

Land Equity International's submission to DFAT on Australia's New International Development Policy

Introduction

In this submission on Australia's New International Development Policy, prepared by Land Equity International (LEI)ⁱ we underline **the importance of working in the land sector to achieve DFAT's policy objectives**. As explained below, engaging with the land sector, and undertaking context-specific measures to support inclusive land tenure security, the collection and utilisation of geospatial data, and stable and effective land administration systems underpins the achievement of numerous development milestones that are key to regional success. These milestones include improved service delivery through the establishment of key infrastructure, improved food security and gender equality (including progress on the eradication gender-based violence (GBV)), progress on climate resilience and climate mitigation and managed and sustainable urbanisation.

Working in the land sector also **builds on Australia's capacity, expertise and leadership in this sector**, drawing on the foundational work conducted for the seminal 2008 publication *Making Land Work*, published as part of AusAid's Pacific Land Program.ⁱⁱ It is also **in Australia's national interests to support the land sector across the Indo-Pacific**, given that improved land administration offering certainty and clarity for Australian businesses seeking to invest in the region.

Key Definitions

Land tenure refers to the set of relationships legally or customarily defined amongst people with respect to land – in essence it is the means by which land is held. Related, **property rights** refer to who can do what on a piece of land. The exact nature and content of these rights, the extent to which people have confidence that they will be protected, and their various degrees of recognition by public authorities and the concerned communities, has a direct impact on how land is used.ⁱⁱⁱ

Secure land tenure describes an agreement between an individual or group to land which is governed and regulated by a legal and administrative framework (including both customary and statutory systems). Security of tenure derives from the fact that the right of access to and use of the land and property is underwritten by a known set of rules, and that this right is enforceable. The importance of access to and security of land and natural resource user rights has been recognised in Target 1.4 of the 2030 Sustainable Development Goals which aims to ensure by 2030 that:

All men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

Land administration is the infrastructure to manage and administer land, property and natural resources. Across the world, land administration systems underpin wealthy and successful economies by delivering security of tenure, supporting equitable land distribution, enabling municipal financing and service delivery, and supporting fair land taxation. Such impacts are not to the exclusion of customary rights. Well-implemented systems should strengthen the recognition of customary land rights, protecting indigenous peoples and forest users from land grabbing, deforestation and land degradation.

Geospatial information and data is data about objects, events, or phenomena that have a location on the surface of the earth. Geospatial information and data are the fundamental building blocks

that enable secure tenure, efficient and effective land administration and underlying resilience and economic development.

Why does the land sector matter?

- Secure tenure provides diverse societal benefits - whereas ignoring tenure risks can have major repercussions

Improvements in tenure security can deliver important benefits to land users (including customary owners), investors and to government and society. These include fewer disputes over land, access to finance for new businesses or housing, and greater investment by government in public services and infrastructure, such as roads, schools, hospitals, water and sanitation.^{iv}

Conversely, ignoring tenure risks **can create social tensions that are liable to increase costs to investors and fracture society** - in some cases leading to violent conflict. A 2019 study by ODI assessed the costs of tenure risks to agribusiness. It concluded that pressure on land – particularly in emerging regions with complex tenure arrangements such as the Pacific, can cost investors as much as \$US101 million - three times the project net present value.^v

As it concerns conflict, the Solomon Islands provides a telling example. The country has consistently faced challenges in balancing the spiritual and social role of land with the economic role land places. This tension has at times resulted in violent clashes, particularly as it concerns approved logging on customary land.^{vi} In 2021 the Minister for Housing and Land emphasised the close connection between land recording and peacebuilding processes, as well as social cohesion across in the country, noting **“Securing land rights is an important component of sustainable development and peace.** Therefore, the customary land recording helps unite communities and lays strong foundations for social cohesion. It plays a great role in securing our conflict-free future.”^{vii}

Linked to the above, DFAT has recognised the significant infrastructural needs of the Asia Pacific, including through the establishment of the Australian Infrastructure Financing Facility for the Pacific (AIFFP) and the recent significant uplift in its budget. LEI supports the AIFFP through the provision of safeguarding advice. **The success of infrastructure investments will be undermined without sufficient attention to land administration and tenure security issues, with a risk of project’s being delayed or cancelled in the absence of an adequate social license to operate or clarity over land status.** Significant land acquisition and negotiation is required and the time savings of undertaking quick-win land sector work prior to infrastructure (including capacity building investments) cannot be overestimated.

- Secure tenure contributes to increased agricultural productivity and food security

Secure tenure is a fundamental building block to sustainable development and the achievement of the 2030 Sustainable Development Goals. In agricultural settings, inclusive, secure and non-discriminatory tenure systems support food security and sustainable farming. As noted recently in the Stand for Her Land Campaign:

Worldwide, more than 80 percent of people experiencing extreme poverty live in rural areas and rely on agriculture to earn a living, farming small plots of land for subsistence and perhaps a modest income. At least half are women. Equipped with secure land rights, these women have the opportunity and peace of mind to invest in their land to improve their harvests and their lives.^{viii}

When land rights are secure, farmers **invest more in their land and agricultural productivity improves.** In Thailand, land titling increased investment, input use, and yields. In Ethiopia, land certification led to land productivity increases of 40-45 percent in the Tigray Region, and soil and

water conservation investments rose by 30 percent in the Amhara Region. Additional studies from Nicaragua, Peru, Cambodia, and Vietnam found statistically significant effects of land titling interventions on agricultural investment and productivity.^{ix}

Although the evidence on the relationship between **land tenure security and food security** is still emerging, the theory of change motivating why land tenure security will improve food security can be found within a broad range of bilateral and multilateral development assistance documents. Strengthening land tenure security leads food security through two main pathways: (1) through creating greater certainty for those living on the land to make investments that can increase food production and (2) through improving income generation, thus enabling people to buy more food or to have access to services and markets that would otherwise be difficult to reach, such as agricultural extension and credit in some contexts.^x

- **Women's access to, and control over, land is key to the achievement of gender equality targets**

In terms of contributing to progress on **gender equality**, the evidence is clear that in many parts of the Indo Pacific, as in the rest of the world, women are systematically denied access and control over land and resources. The consequence of this scenario is a high dependence on male relatives or husbands for access to land. With tenuous tenure security women “may be compelled to endure physical, emotional or economic violence because of their weak fall position.”^{xi} For women, tenure vulnerabilities are often internalized and externally reinforced by society at large. Working to support equal access to land and natural resources undermines such narratives and contributes to breaking the structural barriers that prevent the achievement gender equality and removing themselves from situations of risk.

- **Robust land administration systems, spatial data and secure land tenure supports climate resilience and climate mitigation (including decarbonisation)**

Secure tenure supports resilience to climate extremes and natural disasters by reducing the risk of forced displacement. This is because, like agricultural productivity, secure tenure induces rightsholders to undertake climate-resilient investments on their land, knowing that such investments will not be in vain. The flowthrough impacts of displacement can also be mitigated through efforts to strengthen the land administration system. Reliable and backed-up property registers enable rapid verification of property loss and facilitate returns from natural or human made displacement.

Sound spatial planning and development planning, founded on **accurate spatial data analysis can also help to reduce and manage vulnerabilities to natural disasters**. Outside of urban areas, such data is also useful to support the measurement of deforestation targets and emissions reductions, while the land administration system provides the basis for enforcement and mechanisms for protection of forests and other conservation areas. Australia's experience as one of the world leaders in implementing innovative conservation tenures could be particularly useful in the Indo-Pacific to support pro-forest reforms.

A fit-for purpose land administration system is also key to effective climate mitigation and decarbonisation of the energy sector. As shown by LEI's experience working with the World Bank in Bangladesh on renewable energy (RE), streamlined and functioning land administration systems, with an up-to-date land records system are key to the rapid identification of available and technically suitable land for renewable energy – particularly important given the significant land needed for utility scale solar PV and onshore wind investments.

- Secure tenure, as well as good spatial information supports sustainable and controlled urban migration

Significant **urbanisation** is occurring throughout the Indo Pacific region, with flow on impacts on migration, land use planning, city growth, infrastructure needs, food security and agricultural production. Rural migration to urban areas is linked to tenure insecurity and unequal access to land. Increased urbanisation in the region often derives from “push factors” such as poverty, poor living conditions, social exclusion, and lack of opportunities – all factors that arise from unequal access to land and land tenure insecurity.^{xii} Worldwide, **land inequality is said to directly threaten the livelihoods of 2.5 billion people** involved in smallholder agricultural according to a 2020 report from the International Land Coalition.^{xiii}

Numerous studies have determined the value of spatial information for **inclusive economic growth** and assessing essential impacts to business sectors (agriculture, fisheries, forestry, mining, property, construction, transport, infrastructure, communications, retail, tourism, manufacturing, etc.)^{xiv} For example, urban planners can use land and housing data and geo-demographic data to accurately forecast public services, **understand service demand drivers and identify appropriate services** – highly useful for the governments in the increasingly urbanised Indo-Pacific region.

Spatial and development planning also enables cities and nations **to plan for future growth**, whilst land administration enables and underpins municipal financing, supporting **sustainable and accountable local governance**. By way of example, an estimated 50% of government spending in the Solomon Islands is paid for by international donors, yet there is significant scope for land and resource wealth to be sustainably harnessed to improve local capacity to cover local governance costs. Indeed, the importance of this type of information for governance in the region is set out in the Pacific Geospatial and Surveying Council Strategy 2017-2027 (p.3):

Increasingly, geospatial information is relied upon for its applications in natural resource management, civil engineering, climate change adaptation, disaster risk reduction, transport, land ownership, health, agriculture, topographic mapping and nautical charting, as well as the delimitation of maritime zones and boundaries.

There is a significant land administration and geospatial capacity gap in Indo-Pacific nations, particularly at sub-national governance levels. Australia is well placed to support, with world class land administration and geospatial data institutions. Applying a localisation framework, such efforts will go a long way to ensuring that aid programming builds capacity rather than substituting it.

What should DFAT do to support the land sector?

Australian government and the Australian private and not-for-profit sectors have demonstrated significant leadership and capacity to support the Indo-Pacific region on these (and other) land sector and geospatial challenges in the past. This includes:

- DFAT (then AusAID) funded land administration projects in Indonesia, Philippines and Vanuatu.
- Building resilience and awareness of disasters through urban and spatial planning, mapping and geospatial tools in the Philippines and Indonesia.
- Training of land and geospatial professionals, drawing on expertise from TAFE and study tours with our world leading land agencies.

In addition, there is significant scope to:

- Partner with Indo-Pacific and Australian universities to grow regional capacity and ability to identify opportunities within customary systems to support successful infrastructure investments.
- Partner with women's groups to better understand barriers and opportunities to support women's land rights and to cross-fertilise this work with programmes aimed at supporting action on GBV.
- Draw upon Aboriginal and Torres Strait Islander knowledge and Native Title experiences and facilitate peer-to-peer knowledge platforms for managing indigenous knowledge and resources around land.
- Further share Australian experience in conservation tenures and land-based protection mechanisms.
- Export Australian world-leading expertise in spatial data infrastructures, continuing operating reference stations and augmented reality to support climate resilience, mitigation and adaptation, sustainable urbanisation, good governance and food security.
- Build upon the work of DFAT in other sectors and other donors in the region, including improving the integrity and transparency of existing infrastructure and climate resilience projects through incorporating land administration and land rights into programming and linking with urban and spatial planning projects including DFID UKCCU's *Reducing Deforestation through Improved Spatial Planning in Papua Provinces Indonesia* and UNDP's *Strengthening Disaster Resilience in Solomon Islands*.

Organisations like PSMA, Geoscience Australia, CSIRO, Frontier-SI alongside international development firms and NGOs have further demonstrated experience in this area – and Land Equity International is not alone in calling for additional attention to the land sector.

Whilst DFAT has in the past funded large-scale land administration and land titling projects, this is not the only way forward. Significant and large-scale work is required, but initial work to assess current status, determine capacity and training needs and design strategies for quick wins that will best support wider aid and development strategies will be of immense value. Tools such as the Land Governance Assessment Framework, the World Bank's Ease of Doing Business Registering Property Index, the Millennium Challenge Corporation's guidance on where and when to invest in land information and transaction systems, UN-Habitat's Costing and Financing of Land Administration Services, and guidance on Land Administration Public Private Partnerships all provide a firm basis for commencing initial assessments. Enhancing funding towards streamlined and substantive understanding of land issues and building capacity of relevant land offices within governance will also be key for effective infrastructure investments across the region.

Our conclusion, in short, is that nestling land *across* DFAT's diverse programs, including on food security, climate change and women's economic empowerment, while also supporting land-specific interventions will reap significant returns and mitigate important risks to the achievement of core development objectives in the region.

ⁱ LEI is an experienced, innovative international consulting firm specialising in land administration, spatial planning and the implementation of land rights. We have managed land projects in over 35 countries across Asia, Africa, the Middle East, Eastern Europe, Latin America and the Pacific.

ⁱⁱ See [‘Making Land Work’](#) (2008) as part of Australia’s Pacific Land Program.

ⁱⁱⁱ [UNHCR Background Paper ‘Land and Housing’ 2013](#)

^{iv} See AusAid, [‘Making Land Work – vol 1’](#) (2008) p. xi.

^v Anna Locke and Joseph Fyertag “Assessing the Costs of Tenure Risks to Agribusinesses” ODI, February 2019 p. 6

^{vi} Jennifer Corrin and Graham Bains “Land Tenure in the Solomon Islands: Past Present and Future” *Canterbury Law Review*, vol 27, 2020, p. 55.

^{vii} UNDP “[Securing Land Rights for Sustainable Peace](#)” 2 December 2021.

^{viii} Esther Mwaura-Muiru “[Land Tenure – a cross-cutting solution for poverty, climate change and women’s rights](#)” *Skoll* October 11, 2022. [Stand for Her Land](#) is a global campaign that aims to close this gap between global commitments and local practice, to build a future where all women and men have a secure place to call home.

^{ix} In Rwanda, investment doubled in farmers’ soil conservation. In rural Benin, communities that participated in a process to map and recognize land rights, were 39 to 43 percent more likely to shift their crop investments from subsistence to long-term and perennial cash crops, and tree planting. USAID (2013) [‘Fact Sheet: Land Tenure and Food Security’](#) (2013).

^x Malcolm Childress, Pranab Choudhury and Jolyne Sanjak, “People-Land Relationships on the Path to Sustainable Food Security” in , p. 102

^{xi} D Fleshner et al [‘Championing Women’s Tenure Security’](#) pp. 81-101.

^{xii} W Anseuw et al [‘Uneven Ground – Land Inequality at the Heart of Uneven Societies’](#) International Land Coalition (December 2020).

^{xiii} Ibid

^{xiv} See ACIL Tasman [‘The Value of Spatial Information: The Impact of Spatial Information on the Australian Economy’](#) (March 2008). See also: UK Cabinet Office, [Initial Analysis of the Potential Geospatial Economic Opportunity](#), 2018.