of forests as zones of timber production and wilderness often tended to ignore the presence of forest-dwelling communities and indigenous peoples whose land rights were generally customary and unrecognized in statutory law. Path-breaking reforms in Brazil and elsewhere in the 1990s which recognized indigenous and local community rights in forests began to change this image.

By the 2010s this picture had changed even more. Forestlands boomed in value for the production of food, fuel, fiber and carbon storage. With this boom, global pressures on forest areas for timber and mineral exploitation, for conversion to pastures and plantations, and carbon storage intensified, putting into conflict the competing interests of agro-industries, environmental conservation, and rights of the indigenous peoples already on the land. Forest governance became an important element of the development discourse.

Concurrently, increasing recognition that deforestation was one of the factors driving climate change increased conservation efforts. Aside from the other effects of deforestation—reduced biodiversity, altered rainfall, and increased soil erosion—deforestation releases a degree of carbon second only to the burning of fossil fuels. In addition, to the effects on global warming, deforestation also directly affects local and global climatic patterns affecting start and duration of rainfall as well as more drastic temperature changes. The recent increase in natural disasters has been attributed to the intensification of global warming.

Forests have become important elements in global climate negotiations and markets, particularly under the REDD+ framework. The REDD+ framework provides economic incentives to reduce forest based carbon emissions. Creating a carbon market incentivizes the protection of forestland by assigning it a value and distributing benefits accrued. Forest preservation gained political expediency often to the detriment of the indigenous peoples using the forests for their livelihoods.

The risks that these new pressures, large-scale agribusiness ventures and preservation

of the environment, present to local people and their forests, have quickly risen up the global development agenda and have been met by unprecedented levels of local organization and political influence. This has focused increasingly on the tenure rights of local communities and indigenous peoples to forests, and the complex negotiations between local rights and national rights to natural resources. The UN Declaration on the Rights of Indigenous Peoples and the ILO Convention No. 169 helped codify these rights.

The large global environmental organizations and new coalitions of donors and civil society, like Rights and Resources Initiative (RRI), have emerged as a voice for community land rights in forested areas. They have made substantial progress in linking forest tenure and management for better conservation (RRI 2009).

In a related direction, the need for more detailed and useable land use planning in forested and multi-use areas has led to increased attention and policy development for participation in land use planning. Nevertheless, meaningful involvement in local land use plans by local people continues to be a major issue for governance in many environmentally sensitive areas. (GIZ 2011)

Women's land rights

As the discourse on security of tenure and land access expanded during the 1990s and 2000s, attention also increasingly came to focus on women's land rights. "Women comprise, on average, 43 percent of the agricultural labor force in developing countries, ranging from 20 percent in Latin America to 50% in Eastern Asia and sub-Saharan Africa", yet their security of tenure and control of assets is precarious (FAO 2011 p. 5). Aside from the value of gender equality in and of itself, gender equality is important for economic efficiency, resource distribution, and human development.

There are several challenges to women's land rights. The first challenge is legal. The legal framework, regulations for implementation and resulting policies can curtail women's access to land or weaken her ability to exert her rights over land. These challenges are the easiest to identify and rectify. The FAO through the Gender and Land rights Database (GLRD) had created a Legislation Assessment Tool for gender-equitable land tenure (LAT). So far it has been applied in 18 countries and will shortly be extended to the 83 countries profiled in the GLRD. The LAT brings together legal documents to assess women's land rights (constitutions, statutes, regulations) in areas of law such as Constitution, Legal capacity, Nationality (identity documents etc), Property Rights, Inheritance Rights, Decentralization, Justice, and Representation (FAO). Tools such as these bring into relief areas where more work is needed as well as provide a visible scorecard.

The second challenge is more insidious. Lastarria-Cornhiel notes that even when the legal code is, in accordance with international protocols, designed to protect women's rights to land, the failure of formal institutions through "conflictive legislation, institutional weakness, and the pervasive influence of gender bias" undermine the effectiveness of the laws (Lastarria-Cornhiel, 2006 p. 6). One such limitation is that frequently, women

only have a claim through secondary land rights. In other words through their relationships with male family members: father, brother, or husband. If those relationships change their access to the land also changes leaving women at risk.

There is an expanding literature documenting the existence of a gender gap in agriculture in all regions (Doss, Deere and Leon, Deere). The gap can be attributed to restricted access to: resources, modern technology, credit, and education/agricultural extension services. This point is key as securing women's access to land is only one element. Without access to inputs such as fertilizer, extension services on how to use it, and credit to purchase it; women are restrained from making the best use of their land.

The gender gap reduces women's ability to use land resources fully and securely, affecting agricultural production and food security. According to the FAO "closing the gender gap can...increase agricultural productivity...raising the incomes of female farmers, increasing the availability of food and reducing food prices, and raising women's employment and real wages" (FAO 2011 p. 39). In real numbers, "According to FAO's latest estimates, 952 million people are currently undernourished. Closing the gender gap in agricultural yields could bring that number down by as much as 100-150 million people" (FAO 2011 p vi).

These productivity gains, though considerable, are just one element of the benefit stream from improving women's' land rights. Women's higher productivity sets-up a chain of beneficial effects as studies show the extra income is allocated to food, healthcare, and education which improve children's wellbeing in the present as well as improves stocks of human capital in the future.

Surmounting the challenges to women's' land rights is key for poverty reduction and shared prosperity, as the development community has recognized the crucial role that women play in agricultural production and asset sequencing. Increasing women's access to land and other productive assets, even in areas where it is at odds with local customs, has become a global priority. Targeted interventions directed at women and women's groups have surged as more evidence builds to indicate that closing the gender equity gap is one of the fastest means to achieve development goals. As quoted by Daley and Park the take away from the FAO's *State of Food and Agriculture 2010-2011*, is unequivocal:

In order to improve productivity and ability to produce, it is important to address gender inequality, especially in access and use of land. The reduction of poverty and hunger cannot be achieved without addressing inequality in land (Daley and Park 2011 p. 6).

Overcoming the gender gap requires a shift in the way projects are designed. Continuing to develop agricultural policy under the assumption that men are the only ones in the field, "poses a series threat to the effectiveness of the agricultural development agenda" (World Bank, 2009, p. 2). The major donor projects have made progress in this regard by mainstreaming gender into agricultural development rather than as a separate box to be ticked.

Women are frequently on the front lines of land use management and forest conservation.

Multiple studies have confirmed that women's participation in forest governance are directly related to better conservation results (Sarin 1998, Hobley 1996, Agarwal 2009). Agarwal's study shows that there are better results when there are higher proportions of women in the forest management group, and the best results when the groups are all women (Agarwal 2009).

Nonetheless, many such programs are tailored to men and do not take into consideration women's concerns, frequently different from that of their male counterparts, nor do they take advantage of women's strengths in the project design. For example women's use of forest resources tend to be for firewood and non-timber resources, whereas men focus on timber. As an analyst states, "gender differences affect women and men's conservation and extraction practices, shape their knowledge of forest species and suggest the value of them playing different roles in forest governance and management" (Daley and Park, 2011). Taking account of the synergistic strengths of both men and women in project design leads to more efficient decisions and better outcomes.

In sum, the historical development in LTPR since the end of the colonial period show a trend away from an initial focus on agricultural land redistribution toward provision of tenure security in multiple forms, and a continual widening of the LTPR agenda to ensuring the rights of urban dwellers, smallholder farmers, forest dwellers and women. Each of these expanded constituencies can form the basis for the growth of a global movement by linking to agendas of these constituencies.

At the same time the historical record shows that overcoming the political economy barriers and providing institutional innovation to expanding land tenure security to those who need it most have been slow to materialize, permitting new waves of tenure conflicts, and preventing the realization of visions of highly democratic, legally recognized property ownership linked to financial markets like that of deSoto. It is for these reasons, that we argue a global sociopolitical movement around provision of secure property rights for all has so much relevance at the current time.

Characteristics of Successful Campaigns: Examples from Anti-Tobacco and HIV/AIDS Prevention

We now turn to references from lessons learned from successful movements in public health to explore ideas about successful movement creation applicable for land tenure and property rights.

One example in public health that stands out is the anti-smoking movement which began in Western countries and has spread globally.

Smoking prevalence in the US, for example, dropped from 42 percent of adults in 1965 to 17 percent in 2014. The nation-wide campaign led by the public health sector was based on awareness-raising and education, starting with the famous 1965 Surgeon General's report on the health risks of smoking and a consensus within the health and

medical sectors to advocate strongly for tobacco control. Awareness raising generated major new investments for research and implementation of tobacco control strategy, and introduced detailed monitoring and quantitative targets for smoking reduction. Awareness and education linked to a legislative strategy translated into new policy measures like warning labels with simple messages, advertising bans, and local bans on smoking in public places. Eventually new taxes on tobacco products designed to make the product less affordable and attractive were introduced by states as part of a major legal settlement with tobacco companies for their role in covering up health risks. Although the vested interests in the tobacco lobby fought all of these measures and has continued to profit shifting to new markets and new products, the anti-tobacco movement has been responsible for a major shift in public behavior with an enormous public health dividend, and continues to succeed, as evidenced in the even sharper declines in youth smoking during the last twenty years.

For relevance to land tenure and property rights movement we take from this example we take the concepts of awareness-raising and public education, investment into research, and the use of legal strategies and price incentives as critical elements of a successful campaign.

The HIV/AIDS campaigns of the 1980s/1990s in the US, Europe and many developing countries offer more useful example of movement building. Brazil for example, managed to reduce its rate of new HIV cases from around 1 percent of the adult population in the early 1990s to 0.6 percent in 2012 through a prevention campaign. South Africa in contrast without a similar campaign went from approximately 1 percent rate in the early 1990s to a rate of 29.4 percent of the adult population in 2009.

Brazil's campaign to control HIV/AIDS featured major investments in awareness and education, with major public-private collaboration between government agencies and civil society. It also featured an emphasis on targeting with identification of the demographics and geographies of the most affected population and interventions custom-designed for the target groups. Brazil also invested heavily in reducing the costs of prevention and treatment to make it affordable to target groups.

For relevance to a campaign for land tenure and property rights we can extract from the Brazilian HIV/AIDS success story the focus on awareness and education, targeting, and attention to costs.

Based on these reviews the paper we isolate the critical elements necessary for a robust global movement around secure land tenure and property rights as the following elements: 1) creation of awareness and education urgency about the problem; 2) generation of simple, targeted messages which demystify the problem; 3) the identification of achievable goals monitored by indicators and evidence; 4) emergence of strategic champions; 5) creation of new coalitions with non-traditional partners.

Status of Potential Movement-Building in Land Tenure and Property Rights

With these elements of successful campaigns in mind, we now turn to discuss some elements of current state of affairs in global land tenure and property rights discourse with respect to these elements.

Although land tenure and property rights are important political issues in many countries and cities, that these discourses have tended to remain at a lower tier of priority than other development issues, even though the public and private benefits may be much higher. It appears that for land tenure and property rights issues to break through into a priority of public discussion, it often requires a crisis such as a conflict or disaster, or a critical turning point such as a new law or government policy being enacted to focus public attention. At the present time we can observe the civil crisis in Ethiopia for example as a moment of national conflict related to land bringing out issues of tenure, valuation and compensation into stark relief. The public awareness and mobilization in India around the Land Acquisition Bill is another example of how a policy change can trigger mass awareness and social pressure to revisit land tenure and property rights.

Breaking land tenure and property rights issues into public opinion and political priority may be more possible with alternative approaches to simple messages in media, targeted framing narratives and the construction of a sense of urgency through more targeted messages and media coverage, and improved evidence.

Evidence gaps are another element to address in strengthening a land tenure and property rights movement. The current situation with respect to quantitative and qualitative indicators has been developing steadily since the 2000s. However, in spite of steady progress on available country-level data, there remains a lack of globally comparable statistics, and an absence of simple statistics on citizens' perceptions about their security of tenure. Reliable statistics on women's property rights is another gap. Compelling stories about land tenure and property rights problems and solutions are also too few and far between to sustain public and policy interest, and are needed to provide a bridge for broader understanding of statistical evidence by the public and policy-makers.

During the 2000s, the land governance community of practice began to confront the lack of reliable evidence on the real status of land rights and institutions at a global level and the lack of shared guidelines and examples on good practice. The acknowledgement has led to a series of continuing efforts to define land governance performance more systematically and which can be monitored and accessed. It has also led to the international definition of guidelines for good governance practice in the UN system's Voluntary Guidelines for the Governance of Tenure of Land, Forests and Fisheries (VGGTs) and an increasingly wide set of descriptions of good practice.

In this period a number of studies and programs emerged which have attempted to develop parameters of good practice, comparison of costs, and indicators which can be monitored to track progress. For example, Burns/WB (2007)—*Land Administration Reform: Indicators of Success and Future Challenges* presents a wide set of case studies

from multiple continents and proposes good practice indicators, develops indicators of effectiveness of land administration systems, and establishes cost ranges for land administration services.

In another major initiative to address the lack of systematic assessment and monitoring of land governance which started in the 2000s and is beginning to have global reach, the World Bank and partners developed the Land Governance Assessment Framework during 2007-2009 (LGAF 2009). The LGAF provides an expert-informant driven evaluation of land governance with a scorecard and index measuring five dimensions: 1) Legal and institutional framework; 2) Land Use Planning, Management and Taxation; 3) Management of Public Land; 4) Public Provision of Land Information; 5) Dispute Resolution and Conflict Management. The LGAF has now been carried out in over 40 countries. It provides a highly detailed snapshot of current performance and problems, which has proven to be highly useful in summarizing policy issues and setting agendas. It is a complex exercise to repeat, however, and does not utilize standardized statistics across countries.

A highly significant, but still recent and not fully institutionalized, development is the inclusion of land indicators under the post-2015 Sustainable Development Goals (SDGs) adopted by the UN in 2015 in effort to date to measure the efficacy of land governance at the global level. Consideration of the currently proposed SDG land indicator (1.4.2) under the goal to reduce poverty and its need, as a Tier III indicator, for further development helps to illustrate this gap. Although the SDGs now contain an expectation of featuring an indicator of land tenure security, the data collection processes and agreements on methods are still incomplete. New instruments, for example the Global Property Rights Index (PRIndex) indicator based on public opinion pollings methods to evaluate citizens' perceptions of security of property rights, have a great potential to fill these gaps.

Improvement of the land tenure and property rights indicators would also permit a number of developments which have been critical to other movements success such as the ability to monitor progress toward transformational goals, the ability to generate positive competition among nations, states and cities, and the ability to channel investment towards the most impactful destinations.

Another major effort to develop more widely shared resources on good global practices in land governance was the establishment of the GLTN by UN-Habitat in 2006. GLTN's contributions and focus, which mirror the evolution of the land governance literature as described above, focuses also on expanding the land governance agenda and toolkit towards increasing affordability and inclusiveness. The GLTN's agenda focuses on the following areas: 1) developing innovative tools for land governance and secure tenure like the Social Tenure Domain Model; 2) filling the land tool gap in supporting the continuum of land rights; 3) addressing limitations on formal land administration systems; 4) measuring tenure security; 5) identifying threats to customary rights; 6) incorporating different forms of tenure; 7) supporting participatory enumeration; 8) advocating for local records of land transactions; 9) addressing gender inequality (GLTN Handling Land 2012). With greater awareness raising and education and resourcing, it is possible to

envision these tools becoming replicated at much greater scale and speed.

Awareness raising and education about LTPR are improving. New initiatives like the Place journalism project of the Thomson-Reuters Foundation, and the Land Portal are now pouring out much more information about local stories and issues than was ever available previously in international media. Social media more generally are providing civil society and community groups with new platforms for awareness raising and to communicate timely issues to broad audiences. However, we can say that these developments are still quite new, and represent only tiny fractions of the populations affected. There is an enormous margin for expanding awareness and communications about the issues using new media tools available at very low costs to all actors.

Expanding Constituencies

We now turn to the idea of expanding constituencies on which a widespread movement for movement for land tenure and property rights could be based. Improved land tenure and property right provide benefits for multiple social groups and potential for negotiated social solutions to major development challenges.

We envision local government as a major constituency for a campaign. Resolving land tenure issues and providing property rights gives local government political support and expands the tax base, creating a win-win for citizens and local government. There are also myriad opportunities for local and global businesses to replace inefficient government bureaucracies in many aspects of LTPR service provision and real estate transactions. Similarly, agribusiness could become a major constituency for land tenure and property rights, particularly under improved legislative and monitoring conditions which pressure for good practices. In the forest arena, the opportunities for expanding constituencies for ecosystem services and forest carbon payments are significant. Governments are also likely to perceive social rationales of conflict prevention from improving land tenure and property rights provision. These new opportunities for negotiating solutions about land tenure and use and achieving triple wins for livelihoods, productivity and sustainability create the possibility for wide coalitions of interested groups in movements for land tenure and property rights.

Practical Challenges and Entry Points

We will explore the large topic of the practical challenges of organizing for this expanded global movement in more detail in subsequent papers. We believe that at the current time there are multiple entry points for deployment of the movement building strategies identified, with a focus on awareness building, evidence and media as keys to overcoming bureaucratic inertia, the power of vested interests and lack of political will. We believe that cities and local governments are an under-utilized resource for movement building

and focal area for mobilizing changes in national laws and policies. We believe that identification and targeting of critical groups is important for success and that better metrics and data, can be deployed at all levels—local, national and global—to help drive a movement forward. Interesting cases such as the women’s land rights movement in Pernambuco, Brazil which is using a localized form of SDG indicators to hold local government accountable for property rights reform can show the way. Expanding constituencies for LTPR reform with mayors, womens and environmental movements, human rights and anti-corruption movements and business create major opportunities to elevate the visibility and urgency of land rights in public opinion and policy priorities. Cost reductions for services, obtainable through technological and institutional innovation, lowering of barriers to entry to private sector actors and economies of scale are required to provide the incentives to end users to avail themselves of the improved land tenure and property rights offerings.

Conclusion

In conclusion, this paper establishes a historical context of expanding but partial reforms in land tenure and property rights which have addressed some of the issues but are inadequate to deal with the scale and scope of current challenges. We suggest that a global movement could address these historical shortcomings in the area of provision of secure land tenure and property rights. With reference to the success stories of major social change in public health initiatives such as the anti-tobacco movement, it sets out a call for building a global campaign for land tenure and property rights through a series of steps at local levels supported by a global support structure which emphasizes awareness and education, targeting, accessible evidence, cost reductions, and expanding constituencies to unleash broad social and economic energies for change at a bigger scale and faster pace than has been achievable to date.

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