

# Land Governance from a Mobilities Perspective

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## 1. Introduction

People have always been on the move, either in search for greener pastures, both figuratively and literally speaking, or in order to escape war, persecution, famine, or environmental hazard. Many people have created their ways of life based on movement and regular migration, lacking what Scott [1] (p. 327) calls the “ ‘nerve centers’ that a state might seize”, be it to follow their livestock across the savannah or to follow oil platform engineering jobs across the world’s oceans. Human organization is both settlement and movement. In the past 10 to 20 years, however, there has been a remarkable increase in the scale of migration. According to the United Nations Department of Economic and Social Affairs, the number of international migrants worldwide in 2019 was nearly 272 million, an increase of 51 million compared to 2010 and an increase of 98 million compared to the year 2000. There are many reasons for this, including large movements of refugees due to conflict, war, or climate change [2,3]. At the same time large-scale land acquisitions for international investment in the agricultural sector and for natural resource extraction have deprived people of access to their land and livelihoods and induced additional waves of displacement, migration, and resettlement [4–6]. Similar dynamics are visible in cities in the course of gentrification, urban infrastructure development, or in the name of city beautification and modernization [7–10]. Policy makers, activists, and scholars have therefore argued and lobbied for the recognition of written and unwritten land rights, which may derive their legitimacy from various sources [11,12], but also to recognize new “foundations of rights” that derive from bottom-up processes of claim making, in light of the multiple and often contradictory versions of legal land claims [13]. Such recognition, for instance if combined with context-sensitive forms of registration [14,15], could help prevent unjust displacement, and potentially help migrants, refugees, and returnees to build (new) livelihoods in places of arrival.

Against this background, the aim of this special issue is to shed light onto the nature of relationships between land and people’s mobility, and its implications for land governance. Thinking about land rights in relation to mobility raises key issues that the land literature seldom addresses. Land governance needs to explicitly consider people, who are “out of place” in land regimes, which too often hinge on who was there first, who has a customary claim, and/or who holds paper titles, instead of who is there now and who needs the land most for purposes of livelihood and communal lives. Together, the contributions in this special issue demonstrate that land governance is not about how to regulate the presence of static people to static places, but how to take care of people being on the move and land itself being in transformation: when a rice field becomes a city block, it is no longer the “same” land.

The collection of articles in this issue is a result of the LANDac Annual International Conference titled “Land Governance and (im)Mobility: Exploring the nexus between land acquisition, displacement, and migration” that took place in June 2018 in the Netherlands. LANDac, or the Netherlands Land Academy, is a partnership of Dutch organizations working with their southern partners on land governance for inclusive and sustainable development (see [www.landgovernance.org](http://www.landgovernance.org)). The LANDac partnership includes knowledge institutes, NGOs, private sector, and the Dutch Ministry of Foreign Affairs. The call for this special issue took the land–mobility nexus as a starting point and invited contributors to focus on the multiple ways in which access and rights to land relate to mobility processes. The contributions contained are written by academics as well as by practitioners and provide a variety of different viewpoints on the merits of analyzing land from a mobilities perspective. The articles are based on qualitative and mixed method approaches drawing on primary data from fieldwork and satellite imagery, authors’ own extensive involvement in research and development projects, and documents. Geographically, the papers are diverse. Empirical contexts include and in some cases stretch across rural, peri-urban, and urbanized regions. A majority of articles focuses on Eastern and Central Africa. Three articles analyze dynamics in West Africa, Central America (Nicaragua and Guatemala), and the United States of America; two focus on Indonesia; and one article is more explicitly global in its analysis with focus on EU policy as a cause of land use changes and related displacement in the global south. The contributions leverage a great variety of theoretical and conceptual approaches, including social justice lenses, a structure/agency approach, arguments from political philosophy, and concepts from development studies and urban planning domains.

The land governance scenes captured in the papers of this special issue often raise the image of a frontier or borderland as zones of rapid change and places of high risk and opportunity [16,17]. These frontiers are places where governance structures are contested or in the process of being made, and sometimes unmade. They are places characterized by resource extraction and exploitation, sometimes reaching into regions that have experienced little or no capitalist market development, or they appear as rural–urban frontiers, as frontiers of urbanization, where landscapes, livelihoods, and lifestyles are constantly being reinvented. Three themes run across the special issue’s contributions. The first is the notion of translocality. Under this label we summarize the cross-scalar and international dynamics in understanding local-level land/mobility links [18]. As such, the label seeks to capture across the articles signals and evidence of “transnational governmentality” [19] and of the “struggles to command a particular scale ... for control and empowerment” [20]. The second and closely related notion running across the articles is that of contestation, not only over space, land, and resources, but also contestations over legitimacy (of decisions, governance actors, various land rights, and uses). Contestation is most directly dealt with in studies on conflict and war-induced migration, resettlement, and land reallocation in this special issue. The third theme is transformation, a term which we use here to indicate the long-term nature of the processes described in the articles and the historical contingencies drawn into the descriptions and analyses. In the following section we use these three themes to structure the review of individual contributions.

## 2. Moving Along the Frontier: Translocality, Contestation, and Transformation

### 2.1. Translocality

Despite varying geographical foci, an important theme that runs through the papers is the local manifestation of emerging global governance regimes. The cross-scalar and international dynamics and relations highlighted in the discussions are not only constituted of people who are on the move, as one might at first expect from the topic of this special issue. They also manifest in the form of direct triggers or more subtle influences on local governance, land use, housing, and labor patterns, which in turn give rise to large and small scale migration and displacement. As such the authors in this special issue engage in their studies the variegated political, economic, and social worlds through which

people, land, and the built environment become associated and disassociated; dynamics that are never purely locally circumscribed, even if the empirical focus rests in the first instance on one city or region.

The translocal nature of frontier-like land governance is perhaps most evident in Menge's article [21] (in this special issue). Menge analyzes the connection between foreign land acquisitions and migration from a political philosophy perspective. Showing how European Union (EU) policy influences land use changes and displacement patterns in African and Asian countries in the course of implementing the EU Renewable Energy Directive, Menge's analysis highlights the effects of hybrid forms of governance through private–public organizations. These enable the EU to govern beyond its territorial borders together with mechanisms that render land uses and values measurable and accountable to global actors. How much local land uses are affected with often detrimental effects on both environment and livelihoods in places far away from the EU is demonstrated by Saputra's study of land subsidence in peatland areas of Indonesia [22] (in this special issue). As a consequence of these relations, Menge argues, the political community to which EU citizens belong reaches far beyond the EU's official borders.

The city also presents itself as a frontier of translocal influences. Shannon's study [23] (in this special issue) of urban geopolitics in Beira offers an empirically rich account of how the history of a "bifurcated state" in Mozambique and various forms of "bottom-up urbanism" interlink with a new regime of urban planning that is increasingly influenced by international consultants and development agents. It is at this local–global and at the same time past–future nexus where we encounter explanations for urban mobility and change, including the construction of incremental housing for and by day laborers, the temporarily and spatially uneven processes of formalizing large-scale land acquisitions and so called "illegal encroachments," and the socio-spatial mobilities and intra-urban displacements inherent to development projects and master planning that are part of the "donor city." The latter is a relatively new phenomenon in Beira, constituting a planning and development mode carried out by "aid-bureaucrats, consultants, engineers, and government staff, who are loosely strung together in project-specific actor-constellations" [23] (p. 13) through contracts and formal mandates, and whose engagements are themselves characterized by secrecy, fragmentation, and inter-donor competition. Beira's urban development is therefore increasingly becoming a highly outsourced undertaking, dependent on resources from abroad in the new era of interventionism in African cities.

Similarly linked into supra-local and international financial and natural resource flows are the local effects in predominantly rural areas researched by Andrianto, Komarudin, and Pacheco [24] (in this special issue) and by Ogwang, Vanclay, and van den Assem [25] (in this special issue). Andrianto et al.'s work describes the process of acquiring land concessions from the indigenous population of Papua, where formal procedures allow companies to achieve legitimacy. In the land conversions from customary uses, including hunting and gathering, into palm plantations, the local government plays a mostly enabling role for investors. The manner of transferring land initiated by this public–private actor group is characterized by detailed procedural steps, reference to official decrees and based on the assumption that consent of tribal chiefs suffices to acquire indigenous customary lands. However, in practice, land transfer decisions of indigenous landowners (tribes and clans) are mostly collective, which makes the process of transferring use rights for land to plantation investors long and costly. The costs and externalities of this process are mostly born by the indigenous landowners. The longer-term effects on livelihoods and hence migration dynamics in Papua cannot yet be entirely foreseen, but the research findings point to increasing deforestation, forest degradation, erosion, floods, and declining biodiversity, as well as a decline in income and food sources of indigenous communities. Along this frontier of palm oil plantation development in Papua, the future of indigenous land tenure security is doubtful, because when and how the land will be returned to its original landowners and uses in the future is not captured in legally binding agreements and as such remains open.

Ogwang, Vanclay, and van den Assem's article warns that the dynamics evolving around the discovery and extraction of a natural resource in Uganda are turning into a "local resource curse."

Their study also points to the influx of international actors attracted to the country by the discovery of oil resources in the Albertine Graben. Land development in the course of oil resource development becomes a source not only of labor migration, but also for rent seeking practices that span from “cases of sophisticated land grabbing” to claiming extra “ghost kilometers” on road construction projects [25] (p. 5). The resource curse manifests in people’s losses of property, economic displacement due to increased competition over land, labor, and food, and community disarticulation because of out- as well as in-migration that affect social cohesion of previously settled communities. One of the most concerning effects of these dynamics is the increasing potential for social conflict. Ogwang et al.’s work highlights especially how the manifestations of a “resource curse” induce fear and mistrust within and across communities in the face of unkept promises or unmet expectations, a scenario which in turn increases the potential for social conflict, further fueled by the opacity and secrecy surrounding development projects and related land transfers.

## 2.2. Contestation

Conflict is one of the main causes of forced migration and displacement and of contested legitimacies in the institutional landscape of war-affected regions. Studies in this special issue, which focus specifically on violent contestation over land and resources, draw mostly on cases from the central African region. International and supra-regional relations and dynamics again play an important role, but the kind of migration and displacement patterns we encounter in these papers differ in their combination of being forced, large-scale, and affecting places of origin and refuge often in very short periods of time. A red line that runs across the studies that focus on land governance and migration in conflict-affected settings is the coinciding of a contested land rights geography that emerges from multiple waves of migration and refuge seeking on the one hand, and on the other hand a contested geography of legitimacy, where formal mandates, socially legitimized forms of power, and respective communities and territories have dissipated or partially collapsed. This scenario is both a result of conflict and a major cause for the challenges faced in the governance of land and land re-distribution in post-conflict times, difficulties that are further compounded through continued fear and mistrust across society.

The three articles focusing on conflict and post-conflict settings analyze this situation from three distinct angles while offering strong complementarities. Todorovski and Potel’s [26] (in this special issue) analysis of approaches to land administration in post-conflict Rwanda is structured chronologically into emergency, early recovery, and reconstruction periods. As such, it demonstrates not only the complexity involved in finding solutions to distribute and re-distribute land to several waves of refugees and returnees under conditions of weak institutions and high potential for renewed conflicts within families and across ethnicity. It also demonstrates how approaches and decisions on land distribution made in earlier periods have far-reaching effects in future post-conflict periods of rebuilding society. Van der Haar and van Leeuwen [27] (in this special issue) discuss this as one of the main challenges for land governance in the face of multiple waves of displacement, (partial) return, and overlapping claims to land. In order to find short-term solutions while at the same time laying the foundation for longer-term sustainable land governance structures requires “moral judgments on both old and new claims [to land]”.

While van der Haar and van Leeuwen draw on knowledge across various research projects to develop a typology of main challenges to land governance in post-conflict settings, Betge’s research [28] (in this special issue) dives into the details of decision making of one group of influential actors, namely humanitarian and development organizations, working under conditions of limited statehood and contested legitimacies. He asks, how are decisions made in such contexts? Betge’s study uses a self-reflective approach to analysis, in the sense that it draws on knowledge that the author has acquired through his work for the NGO ZOA. Applying Giddens structuration theory [29] to the practices of the NGO in the conflict-affected settings of the Democratic Republic of Congo (DRC) and Burundi, the study identifies different types of factors, both external and internal to the organization, that drive

decision making related to land rights. The author shows that in ZOA's case the "actor's specific identity plays a key role in decision-making" [28] (p. 14). Identity here is understood to mean the actor's "selective emphasis on aspects of self-interest, norms, and rules" [28] (p. 4); and in ZOA's case the organization's Christian identity obliges it to serve the most vulnerable in the first instance relating activities to loyalty as a core corporate value. Betge's research provides insights on how decisions on land governance are made by key humanitarian actors under conditions of migration, ethnic tensions, and weak institutions. Such insights, Betge argues, call for systematic and comprehensive self-analysis of developmental and humanitarian governance actors.

### 2.3. Transformation

Migration and displacement of people are often embedded in long-term processes characterized by an entanglement of numerous factors. It is often difficult or impossible to map out the lines of cause and effect or the locations of origin and destination. Understanding the geography of migration and displacement in a contextualized manner calls for forms of inquiry that go beyond the identification of a set of dependent and independent variables or push and pull factor conceptualizations. Signals of such long-term transformations run across all articles. The theme is perhaps most poignantly expressed in Carte et al.'s title "The slow displacement of smallholder farming families: land, hunger, and labor migration in Nicaragua and Guatemala" [30] (in this special issue). In both countries the formal end of civil wars brought a new era of neoliberal reforms of the rural economy to the advantage of intensive agricultural and natural resource extraction, often disadvantaging traditional agrarian practices and leading to waves of emigration in both countries. Drawing on Nixon's [31] concept of "slow violence", the authors seek to view displacement from land and forced mobility as processes rather than as one-point-in-time events in order to gain a fuller understanding of different interrelated factors and longer-term consequences.

An example may serve here to illustrate how intricate these long-term processes at the nexus of land use, income, and migration are. When cattle ranchers in Caballo Blanco, one of the study sites in Guatemala, started renting out their land for sugar cane production, less land was available to rent out or lend to community members for farming, especially at a rental price low enough for poor farmers, in turn leading to less agricultural production and hunger, which then triggered labor migration in order to be able to pay for the higher prices to rent land, which in turn increased the land rental prices even further leading non-migrant families (families who do not have a member who earns income elsewhere from labor migration) to become excluded from access to land; this in turn led more community members to migrate in order to send back at least the "money for some beans" [30] (p. 8). Migration is therefore both evidence of displacement but also a strategy for families to prolong their hold on the land as farmers.

Uwayezu and de Vries' study [32] (in this special issue) takes us again to the urban context. Here too the longitudinal nature of displacement in the course of urban modernization in Kigali City, Rwanda, and the role of land values, their assessment, and monetary compensation as important intervening variables shift into focus. The research explores how far real property expropriation practices in Kigali promote spatial justice, zooming into rules, processes, and outcomes as main dimensions of spatial justice. Spatial justice indicators receive high scores on the rule dimension, but processes of compensation for displacement and levels of satisfaction regarding the outcomes are low. The authors identify the lack of neutrality in calculating compensation amounts as an important element in the practices of compensation. Both the lack of independence of the valuers who carry out valuations on behalf of public agencies as well as outdated lists of reference prices play a crucial role in these calculations. The latter become part of a sort of "politics of lists" [33] in the process of valuation, which in some cases includes what the authors call "counter-valuation" of both land and buildings. Such counter-valuation is only possible for people who can afford to engage private valuers. One accumulative effect is a displacement of people to the urban fringes, because even the right compensation after counter-valuation is often insufficient to acquire homes in close vicinity to the

original neighborhood, leading people to move to the urban fringes. There is indication then also that the modernization of the inner city neighborhoods shifts informal development to the urban fringe.

Another research in an urban context with an explicit longer-term view is Lindsay-Herrera's work in Washington, D.C. [34] (in this special issue). The author takes a close look at the interdependencies between the historical experience in urban renewal and the most recent urban planning endeavors in the city's Southwest (SW) quadrant. The study draws into the analysis economic as well as racial variables; and argues that concerns about neighborhood disruption and the pricing out of families from the SW quadrant are rooted in both current facts, like the lowering of affordable housing requirements for the Wharf development, as well as memories from past urban renewal, which had been faster and more disruptive than the slow gentrification process of today. Considering the many factors at play and their influence on one another through time, Lindsay-Herrera concludes that we need a language of urban change that allows us to better conceptualize the nuances of change than terms like "revitalization", "renewal", or "gentrification" currently allow. This is also important in order to "understand the relationship between the historical dimension of place-making and the impact of redevelopment" [34] (p. 12). This article brings to mind J. Jacobs's [35] criticism of urban renewal in the 1950/60s United States; and together these articles raise the question about what kind of renewal, improvement, and even more broadly speaking what kind of development societies around the world wish to pursue, in both rural and urban areas.

Kaag, Baltissen, Steel, and Lodder [36] (in this special issue) put a like-minded question to the forefront of their analysis of migration and land dynamics across rural, peri-urban, and urban regions of West Africa by asking to what extent these may contribute to or hinder inclusive and sustainable development with specific focus on the perspective of youths. This research, carried out through case study work in Mali, Senegal, Burkina Faso, and Benin, sheds light onto the various factors that bring people to move. Through a regional view that considers current migration along a historical continuum, the study identifies the nature of connections and their effects between migrants and their places of origin and the role of governance structures and agents in places of origin and destination, but also the traditional role migration has played and continues to play in West Africa, for instance as a rite of passage into adulthood, alongside personal preferences and strategies and intrahousehold dynamics. In light of their introductory question and in resonance with other articles, the authors suggest research into the longer-term processes of inclusion and exclusion in different contexts, especially along a "rural-urban continuum [ ... ] in which customary arrangements offer security, but also a less flexible power framework [while] urbanization contributes to more opportunities for new economic elites, including migrants, but also to increasing inequality between old and new elites and poorer segments of the population" [36] (p. 8). Migration processes have been and are an indispensable element in many local and translocal/transnational livelihoods in the West African region, processes in which land gains multiple, sometimes contested, meanings and hence value appreciations.

### 3. Looking Ahead

The studies show that land is far more than a 'fixed local asset.' A focus on the links between land and mobility highlights the nature of land beyond a fixed spatial entity or delineable territory. Land is both shaped by and a shaper of translocal relationships between people, nature, and economies. As such land lies at the heart of old and new contestations, shifting the boundaries of legitimacy to govern people as much as territorial boundaries. Mobility and immobility happen simultaneously; without moving physically, people and communities can move into new governance structures, e.g., from communally managing village land and waters to being part of city rule with its multiple governing departments. Alternatively, people may move from one place to the other without moving up in terms of their job prospects or tenure security, e.g., in the case of (forced) displacement. It is no surprise then, that between the lines of several of the articles we see that emotions play an important role in these governance settings, often a mix of high hopes and expectations on the one hand, and latent anxiety, mistrust, and insecurity, partially born out of past experiences, on the other.

The links between land and related resources and the mobility of people are themselves embedded in translocal dynamics that influence and manifest at the local level, but may at the same time be largely decoupled from influences at the local scale [37]. In common parlance, the notion of a frontier may have a positive ring to it evoking images of opportunity, innovation, and discovery. But it also evokes the image of lawlessness, where life is governed by the principle of the survival of the fittest. This latter image resurfaces across the contributions in this special issue; and in combination with the translocal nature of cause-effect-relations, the studies raise doubts about the achievement of inclusive land governance if mitigating and addressing the challenges solely focuses on the places where problems become locally manifest. A “local focus” seems hardly sufficient to address the challenges in their actual nature: characterized by global cause-effect webs and translocal connections [18,38]. Development programs of participation and empowerment initiated by NGOs have become mainstream since the 1990s. Such programs have rendered communities across the global south technical in their general approach to ‘govern through community’ [39]. Although it is without doubt important to recognize and build on the agency, expertise, and experiences of both settled communities and of people on the move—en route to support or improve their livelihoods, to save their lives from war, or to return home—relying dominantly on the hopes vested in communal participation and resilience is problematic. Shifts from territorial land governance to a governance of resource and goods flows [40,41] and related reconfigurations of state institutions [42] challenge consumers, policy makers, and solution providers—the “local communities of the global north”—to engage in what Betge in this special issue calls systematic self-reflection. An inclusive approach to development needs to consider not only political and economic context at the local level, but also the “global drivers of exclusiveness or adverse inclusion” [43] (p. 546–547) and to create adjusted structures of accountability.

Across all the articles we also see that research, policy, and practice of land governance require an explicitly longitudinal view. The notion of transformation seeks to capture the complexities of cause and effect relationships when analyzing multiple factors influencing the relationship between access to land, loss of land, and human mobility through time. Consequences may appear slowly and over generations and may appear or pop up in unexpected places from an invisible network of activities that spread across time and space [44]. Rather than focusing on the now, the current situation, it is important to take a wider time horizon and have an open eye for changes in the long run. Recognizing that what we do with land today influences future transformations, we trust that the LANDac network will continue to provide a platform for reflection and conversation across globally linked localities.

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