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# F L O O R

FINANCIAL ASSISTANCE, LAND POLICY, AND GLOBAL SOCIAL RIGHTS

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## **Sustainable land management and global social policy**

Exploring self-descriptions of pro-poor land policy  
in China, India, Nepal, Tajikistan

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## Abstract

Frequently, the discourses on land management and social policy are kept separate from each other. Access to vital land uses or tenure security, however, are not only relevant to land policy and urban planning, they are also important elements of social policy. Land use planners and policymakers have a huge impact on spaces of poverty and the well-being of the poor. How can we better understand the relationship between land policy, planning, and social policy?

The human right to an adequate standard of living provides a widely accepted framework for policies involving the poor and the land. This right is guaranteed under Article 11, para. 1, of the International Covenant on Economic, Social and Cultural Rights (CESCR, entered into force 1976). The report system established for the implementation of CESCR is a rich source of the self-description of domestic policymaking. The States Parties have to submit reports to the Committee on Economic, Social and Cultural Rights (a special committee within the UN organization for the protection of universal human rights). Although usually widely neglected by planners, these reports and ensuing communication between the States Parties and the Committee offer valuable insights into the relationship between land policy, planning, and social policy. In fact, the discourse on the implementation of Article 11 CESCR must be considered a strong sign for the emergence of a global social policy.

The paper will discuss land policy and land management issues contained in recent CESCR State Parties reports submitted by four Asian countries (China, India, Nepal, Tajikistan). How did each country frame social policy with respect to housing, tenure security, urban and rural ownership, improvement of slums, the land rights of women, access to common land? Which concepts of rights have been used to forge a relationship between the human right to an adequate standard of living and land management policies? In which cases do the countries directly or

indirectly link planning to social protection and social policy?

Sustainable land management is an essential element in socio-ecological land policy (Davy 2009). In recent years, global discourses on sustainable development, the Millennium Development Goals, or universal human rights increasingly have considered the relationship between land rights and poverty alleviation. In conclusion, the paper will discuss the link between these global policy discourses and planning and land management on the national, regional, or municipal level.

The research for this paper is part of a larger research study which the author is preparing jointly with Professor Ulrike Davy (School of Law, University of Bielefeld) and Professor Lutz Leisering (Faculty of Sociology, University of Bielefeld).

## The Poor and the Land: A Theoretical Framework

The spatiality of poverty and wealth is grounded in plural perceptions of land and the social production of land uses by the wealthy and the poor. We perceive land, among other things, as territory, economic commodity, and environmental resource. These perceptions invoke land rights, scarcity, value, purity and other qualities of land that planners must not replace by abstract notions of space. The captivating book *Southern Theory* criticizes social theory for “its lack of interest in place, material context, and specifically the land. ... Disregarding the land is not just one theoretical choice among others; it emerges as a feature of the ideology of neoliberal society” (Connell 2007: 196 and 208).

Although most spatial planners position themselves as promoters of social and ecological issues, they often neglect the relationship between the poor and the land. Does it suffice to provide space for social housing? Although housing is critical for the poor, the current global discourse on poverty and property is not confined to social housing, but includes the vulnerability of land uses by the poor, informal settlements, land rights of women, land reform, the contested spaces of urban commons, or new types of ownership for spaces of social exchange. This discourse—including the discussion on sustainable development, poverty reduction, the Millennium Development Goals, or the World Bank’s pro-poor land policy—contemplates the poor and the land comprehensively.

Poverty and property often do not exist in the same narrative. As poverty has many causes and effects, property in land also depends on a variety of factors, including differentiated legal systems and diverse property cultures (von Benda-Beckmann et al. 2006; Ingram & Yu-Hung 2009; Robbins 2008). Spatial planners, as T. H. Marshall observes (Marshall 1950: 61–62), have a great influence on designing spaces of poverty and wealth. This paper focuses on one question: What is the relationship between sustainable land management and global social policy?

Intuitively, planners imagine societies without the poor or, once their plans have been implemented, without poverty. Being poor is not desirable. Why should planners make plans for an undesirable way of life? Planning theory offers many examples of the planners’ helplessness towards poverty. Ebenezer Howard recog-

nized poverty as a fundamental urban and rural problem. The vision of the Garden City – inspiring to town planning and land policy – employs the metaphor of three magnets: The town magnet and the country magnet both have disadvantages associated with poverty. The “town-country-magnet” of the Garden City, however, combines all of the advantages of town and country; it renders the Garden City a perfect environment for a society without poverty (Howard 1898: 22–41). Spaces of poverty, however, cannot be eradicated without hurting the poor. Cities Without Slums, the name of an alliance of donors and megacities that shaped the land policy of the UN Millennium Development Goals (Cities Alliance 2008), is a dangerous misnomer. There always will be poor people living in slums, shanty towns, favelas, barrios, gecekondu of megacities (Davis 2007; UN Habitat 2003) – or just around the corner. The question is: What is their place and how can the poor use the land?

In his famous essay *Citizenship and social class*, Thomas Humphrey Marshall discusses what conclusion might be drawn if policy makers regard poverty as evidence of failure: “In such circumstances it is natural that the more unpleasant features of inequality should be treated, rather irresponsibly, as a nuisance, like black smoke that used to pour unchecked from our factory chimneys” (Marshall 1950: 32). Poverty as nuisance would result in removing the poor to “remote places” (Blackstone 1768: 217). “Class-abatement” works like “smoke-abatement” (Marshall 1950: 32). If “class-abatement” became a goal of land use control, planners would regard the poor as a type of locally unwanted land use (or LULU), just like a waste management facility. If planners consider the poor and the land in this fashion, the spaces of poverty are going to be treated like the proverbial Euclidean “pig in the parlor” (272 U.S. 365 [388]). Since the poor never are “a right thing,” however, they will be always “in the wrong place”.

What is the right place for the poor? The answer lies in the rights of the poor, i.e., their claim to citizenship, and the relationship between these rights, social inequality, and planning. As an expression of consensus within the international community, Article 25, para. 1, of the Universal Declaration of Human Rights, 1948 (Morsink 1999: 192–199), recognizes social citizenship:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

In 1976, Article 11, para. 1, of the International Covenant on Economic, Social and Cultural Rights (CESCR) came into force and transformed the global norm of Article 25 of the Universal Declaration into an obligation binding to the member States of the Covenant:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international coopera-

tion based on free consent.”

The right to an adequate standard of living calls for a modicum of social assistance and social security (Van Genugten & Perez-Bustillo 2001; Kälin et al. 2004: 187–309). Western social policy associates this right with the moral minimum of the welfare state (a model that provides for social security well beyond this minimum). The right to an adequate standard of living—the social citizenship of the poor—also has a spatial dimension (Carter 2003: 46–49; Deininger 2003: 51–73). The guidelines for a human rights approach to poverty reduction strategies emphasize this connection between human rights protection and land policy (OHCHR 2006: 32). Any State violates the human right to an adequate standard of living, if, for example, minimal access to land is withheld from an individual or a group. From the perspective of universal human rights, no State has the duty to grant large property holdings in land to all citizens. But each State has to permit everyone minimal access to land with a view to “a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing” (UN Habitat & GLTN 2008: 12). Article 11 CESCR, to quote the famous phrase by Thomas Humphrey Marshall (1950), is an expression of a global right to social citizenship.

Planners, defining the use rights of landowners by designating land uses for differentiated areas, arrange exclusion and inclusion. Typically, we associate property rights with exclusion and social citizenship with inclusion. However, neither is property merely an instrument of exclusion nor citizenship merely an instrument of inclusion:

On the one hand, property rights can be instrumental in the inclusion of the poor: By designating land for social houses or public purposes, a land use plan promotes the interests of the poor. A spatial plan could also prepare and promote spatial commons (e.g., public streets and squares, public parks, community gardens, recreational areas) and organize their proper use. Finally, land use plans can designate plot sizes and land use qualities suitable for the creation of properties which the poor can possibly own. In each of the three cases, the inclusion of the poor hinges on property rights.

On the other hand, social rights and social citizenship, to some extent, perpetuate the exclusion of the poor. The concept of social citizenship legitimizes and even inspires unequal spaces of wealth and poverty. The right of everyone to an adequate standard of living demands less than a right to an equal share of society’s wealth. Social citizenship takes no issue with the spatial segregation of the wealthy and the poor—as long as everyone enjoys their right to an adequate standard of living. The duty to provide for an adequate standard of living does not prevent inequality, but is an “architect of legitimate social inequality” (Marshall 1950: 9).

## Exploring Self-descriptions of Pro-poor Land Policy

Obviously, several combinations of property and social citizenship are possible in the establishing of a balance between spaces of wealth and spaces of poverty. In the following, I shall explore these possibilities by exploring self-descriptions of pro-poor land policy in four CESCR States Parties reports. These reports have been submitted by the People's Republic of China, India, Nepal, and Tajikistan to the CESCR Committee, as sub-committee of the United Nations' Economic and Social Council. All documents have been retrieved from the UN's ODS website ("The Official Documents of the United Nations"), <http://documents.un.org>.

### China

The People's Republic of China submitted her initial report under Articles 16 and 17 CESCR on 27 June 2003 (E/1990/5/Add.59 = China 2003). The report has 280 pages.

A quick quantitative survey, based on word-count, shows the following results: The report contains 60 occurrences of the word "poor", 65 occurrences of the word "poverty", 508 occurrences of the word "right" (including no occurrence of the word "social right" and 54 occurrences of the phrase "human right[s]"), 117 occurrences of the word "land" (including 1 occurrence of the word "landless"), no occurrence of the word "land right", 1 occurrences of the word "land reform", 1 occurrence of the word "tenure" (applied to judges), 60 occurrences of the word "property" (minus 38 occurrences for "...al property" to rule out "intellectual property" or "cultural property"), 156 occurrences of the word "housing", no occurrence of the word "eviction", and 57 occurrences of the word "planning" (not limited to town planning or land use planning).

A qualitative analysis of the report finds that the following text excerpts illustrate the key components of the People's Republic of China's pro-poor land policy:

- "The People's Republic of China has consistently attached great importance to the question of human rights and considers it a duty to promote and protect all the human rights and fundamental freedoms of its people. The Government of China is committed to the promotion and protection of its people's economic, social and cultural rights and has made great achievements in this regard." (China 2003: 5, para. 1)
- "With the establishment of the People's Republic of China, there began a series of land reforms and other democratic reforms on a national scale that resulted in 300 million landless or land-poor farmers being granted 700 million mu (one mu = 0.0667 hectares) of land and much of the means of production, thus significantly improving the economic status and living conditions of the greater part of the farming population. China further transformed the farming, handicraft, industrial and commercial sectors, introduced democratic reforms in the

production and management systems of the State-sector mining and manufacturing industries and, through factory management committees and employees' representative assemblies, realized the democratization of enterprise management. The old systems of remuneration were revised and employee benefits increased. In this way, the Chinese people became masters of the means of production and the beneficiaries of the wealth of society." (China 2003: 6, para. 8)

- "The Constitution of China stipulates that, with the exception of land designated by law as belonging to the State, all rural land is collectively held, and the land needed by rural families for housing is collectively owned. For some time after the establishment of the People's Republic of China, as average incomes among farmers were very low, the construction of houses in rural villages depended by and large on the efforts of the people themselves. Not only was the standard of construction thus rather low, but there were problems with water and electricity supply, inadequate basic facilities, etc. Housing conditions were simple and crude, and the residential environment less than ideal." (China 2003: 42, para. 115)
- "China has now essentially bid farewell to the days of serious housing shortages, and the housing requirements of urban dwellers have gone beyond a matter of simple numerical demand to a stage where quantity and quality are equally important. To raise the quality of housing, the State has proposed a framework for new construction that emphasizes 'thorough planning, logical layout, comprehensive development and complete facilities'. It has produced such regulations and statements of policy as instructions on the new construction of small residential areas in cities and on the inspection and acceptance of such areas after construction, a national healthy residential construction demonstration scheme, suggestions for raising the quality of housing design and improving housing design, design standards for residential housing, a procedure for determining the characteristics of commercial housing, and pollution control norms for the interior environment in civil architecture and engineering, laying out the quality requirements for residential construction and the accessory facilities to be provided. The rate of conformity to regulations in urban residential construction is steadily growing and standards of quality are rising every year. Meanwhile, great progress has been made in standards of housing design and planning, the application of new technology and recent achievements, and management, all of which are stimulating an overall rise in housing standards and encouraging further progress." (China 2003: 44, para. 121)
- "In the Chinese people's enjoyment of the right to food, there still remain problems that should not be overlooked. China's area of cultivable land does not amount to 10 per cent of the world's total, and its water resources amount only to some 7 per cent of the world total; in fact, per capita average water resources in China are less than one quarter of the world average. Some 90 per cent of grasslands are degraded to varying degrees, with at least half being moderately degraded or worse. Expanding grain production puts destructive pressures on the agricultural and natural environment. One of these is desertification: since

the founding of the People's Republic of China, the frequency of sandstorms has shown an increasing trend. Particularly big sandstorms with a significant economic impact occurred 8 times in the 1960s, 13 times in the 1970s, 14 times in the 1980s and 23 times in the 1990s. The economic loss attributable directly to desertification reaches 5.4 billion yuan annually; associated indirect losses amount to twice that figure. A second problem is soil erosion: China has among the most serious soil erosion problems in the world. A remote-sensing survey in 1999 revealed some 3,555,600 square kilometres of land surface touched by erosion (not including land eroded by melt water): this represents 37.42 per cent of the country. Soil erosion costs China more than 5 billion tonnes of soil per year, second only to India in world terms. Over the next 20 years China's population is expected to show net growth of 10 million per year, and urbanization will advance at a rate of 0.8 per cent to 1 per cent annually. Because of rising demand, the shortage of available land and water resources and the degradation of the natural environment, China will soon be facing conflicts in its ability to ensure the right to adequate food. Poverty relief remains a formidable duty. China's rural communities still contain 29.27 million people who are inadequately fed and clothed, and though this is not an enormous number, resolving the situation will be very difficult. The food and clothing situation for the many poor whose problems are in the early stages of resolution has not stabilized because their basic living and working conditions have not fundamentally altered. Consolidating the progress that has been made remains an arduous task. Among those poor who are fed and clothed, standards remain very basic. Constructing a comfortable existence on this foundation, and then progressing to greater ease, will be a long-term struggle." (China 2003: 49–50, para.138)

## India

The initial report (E/1984/6/Add.13) submitted by India under Articles 16 and 17 CESCR is not available as electronic version in the UN Documentation database. It was considered by the CESCR Committee at its fourth session in 1990. This paper examines the combined second, third, fourth and fifth periodic report (E/C.12/IND/5) submitted by India on 23 October 2005 (= India 2005). The combined report has 208 pages.

A quick quantitative survey, based on word-count, shows the following results: The report contains 64 occurrences of the word "poor", 66 occurrences of the word "poverty", 239 occurrences of the word "right" (including 2 occurrences of the word "social right" and 4 occurrences of the phrase "human right[s]"), 84 occurrences of the word "land" (including 5 occurrences of the word "landless"), no occurrence of the word "land right", 3 occurrences of the word "land reform", 3 occurrences of the word "tenure" (twice pertaining to land), 22 occurrences of the word "property" (minus 7 occurrences for "...al property" to rule out "intellectual property" or "cultural property"), 164 occurrences of the word "housing", 2 occurrences of the word "eviction", and 38 occurrences of the word "planning" (not li-

mitted to town planning or land use planning).

A qualitative analysis of the report finds that the following text excerpts illustrate the key components of India's pro-poor land policy:

- "The Department of Land Resources in the Ministry of Rural Development is the nodal agency for policy formulation and co-ordination with the State Governments, which has jurisdiction in this matter. The Land Acquisition Act 1894 has been amended in 1984 and another amendment is under consideration. So far 284 legislations have been passed prescribing family ceiling, acquisition, abolishing zamindari and intermediary system and conferring tenancy rights and protecting the cultivators against eviction by landlords. Till 2003, 12.42 million tenants have got their rights protected over an area of 156.30 acres. Around 7.37 million acres of land has been declared surplus in the entire country, out of which 6.5 million acres have been taken possession of and 5.39 million acres have been distributed to 5.64 million beneficiaries of whom 36% are Scheduled Castes and 15% are Scheduled Tribes. So also 14.74 million acres of Government wastelands has been distributed among landless rural poor. So far 163.34 million acres of land have been consolidated all over the country for the development of villages and increased agricultural output." (India 2005: 110, para. 398)
- "About 15% of the dwellings in the urban slums and squatter settlements, 63% of dwelling units in other urban areas and 11% of the units in rural areas are estimated to have all the three facilities of drinking water, latrine and electricity within their premises. At the other extreme, none of the three facilities were available within their premises of about 30% of dwelling units in rural, 11% of dwelling units in urban slums and squatter settlements, and 4% of dwelling units in other urban areas of the country." (India 2005: 111, para. 403)
- "About 65% of the slums were built on public land owned mostly by local bodies, state government etc., electricity was available in 99% of the notified slums<sup>64</sup> but the same was available in about 84% of non-notified slums. There were pucca roads inside 71% of notified and 37% of non-notified slums. About 73% of the notified slums and 55% of the non-notified slums were connected with motorable approach road. Only 17% of the notified slums and about 51% of non-notified slums did not have any latrine facility. Majority of the slums experiencing improvement in the condition of the slum during the last five years have reported government as the source of it." (India 2005: 112, para. 406)
- "Right to shelter is recognized as an integral part of the fundamental right to life under the Constitution of India. The Supreme Court has through many judgements stressed the importance and spelt out the content of this right. In *Chameli Singh v. State of Uttar Pradesh* <sup>65</sup>the Supreme Court emphasized the right to shelter and expounded its concept of shelter referring to the UNGA resolution [No. 35/76] on the problem of homeless people in developing countries. It observed: 'Shelter for a human being is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. It therefore includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air

and water, electricity, sanitation and other civic amenities like roads, etc.' " (India 2005: 112, para. 408)

- "Housing is the responsibility of the State government under the Constitutional scheme in the country. The Union government however has been taking initiatives and directing the programmes in that sector through the process of planning, by formulating policies, establishing institutions for financial and technical support, implementing social housing development schemes, alongside amending laws and implementing fiscal measures to provide incentives for investing in the housing sector." (India 2005: 112–113, para. 409)
- "Shelter is one of the basic human needs just next to food and clothing. Need for a National Housing and Habitat Policy emerges from the growing requirements of shelter and related infrastructure. These requirements are growing in the context of rapid pace of urbanization, increasing migration from rural to urban centres in search of livelihood, mismatch between demand and supply of sites and services at affordable cost and inability of most new and poorer urban settlers to access formal land markets in urban areas due to high costs and their own lower incomes, leading to a non-sustainable situation. This policy intends to promote sustainable development of habitat in the country, with a view to ensure equitable supply of land, shelter and services at affordable prices." (India 2005: 113, para. 413)
- "Housing, besides being very basic requirements for the urban settlers, also holds the key to accelerate the pace of development. Investments in housing like any other industry, has a multiplier effect on income and employment. It is estimated that overall employment generation in the economy due to additional investment in the housing/construction is eight times the direct employment (IIM-Ahmedabad Study 2000). The construction sector provides employment to 16% of the work force (absolute number 14.6 million – 1997). It is growing at the rate of 7%. Out of this, the housing sector alone accounts for 8.55 million workers. However, nearly 55% of them are in the unskilled category. Skill up gradation would result in higher income for the workers. However, nearly 55% of them are in the unskilled category. Skill up gradation would result in higher income for the workers. Housing provides employment to a cross-section of people which importantly include poor. Housing also provides opportunities for home-based economic activities. At the same time, adequate housing also decides the health status of occupants. Therefore, on account of health and income considerations, housing is a very important tool to alleviate poverty and generate employment." (India 2005: 114, para. 418)
- "This draft policy envisages the Government's special focus on shelter for all and development of related infrastructure with a particular reference to poor and promotion of economic development, quality of life and safe environment. In this regard, Government of India has initiated NURM (National Urban Renewal Mission) with the objective to accelerate the supply of land, shelter and infrastructure taking into account the requirements of economic development with a particular reference to balanced regional development, poverty alleviation and rapid economic development." (India 2005: 114, para. 419)

- “The government is tackling the problem of tenure in slums through a three prolonged strategy, viz,
  - [a] in-situ up gradation of slums;
  - [b] partly in-situ upgradation and part relocation where a part of the land is essential for relocation;
  - [c] relocation of slum dwellers by following a project approach with a package of all benefits that is needed to improve the quality of life.
 A National Policy on Resettlement and Rehabilitation of Project-affected Families is prepared and is under the consideration of the government.” (India 2005: 116, para. 427)

## Nepal

Nepal submitted her initial report (E/1990/5/Add.45) under Articles 16 and 17 CESCR on 25 October 1999 (= Nepal 1999). The report has 37 pages.

A quick survey, based on word-count, shows the following results: The report contains 14 occurrences of the word “poor”, 36 occurrences of the word “poverty”, 108 occurrences of the word “right” (including 1 occurrence of the word “social right” and 20 occurrences of the phrase “human right[s]”), 16 occurrences of the word “land” (including 1 occurrence of the word “landless”), no occurrence of the word “land right”, 1 occurrence of the word “land reform”, no occurrence of the word “tenure”, 2 occurrences of the word “property”, 6 occurrences of the word “housing”, no occurrence of the word “eviction”, and 10 occurrences of the word “planning” (not limited to town planning or land use planning).

A qualitative analysis of the report finds that the following text excerpts illustrate the key components of Nepal’s pro-poor land policy:

- (concerning Article 6 CESCR) “Furthermore, targeted programmes for indigenous groups will be launched in the poverty prone areas. Such programmes will include a remote area development programme, a backward ethnic communities upliftment programme, programmes for socially backward and other depressed communities, relief programmes for landless rural families, a programme to provide loan facilities to small landholders, a programme to provide shelter and agricultural land to targeted communities and an employment programme for poor and unemployed people in urban areas, among others.” (Nepal 1999: 20, para. 97)
- “Under the constitutional provisions of Nepal, every citizen is entitled to take part in cultural life and to enjoy the benefit of scientific progress and its application. Any form of discrimination as to the enjoyment of this right is prohibited. Article 11 (4) of the Constitution explicitly provides that no person shall, on the basis of caste, be discriminated against as untouchable, be denied access to public places or be deprived of the use of public utilities. Similarly, each community has the right to preserve and promote its language, script and culture.” (Nepal 1999: 26, para. 133)
- “People are free to buy and sell land/houses or other immovable property and

settle in places where they like in the country. Rapid and haphazard urbanization has emerged as a big problem. There is a regulatory mechanism for the approval of the plan by the metropolitan/municipality office. Offenders flouting the housing norms are subject to punishment. However, the approval of plans is not compulsory in villages.” (Nepal 1999: 27, para. 139)

- “The Government has tried to develop some housing projects for civil servants, providing land with infrastructure such as water, electricity and sewerage facilities at a reasonable price. However, such projects have been able to provide only limited additional housing facilities.” (Nepal 1999: 27, para. 140)
- “The Government is gradually implementing the land reform programme to make the optimal use of land and natural resources.” (Nepal 1999: 27, para. 141)

## Tajikistan

Tajikistan submitted her initial report (E/C.12/TJK/1) under Articles 16 and 17 CESCR on 12 May 2005 (= Tajikistan 2005). The report has 134 pages.

A quick quantitative survey, based on word-count, shows the following results: The report contains 22 occurrences of the word “poor”, 32 occurrences of the word “poverty”, 314 occurrences of the word “right” (including 2 occurrences of the word “social right” and 10 occurrences of the phrase “human right[s]”), 11 occurrences of the word “land” (including 7 occurrences of “...land” in country names), no occurrence of the word “land right”, no occurrence of the word “land reform”, no occurrence of the word “tenure”, 48 occurrences of the word “property” (minus 21 occurrences for “...al property” to rule out “intellectual property” or “cultural property”), 16 occurrences of the word “housing”, no occurrence of the word “eviction”, and 5 occurrences of the word “planning” (not limited to town planning or land use planning).

A qualitative analysis of the report finds that the following text excerpts illustrate the key components of Tajikistan’s pro-poor land policy:

- “The territory of Tajikistan is indivisible and inviolable. The soil, subsoil, water, airspace and fauna and flora are all the exclusive property of the State, which acts as the guarantor of their efficient use in the interests of the people.” (Tajikistan 2005: 5, para. 14)
- “Currently the method used for determining the level of poverty is self-evaluation by the population. Using this method, 60 per cent of the population of Tajikistan consider themselves to be poor.” (Tajikistan 2005: 67, para. 456)
- “The Dushanbe city khukumat has taken specific steps to guarantee the social rights of residents of Dushanbe and citizens of Tajikistan. However, because of economic constraints and a shortage of facilities funded from centralized capital investment, municipal construction of housing and provision of housing to citizens on waiting lists falls short of ideal levels.” (Tajikistan 2005: 69, para. 469)
- “Between 1990 and the first quarter of 2003 the Dushanbe khukumat added 4,126 flats with a total area of 351,600 square metres to the housing stock, which

were allocated to families in need of better housing in accordance with the procedure laid down by law. Over the same period, persons living in 22 damaged and 28 extremely dilapidated and wretched buildings were rehoused in well-equipped flats.” (Tajikistan 2005: 69, para. 471)

- “As a result of reforms in agriculture, the lion’s share of arable land is now in private hands.” (Tajikistan 2005: 70, para. 485)

## Tentative Results from the Exploration of Self-descriptions

CESCR States Parties reports are not unbiased sources for academic research. Each report reflects upon the desire of the States Parties to show their policies and achievements from a certain angle and in a certain light. If States Parties also receive donations or credit from international organizations, they may use their report as an opportunity to justify the support they have received as well as future fund applications. Also, some States Parties may find it difficult to admit social and political problems like poverty, famine, landlessness, or injustice. For all of these and other reasons, CESCR States Parties reports must be read with a healthy skepticism. However, at the same time, each report is a mirror of the States Parties’ self-perception and of the values which are emphasized or belittled. As a whole, the CESCR States Parties reports are an excellent source for the fabric and structure of the global discourse on social policy and universal human rights.

Table 1 summarizes the quantitative result from the exploration of the four States’ self-descriptions. A quantitative analysis of the narratives delivered in CESCR States Parties reports merely delivers a very rough impression of the States’ self-descriptions. However, some results seem to be quite significant. Each country employs a rights-based language. Although the context of this language use varies, the four countries accept the rhetoric of an rights-based approach to social protection and social security. Each country (with Tajikistan on the lower scale) uses the words “poor” or “poverty” in their reports. China, India, and Nepal emphasize “land” as a resource considered in fulfilling the human right to an adequate standard of living. Some words that feature prominently in the international discourses on land and poverty—particularly “land right”, “tenure”, and “eviction”—are not used by China, India, Nepal, and Tajikistan. Maybe academic literature or international policy papers prefer these words although they are not common in domestic administrative language. China and India emphasize housing as relevant social policy. Tajikistan uses “property” much more than the other three countries (which has to do with a constitutional equality clause that is cited frequently and prohibits unequal treatment on the basis of property holdings).

	<b>China</b>		<b>India</b>		<b>Nepal</b>		<b>Tajikistan</b>	
<b>report submitted</b>	27 June 2003		23 October 2005		25 October 1999		12 May 2005	
	(IR)		(not IR)		(IR)		(IR)	
<b>number of pages</b>	280		208		37		134	
	words	w/pages	words	w/pages	words	w/pages	words	w/pages
<b>poor</b>	60	0.2142	64	0.3076	14	0.3783	22	0.1641
<b>poverty</b>	65	0.2321	66	0.3173	36	0.9729	32	0.2388
<b>right(s)</b>	508	1.8142	239	1.1490	108	2.9189	314	2.3432
<i>social right(s)</i>	0	—	2	—	1	—	2	—
<i>human right(s)</i>	54	—	4	—	20	—	10	—
<b>land</b>	117	0.4178	84	0.4038	16	0.4324	4	0.0298
<i>landless</i>	1	—	5	—	1	—	0	—
<i>land right</i>	0	—	0	—	0	—	0	—
<i>land reform</i>	1	—	3	—	1	—	0	—
<b>tenure</b>	0	—	3	—	0	—	0	—
<b>property</b>	60	0.2142	22	0.1057	2	0.0540	48	0.3582
<i>...al property</i>	38	—	7	—	0	—	21	—
<b>housing</b>	156	0.5571	164	0.7884	6	0.1626	16	0.1194
<b>eviction</b>	0	—	2	—	0	—	0	—
<b>planning</b>	57	0.2035	38	0.1826	10	0.2792	5	0.0373

**Table 1: CESCR reports and keyword count (China, India, Nepal, Tajikistan)**  
 Source: China 2003; India 2005; Nepal 1999; Tajikistan 2005 (author's compilation)

The self-description contained in the CESCR reports reveal that the reporting countries understand the nexus between property in land and social policy: The questionnaire of the CESCR Committee prompts States Parties to recognize the nexus between property in land and social policy. Property as the legal right to the value incorporated in land and to its usufruct is a form of social power. As the poor are powerless, they rarely have access to property rights. Considering the citations, however, it remains unclear what the reporting countries consider to be the most relevant aspect of land policy and social policy. Is it the public or collective ownership of land (China, India, Tajikistan)? Or the privatization of property rights (Tajikistan)?

## Towards a Socio-Ecological Land Policy?

Examining self-descriptions of pro-poor land policy in China, India, Nepal, Tajikistan is a rather cautious approach to socio-ecological land policy. In conclusion, I want to take a less cautious glimpse at the possible design and implementation of socio-ecological land policy. Above all, socio-ecological land policy “recognizes individual needs to have access to basic land uses and acknowledges that access to land has to be granted to each person as a right, not as a generous gesture” (Davy 2009: 246). This demands that several sub-systems be coordinated, in particular property rights, land use planning, land management, and social policy.

- The sub-system “property law” defines the kind of land can be owned individually or collectively. Ranging from cadastral mapping and land titling to the ramified catalogue of landowners’ rights and duties, property law controls the inclusion and exclusion of members of society with respect to access to land.
- The sub-system “planning” controls and supports land uses, public investments, and infrastructure. Planners – their tools ranging from regulatory land-use plans to non-binding vision statements – set goals for desirable spatial de-

velopments, but they also restrict unwanted developments. Frequently, land-use plans are indispensable for the provision and protection of common goods (“environment,” public parks, streets) and social housing.

- The sub-system “social policy” provides standards for the support of people, who are sick or unemployed or old or poor (or all of the above). In welfare states, social policy often comprises pension schemes and other elaborate social security programs. Yet, even a minimal state has to provide minimal social benefits (cash, in kind services, education) to the poor and extremely poor.
- The sub-system “land management” helps implement land-use plans and other policies. Land management establishes, modifies, or extinguishes land rights. Considering the global discourse on socio-ecological land policy, land management increasingly becomes an important tool of social policy.

The four sub-systems have a common denominator: Property, planning, social policy, and land management determine the access to land and, subsequently, to wealth. Their relationship is politically very sensitive. Neither land reforms nor privatization schemes are simple administrative matters. Land policy always not only touches the financial interests, but also the hearts and souls of the people. The implementation of socio-ecological land policy therefore should consider following recommendations:

- ***Accept domestic property systems and property cultures!*** Which instruments are suitable for implementing a pro-poor land policy depends on the legal tradition as well as the local culture of ownership. One size does not fit all.
- ***Improve mapping and land registering!*** The reliable survey and documentation of geoinformation helps landowners and planners determine the scope and limits of property holdings.
- ***Define appropriate rights to access to land!*** According to a common misconception, the rights to access to land are often limited to private property rights. Yet, even the most wealthy do not own all of the land which they are using every day. In this vein, pro-poor land rights often will be rights to the use of common pool resources (CPR).
- ***Balance between private, common, and state property!*** A sustainable property system contains a productive mix of different kinds of property. No property system has to decide between capitalism and communism, but rather has to establish a flexible relationship between the diverse elements of private, common, and state property. There are, for example, several ways to establish tenure security.
- ***Enable planning to implement social policies!*** With their professional expertise of coordinating and balancing a diversity of public and private interests, planners can contribute to the implementation of social policies – particularly in the face of an economic crisis and credit crunch.

These recommendations are, of course, not a scientific statement, but the statement of a scientist. Further research and comparison will demonstrate whether a global social policy is emerging that includes land policy, property issues, and planning as elements of the agenda of the protection of universal human social rights.