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CRITICAL REFLECTIONS ON THE ROLE OF AN INTERNATIONAL NGO SEEKING TO WORK GLOBALLY ON LAND RIGHTS – WITH SPECIFIC FOCUS ON OXFAM'S EXPERIENCES IN SOUTHERN AFRICA

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CONTENTS

PART ONE: MULTILATERAL DEVELOPMENT AGENCIES

Introduction

In this paper I shall be exploring some of the dimensions of an international NGO seeking to work globally on land rights. Struggles for land rights continue to form a vital part of the wider fight for global justice, for poverty reduction, sustainable livelihoods and equality – as this audience will be very well aware. It is clear that the clumsy imposition of liberalisation, the rolling back of the role of the state and of state marketing boards, grain reserves and the like, combined with manifestly unfair international trade rules, have left many people living in poverty far more vulnerable than they once were and far more dependent on access to land than ever before – while that very access is increasingly threatened in a globalising world.

I shall draw upon my own work as Oxfam GB's Global Land Adviser and also on Oxfam's [1] historical experiences. In the first part I take a brief historical look at some of Oxfam's work on land rights, followed by the recent involvement of the British Government development agency DFID in land rights in Africa, by Oxfam's engagement on land rights with the World Bank, and a brief word on USAID. In the second part I examine some of Oxfam's work on land rights in Southern Africa over the past two decades. I should make it clear that I am writing (and perhaps speaking) as an individual rather than representing some official Oxfam perspective, though I recognise the ambiguities inherent in this.

An international NGO (INGO) of Oxfam's size and longevity (founded in 1942) obviously has a lot of things going for it – resources, offices throughout much of the world, long-established partnerships with local organisations and social movements, brand recognition, substantial programme and advocacy experience, and a growing reputation as an international campaigner for social and economic justice.[2] But to engage in land rights is obviously to enter hugely sensitive and highly political terrain at a national level where a nuanced understanding is absolutely critical. Clearly, awareness of this is acutely necessary as are judgements about the appropriate role of an INGO in any particular context – I discuss this further in the section on Mozambique.

INGOs can in theory play a critical series of roles – lobbying governments to listen to civil society, to adopt long term perspectives and to learn from other experiences; lobbying donors to do likewise; bringing relevant experience from elsewhere to bear; challenging simplistic magic 'solutions' a la de Soto;[3] making information as freely available as possible and in relevant languages; supporting and strengthening the work of local NGOs; and – with appropriate sensitivity and humility – bringing their influence and reputation to bear in what are often defensive struggles in support of poor people's land rights.

A decade ago Oxfam and comparable agencies were far more constrained by UK Charity Law than is now the case; the boundaries have been expanded following years of increasingly assertive campaigning work on international trade and other global issues by UK-based INGOs.

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[1] In this paper I shall just use 'Oxfam', for simplicity. I am employed by Oxfam GB but have also worked at times for Oxfam International. The latter is a confederation of 12 organisations in America, Australia, Belgium, Canada, Germany, Great Britain, Hong Kong, Ireland, Netherlands, New Zealand, Spain, Quebec. The members frequently combine on campaigning work and at times, as in Angola and Mozambique, some of the affiliates run joint advocacy programmes.

[2] For example, Make Trade Fair http://www.maketradefair.com/en/index.htm Make Poverty History http://www.makepovertyhistory.org/ and Control Arms http://www.controlarms.org/

[3] Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York; Basic Books, 2000).

In its non-humanitarian work, Oxfam traditionally prefers to work through local partners rather than go it alone (be operational), and so its typical role is that of offering appropriate support to partners advocating for the land – and other - rights of people living in poverty.

What has Oxfam done on land rights?

Oxfam has had a not undistinguished track record on land rights. This began in the 1970s, with support to the Landless Workers' Movement (MST) in Brazil, the land-gift movement in India, and organisations resisting forced removals in apartheid South Africa. Decisions at that time tended to be taken locally, with those charged with running programmes allowed considerable latitude about their choice of priorities. In both Latin America and Southern Africa in the 1970s and 1980s, I think it is fair to claim that Oxfam had a pretty good record of solidarity with those involved in the struggle.

The kinds of intervention and support which Oxfam has adopted since then has naturally varied depending on the political context in different parts of the world, on changing global trends and shifting institutional priorities. But, as a rough guide:

- We have worked at local, national, regional and at global levels. At all levels we have sought to build capacities, raise awareness of rights, support alliances, coalitions and networks, and to insist that the interests of people living in poverty are neither ignored nor trampled on.
- We have chosen to engage with many donors such as the World Bank, the EU and DFID and sought to influence their approaches and policies through such engagement.
- We have engaged in research and advocacy on, for example, the impact of HIV/AIDS on land rights,[4] on women's land rights (see box), and on land and PRSPs.
- We have been involved in many land campaigns, in post-conflict restitution and peace-building, in publications, and in translations into local languages. We have even produced a wide variety of striking T-shirts on land rights!

Women's land rights

In 2003, Oxfam GB and the FAO jointly organised a major workshop on *Women's Land Rights in Southern and Eastern Africa*.[5] It involved Oxfam GB and Oxfam International staff and partners from those regions, together with an unusually broad range of practitioners, including paralegals, women living with HIV, and people working on land and property rights issues at a global level. The workshop clearly helped to expand the horizons of Oxfam staff and partners present. It concluded that women's already fragile land rights were being further eroded in a global context of privatisation, World Bank-sponsored land reforms, HIV/AIDS, and changing employment and international trade patterns. Shortly afterwards, Oxfam GB set up a list serve to enable all participants to continue to share ideas, experiences and problems informally as a community of practice.

Across the world demands for women's rights to land have frequently met with formidable resistance because they challenge patriarchal control. A major challenge in securing land rights for women not merely on paper but also, critically, is how to turn rights into reality on the ground.

[4] The HIV/AIDS pandemic has had major impacts on land rights, particularly in Africa and especially for women and children. Critical issues include: inheritance and - linked to that - the dispossession of widows in the name of 'custom'; the selling off of family assets, including land, to pay for medical fees for the dying; a huge loss of labour and productivity, as the most productive generation is the most vulnerable to HIV; skewed generational patterns and the land rights of orphans. 'Custom' is often invoked to defend what are now indefensible practices, such as brothers 'inheriting' the widow of a deceased brother, or families of the deceased husband stripping the widow of married property and sending her back to her 'home' area.

[5] See the short and full reports of this workshop at http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/wlrsea_short_report.rtf & http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/wlrseareport.doc
See also Robin Palmer, 'Gendered Land Rights – Process, Struggle, or Lost C(l)ause?', 2002 http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/genderedrtf.rtf

A startling success on paper has come in Cambodia, where, as a direct result of Oxfam-supported advocacy, up to one million women will be registered for the first time as joint owners of their family farms in a World Bank-funded land management project, LMAP.

The challenge here, as in parts of Latin America and Africa, where gains have been also achieved in law and policy, is to work through awareness raising and advocacy and to build on positive community practice. Coalitions are being built and need to be strengthened between women's groups, development workers, researchers, lawyers and paralegals, and key policy makers. Organisations also need to reach out beyond the comfort zone of their traditional partners.

In such a context the work of legal aid and information groups, such as the women lawyers' association, FIDA, in Kenya and Uganda and the Women's Legal Centre in South Africa, is particularly important. Despite strenuous efforts by women lobbyists, including the Uganda Land Alliance, concrete gains by women have been few and far between. So awareness and support work are absolutely critical. Changing laws is important, but changing social norms is even more so. Information is indeed power, but Latin American experience suggests that ultimately there is no substitute for political struggle in the fiercely contested arena of women's land rights.

Working with the marginalized

One consistent theme of Oxfam's work has been offering support to those who are marginalized socially, politically or economically, in particular indigenous peoples and pastoralists.

- In the Philippines Oxfam has supported organisations working for the land rights of indigenous peoples, [6] who number over 10 million and comprise 17% of the population. This involved both social organisation at the local level and national advocacy aimed first at passing a law guaranteeing indigenous land rights [7] and - more difficult - at enforcing it once passed.

- Oxfam has also supported organisations of and working for the land rights of indigenous people in the Andean countries Bolivia and Peru, in Central America, and in countries such as Indonesia and India. In Honduras and Guatemala, where land activists are regularly murdered, indigenous people have been systematically forced into marginal highlands, first by colonial invaders and later by large landholders. They are frequently denied basic social and political rights, and land struggles often focus on the need to assert these – in some countries their very identity as indigenous people is denied.

- In Africa, pastoralists are frequently marginalized in all manner of ways and attacked for being backward and primitive. Their way of life and their use of land are little understood. They lack political influence as a consequence of being deprived of education and because they tend not to be organised in ways that help them engage with policy makers. So it is not uncommon to hear calls for the abolition of pastoralism or, at best, for pastoralists to become more sedentary. Oxfam has worked with pastoralist communities on land rights and conflict resolution. But this is frequently an uphill struggle, especially

[6] This term has acquired a particular international legal meaning which has proved difficult to implement in Africa. While the struggle for indigenous land rights in countries such as Australia, Canada and in communities in the Amazon or parts of South-East Asia has been well documented, in Africa the term 'indigenous people' has mostly referred to hunter-gatherer communities such as the Kalahari San of Botswana and South Africa and the Pygmies of Central Africa, who have faced acute difficulties, indeed often outright oppression, when trying to assert their rights to land. See Robin Palmer, 'Report on Edinburgh Conference on *Africa's Indigenous Peoples: 'First Peoples' or 'Marginalized Minorities'?* Centre of African Studies University of Edinburgh, 24-25 May 2000', www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/edinburgh.rtf
See also the website of IWGIA, the International Work Group for Indigenous Affairs, www.iwgia.org/sw619.asp

[7] The 1997 Indigenous Peoples Rights Act (IPRA).

where governments are desperately seeking foreign investment in tourism and are happy to ally with sections of the global environmental lobby which have always regarded animals as more important than people. In the Horn and East Africa, Oxfam has recently initiated an ambitious 15-year regional pastoralist programme. The land rights component focuses on better governance and accountability by empowering pastoralist communities to resist inappropriate changes to land use and collectively to manage common resources more effectively. There is a particular concern in the programme with the cultural barriers to women's empowerment.

Working on landlessness in Cambodia

From 1998 – 2001 a joint Oxfam Cambodia Land Study Project, managed by Oxfam GB, conducted action research and advocacy on livelihoods, landlessness and development. The project produced research into landlessness and land disputes that was shared with government and civil society and used to build a broad consensus about the need for and direction of land reform. This work resulted in unprecedented cooperation between government and civil society and their international development partners to develop Cambodia's first national land policy, which provided a framework for accommodating the land rights of peasants, squatters and indigenous peoples and for stimulating investment. Subsequently the World Bank financed a long term, multi-million dollar land administration and management project, which has resulted in the production of a million land titles and secured the land rights of many women in Cambodia for the first time ever. Later GTZ provided technical assistance which helped develop legislative framework for a national land conflict mediation and arbitration system for Cambodia based on Oxfam funded research into land conflicts.

The Land Rights in Africa website

In January 2000 Oxfam GB set up a public website on *Land Rights in Africa* www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/index.htm with relatively modest expectations. It was intended to publicise Oxfam's growing work and that of its partners and allies on land rights in Africa at a time of considerable activity in land policy and law making in many countries in a situation of growing pressures for privatisation of natural resources. Oxfam felt that there was a need to disseminate arguments in favour of pro-poor land reform in a context in which the rich and powerful tended to control both power and information, and in which World Bank approaches often still suggested that land titling was the only magic bullet. Lack of information, particularly on the part of the politically powerless, is a state of affairs which governments in general and ministries of land in particular are often keen to perpetuate in their own interests. *Land Rights in Africa* seeks to address this.

There have been overwhelmingly positive responses to this website as it has grown over the past six years. A wide range of people, including many for whom it was not primarily intended, such as law professors, have said they have found it both informative and helpful. It has gained an international reputation and is now widely used and cited. A serious attempt has been made to present materials which are brief, topical and written in accessible, non-academic language. Significantly, NGO land alliances and coalitions, such as that in Kenya (see box) have welcomed the 'oxygen of publicity' it has afforded.

The Kenya Land Alliance

The Kenya Land Alliance is an institution established by a range of actors at a time when political space for action on land in Kenya was entirely closed. It was created in the belief that thinking, analysing and planning on land rights issues were absolutely vital in order to be in a strong position to intervene in policy debates when political space opened up, as it finally did in 2002. Oxfam was involved, with others, in the intelligent forward thinking and mobilisation which led to the creation of the Alliance. Today it is acknowledged to be by far and away the most effective and constructive lobby group operating in a highly volatile climate in Kenya. Its coordinator was made a member of a committee enquiring into land grabbing under previous governments, which makes the Alliance well

equipped to continue to monitor this in the future. The Kenyan authorities have sought to intimidate both the Alliance and its donors, which can be read as a sign that it is having a significant impact.

Recent structural adjustment of Oxfam programmes

Oxfam has a reasonably good record across the globe of directly supporting and indirectly advocating for land rights for poor or marginalized people and for pro-poor land reform. It has had a significant impact in different places at different times across the world. But land rights issues are intensely political, highly complex, frequently contested and of *longue durée*. Each country has its own specific social, economic, political, cultural and legal history which needs to be well understood and respected by those seeking to intervene. This poses real problems for an organisation such as Oxfam. Working on land rights requires adopting very long term horizons, and demands consistent long-term engagement, analysis and monitoring, for these are long term *processes* which defy quick fixes or easy final solutions. And fashions come and go in the notoriously fickle development world, just as they do in the academic world.

These days all organisations seem to undergo regular, in some cases almost constant, internal restructurings, and Oxfam is certainly no exception. In recent years Oxfam has structurally adjusted its programmes so that they must now fall under and conform to one of five broad aims: the right to a sustainable livelihood; the right to education and health; the right to life and security; the right to be heard; and the right to equity. In practice land rights programming can now be found under our Aims 1, 4 or 5, so an unintended consequence has been that staff working on land rights have become isolated from one another in different 'boxes'. Aim 4 is where most Oxfam staff with advocacy in their job titles reside and is also where work on pastoralism is located, quite separate from livelihoods.[8] This may not necessarily be an insurmountable obstacle, but it does create very serious difficulties, for example in the kind of programming Oxfam has been seeking in Southern Africa, of trying to bring together work on land-based livelihoods, gender and HIV/AIDS.

In addition, my own post as a land rights adviser, initially focussed on supporting staff and partners in Africa, then 'globalised',[9] has never been secure. It was written out of one internal restructuring but reinstated after a vigorous campaign, has frequently had to be defended and will almost certainly disappear when I am finally retired. I was recently asked to write an internal concept paper to justify to sceptics the validity of continuing to work on land rights – which carries its own connotation.

The future of Oxfam's work on land rights

I have somewhat mixed views about the future of Oxfam's work on land rights. Seven years ago, I rather pessimistically concluded that Oxfam was reaching 'the end of an era' in its land advocacy work in Tanzania and Uganda.[10] Since then there has been plenty of evidence to support that pessimism, but also some to contradict it – a concern over land rights for IDPs in northern Uganda, for example [11] and some work around implementation of the Tanzanian Land Acts.[12]

[8] Perhaps because land rights are not particularly easy to campaign on in Western countries, they were conspicuous by the absence from early version of Oxfam GB's global livelihoods strategy.
[9] So I count myself a beneficiary of globalisation!
[10] Robin Palmer, 'Oxfam GB's Land Advocacy Work in Tanzania and Uganda: The End of an Era?', 1998 http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/eafadv.rtf
[11] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/lemu_land_rights_where_we_are_where_we_need_to_be.rtf
[12] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/tanzania_1999_land_acts_implementation_symposium_report.rtf

More globally, there have been similar mixed messages. Within 10 days of the devastating earthquake-tsunami in the Indian Ocean, a UN official quietly approached Oxfam to ask whether we might explore the issue of land and property rights in the affected regions. We recognised the threat that powerful vested interests might exploit the reconstruction phase to ride roughshod over the already fragile land and property rights of poor communities. The threat was greater because of the huge loss of land and livelihoods and critical personal documents. We commissioned a rapid scoping survey of the key issues in order to inform our future programme and advocacy work. But an attempt to do general advocacy work on land and property rights, with a particular focus on IDPs, was thwarted. Since then however Oxfam has engaged nationally either directly or through partners in Sri Lanka and India, challenging the Buffer / Coastal Regulation Zones and pushing successfully in some instances for joint titling – getting women's names on both housing and land titles. In Aceh, Indonesia, we have also pushed for joint titling but been involved in a much wider range of activities designed to protect land and property rights, especially of women, in a very complex post-disaster and war context. These include monitoring a World Bank-funded project, RALAS (Rehabilitation of Aceh Land Administration System), assisting community adjudication processes and ensuring that the vulnerable are involved and protected, advising on a new land acquisition policy, helping communities requiring relocation to identify suitable land, training on land rights, and (soon) the setting up of legal aid and information centres, and some major research on women's land and property rights. The tragedy of the tsunami has emphasised the critical nature of land rights; hopefully this might cause a reappraisal elsewhere.

DFID and land rights in Africa

The Department for International Development (DFID) is the official aid arm of the British Government. For a time it devoted a great deal of attention, energy and resources on land rights issues, especially in Africa. It did some excellent work, often consciously sticking its neck out, especially in countries such as Uganda and Kenya, and gained a deserved reputation for its expertise. It engaged critically with the World Bank. Then a key individual retired, there was a radical internal restructuring and DFID seemed to lose all interest.

In 1998 Camilla Toulmin of IIED (International Institute for Environment and Development) and I were invited to sit on a newly constituted DFID Land Tenure Advisory Group. This was initially set up to prepare the ground for a major workshop on '*Land Rights and Sustainable Development in Sub-Saharan Africa'*, which was held in Sunningdale, near London, in February 1999. Papers from that workshop were later turned into the influential book, *Evolving land rights, policy and tenure in Africa*.[13] A series of regional networking activities took place subsequently in Africa, under the name LandNet, with DFID seeking to encourage dialogue between governments and civil society at a time when there was great deal of policy and law making on land. DFID also deployed highly experienced technical assistants to work within ministries of land in countries such as South Africa, Rwanda and Kenya. The Land Tenure Advisory Group met fairly regularly over a period of almost 5 years. It afforded Oxfam and IIED easy entry to DFID's Rural Livelihoods Division officials both in London and in many African countries, and made for good working relations and a regular flow and sharing of ideas and information. A possible downside was the danger of co-option, but I think Oxfam and IIED can plausibly plead not guilty on this. DFID also appointed Julian Quan, from the Natural Resources Institute (NRI) as its part-time Land Tenure Advisor. He coordinated a great deal of work, advised local DFID officials and engaged sympathetically with governments and civil society. In 2002, he drafted a Land Policy Issues Paper, an

[13] Camilla Toulmin & Julian Quan (Eds), *Evolving land rights, policy and tenure in Africa* (London; DFID, IIED and NRI, 2000). I wrote the concluding chapter, 'Land Policy in Africa: Lessons from Recent Policy and Implementation Processes'. A fuller version of this, with 'The Struggles Continue' in the title, appeared at http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/rppolimp.rtf

official DFID position on land, *Better Livelihoods for Poor People: the Role of Land Policy* [14] which was shown to the then Secretary of State, Clare Short, who supported it.

But this was overtaken by events. The head of DFID's Rural Livelihoods Division, a keen supporter of serious engagement on land rights, retired. Clare Short resigned. DFID undertook a major internal restructuring. The Rural Livelihoods Division disappeared to be replaced by a mix of Urban-Rural Change and Agriculture within a huge new Policy Division. Julian Quan's post and he himself were dispensed with. DFID dropped its Land Policy Paper. A senior official told a meeting on Angola in October 2005 that DFID now had no land policy to speak of, indeed *should* not have one, but was happy to subscribe to the *EU Land Policy Guidelines* of November 2004.[15] It was clearly not going to engage as a major player in engagement on land with the World Bank and other donors. And the hitherto unthinkable happened in November 2004, when another major conference, *'Land in Africa: Market Asset, or Secure Livelihood?'*,[16] organised by NRI, the Royal African Society and IIED, was held in London, attended by a number of African ministers, but not by anyone from DFID's headquarters less than a mile away.

A few comments on DFID in Southern Africa will occur in the second half of this paper.

At a country level, as in Kenya, Ghana, Rwanda and Mozambique, DFID has continued sensitively to support work on land rights, but without energy, resources or political will from the centre, this is not as sustainable as it once appeared to be and the opportunities for internal learning are diminishing as outsourcing increases. Worse than that, there appears to be a deliberate devaluing of everything that was done before. Oxfam recently wrote to deplore this situation and received a vacuous and not very truthful response.

Very recently, DFID's Urban-Rural Change Team did commission a 'think-piece' paper on land, but the thinking was done by two consultants, and it seems highly unlikely that its policy recommendations will be acted on in any coherent way.[17]

Engaging with the World Bank on land rights issues

An assiduous reader of Oxfam's *Land Rights in Africa* website will be able to trace our ongoing engagement with the World Bank's Policy Research Report (PRR), *Land Policies for Growth and Poverty Reduction* (Washington, 2003). I wrote a guide to an early draft,[18] Oxfam and partners attended World Bank-sponsored workshops in Africa [19] and Asia, I moderated part of an email discussion on the PRR, and attended and addressed the Report's launch in the Bank's headquarters in Washington in March 2003, just before Bush and Blair declared war on Iraq. Oxfam is well aware of the fact that others, notably some Latin American social movements, reject any such engagement with the World Bank on the basis of past bitter experience - and is well aware too of critiques of the PRR, including from

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[14] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/dfidpol2.rtf

[15] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/4_eu_land_policy_guidelines_nov_2004.pdf

[16] http://www.iied.org/pubs/pdf/full/12516IIED.pdf ; http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/land_in_africa_conf_nov_04_summary_of_conclusions.pdf

[17] Elizabeth Daley and Mary Hobley, *Land: Changing Contexts, Changing Relationships, Changing Rights*, September 2005 http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/land_changing_contexts_relationships_rights.rtf

[18] *A Guide to, and some Comments on, the World Bank's Policy Research Report (PRR), 'Land Policy for pro-poor Growth and Development'*, December 2002 http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/guideprr.rtf

[19] *A Short Reference Note on the World Bank's Regional Workshop on Land Issues in Africa*, July 2002 http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/noteafwb.rtf

gendered perspectives by Ambreena Manji [20] and Birgit Englert. [21] But I strongly believe that a variety of approaches from different kinds of organisations with different constituencies is not inappropriate and can indeed be highly productive.

From my discussant speech to the World Bank, Washington, March 2003 [22]

'I need to state publicly that for many of my colleagues and Oxfam partners such close collaboration with the Bank is highly problematic, and in some countries would be deemed quite inappropriate on account of much extremely negative past historical experience. I am thinking here of countries such as Indonesia and parts of Central and South America. The Bank would do well to remember that very many people across the world unambiguously see it as 'the enemy', as being totally dogmatic in its approaches (for example over market assisted land reform), as being unwilling to listen, and as being fundamentally antagonistic to the needs and interests of the poor. It would be well for Bank officials to reflect on this fact, and to seek positive ways of redressing it.'

Oxfam engaged, as did DFID, in an attempt to influence and modify the Bank's approach both in writing and – more important – in practice. So, for the back cover of the PRR, I wrote:

> This report represents a major and welcome shift in World Bank thinking on land policy by offering an increased openness and flexibility in thinking, a readiness to admit to past mistakes, and an avoidance of dogmatism. The critical test will be to ensure that the report's relatively more enlightened approach and principles will be turned into better Bank practice at the country level. This will require genuine commitment from senior management in the Bank and continued pressure from civil society advocates who defend the land rights of the poor.

Over recent months there has been a new engagement, this time with the World Bank's Agriculture and Rural Development Department. They produced an excellent and highly practical research report, *Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report* (World Bank; Agriculture and Rural Development Department, June 2005). When I read it, I was engaged in discussion with colleagues in Aceh, Indonesia, about women's land rights, and this practical report seemed to have lots to offer. So I wrote a detailed guide to it, posted it on the land rights website [23] and asked one of the authors, Arumina Dhar, to make available on that website some highly useful sample questionnaires for data collection,[24] designed to be adapted and modified to different contexts – such as Aceh where Oxfam is currently engaging with the World Bank in the Rehabilitation of Aceh Land Administration System project, which 'aims to issue up to 600,000 certificates over a 3-year period through community-driven adjudication processes'. Along with others, we shall be monitoring that project to see to what extent practice matches rhetoric.

A brief word on USAID

Oxfam and many of its partners deeply resent the remorseless pressures for privatisation of land emanating from USAID. This has been a feature in Mozambique, where USAID has been seeking to undermine a highly progressive land law, and in Angola, where it has

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[20] Ambreena Manji, *The World Bank's Policy Research Report 'Land Policy for Pro-Poor Development': A Gender Analysis*, December 2002
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/manjiprr.rtf

[21] Birgit Englert, *The World Bank and Land Rights in Africa – an analysis of the Policy Research Report on Land*, Department of African Studies, University of Vienna, Occasional Paper **3**, July 2005
http://www.univie.ac.at/afrikanistik/homepageneu/Occasional/ENGLERT_Occasional%2003_Juli%202005.pdf

[22] *Thoughts on the Latest (March 2003) World Bank Land PRR*, March 2003
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/thoughts.rtf

[23] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/wb_guide_gender_best_practices_land_admin.rtf

[24] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/gender_questionnaire.htm

exploited the inexperience of civil society actors. Outrageously, in Kenya a year ago it was pressing other donors, including DFID, to withdraw their support for the Kenya Land Alliance. This, it seems to me, is gross abuse of the role of a donor and representative of a hard line, deeply ideological approach to which we are strongly opposed.

Some concluding thoughts on individuals and institutions

I have been struck time and time again, in the course of my experiences in land advocacy, by the critical importance of individuals. One DFID official in Uganda, for example, took great risks in supporting the Uganda Land Alliance at an early stage and so diverted policy thrusts in directions which Oxfam strongly supported. Another publicly stood by what subsequently became the Kenya Land Alliance, which he did not need to do. I could also cite cases where I have found DFID officials positively unhelpful or obstructive. Similarly, the post of coordinator of an NGO land coalition or alliance is absolutely critical to the effectiveness of the organisation; its fortunes can dip suddenly when an effective leader is replaced by someone without the necessary advocacy skills, diplomacy or passion – a crucial requirement. Arumina Dhar, at the World Bank, was delighted by the interest shown in her work by Oxfam, while a senior colleague was so seriously alarmed by the fact that I had been asked to moderate part of an e-mail discussion of the PRR that he insisted I be given a minder to ensure that I did no harm! By contrast, someone like Kaori Izumi of the FAO (Southern Africa) has pushed out the dimensions of her own job and the work of FAO in the region and has created all kinds of interesting alliances and coalitions with those who share her passion for women's land rights. I can think of others who have struggled within the constraining confines of an institution such as the HSRC (Human Sciences Research Council of South Africa) and have left to work more independently.

The conclusion I draw from this is that it is important to seek out allies and kindred spirits wherever we can (even, and perhaps especially, in government) and to try to exploit those in positive ways; an example being the diverse range of people which Kaori Izumi and I brought together for a women's land rights workshop, many of whom have continued to support each other in various ways.

But there are of course limitations to what individuals can do. In March 2003, Kaori gathered together a small, informal 'think tank' to try to think of constructive ways out of what we described as an 'impasse' over land reform in Southern Africa.[25] Members of the group subsequently produced 'independent' land newsletters on Southern [26] and Eastern [27] Africa. In June 2003 some of the think tank held discussions with various interest groups in South Africa to try to encourage debate and contribute to the building of greater consensus on the importance of meaningful land reform.[28] We fondly hoped that we might persuade Agri-SA, the main voice of 'organised' (i.e. commercial) agriculture, to draw some sensible lessons from what was happening in Zimbabwe and moderate its hard-line stance. But we failed and subsequently we lacked the capacity and time to sustain this initiative – though some of us are currently trying to revive the think tank. Arguably, an organisation might have fared better.

[25] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/impassertf.rtf

[26] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/ind_land_newsletter_sth_afr_june_2004.rtf

[27] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/ind_land_newsletter_eastern_africa_aug_2004.rtf

[28] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/SAdialog.rtf

PART TWO: OXFAM AND LAND RIGHTS IN SOUTHERN AFRICA

Introduction

Those parts of Southern Africa under the heaviest settler repression were only liberated through armed struggle over several decades – in Mozambique, Angola, Zimbabwe, Namibia and, finally, South Africa. Western governments were generally hostile to the liberation movements and for the most part offered them no practical support. Some international NGOs, including Oxfam, did offer practical support, though this obviously had to be done discretely. In general, freedom fighters had to turn to the East for their material and moral support. It would hardly seem necessary to restate this, except for the fact that for many in the West all this appears to have been conveniently forgotten and brushed under the carpet, as though it were a matter of minor historical significance. When the time finally came for the transfer of power, the West forced restraining compromises onto the liberation movements on land redistribution under the 'willing seller, willing buyer' formula which, as I have written previously, in effect

> justified, legalised and froze in time all that had gone before - a century of white land grabbing in Zimbabwe and Namibia, even longer in South Africa. But, since 1980, the rules of the game as drawn up in the West (and subsequently endorsed by all donors) meant that this colonial *status quo* was legalised. A line was drawn under a past history of oppression, and to change it required in virtually all cases the 'willing consent' of those who were the beneficiaries of past expropriation. [29]

In this second section, I shall provide some examples of Oxfam's interventions on land rights in Southern Africa in recent decades in Zimbabwe, South Africa, Zambia, Malawi, Mozambique and Angola. This will not be comprehensive, but designed to demonstrate the types of intervention which we thought were appropriate to very different contexts.

Zimbabwe – early support for local NGOs and a few policy interventions

Oxfam had been supporting organisations working inside Rhodesia during the liberation war, and it quickly moved to open an office in Harare following Zimbabwe's independence in 1980. Land issues had featured prominently in the rhetoric of the liberation struggle, but fairly rapidly dropped down the new Government's priority list. Oxfam focussed its priorities on supporting a range of local organisations seeking to help peasant farmers re-establish themselves on the land after the massive dislocation of the final years of the war. These included ORAP (the Organisation of Rural Associations for Progress), which worked in Matabeleland and became very well-known in development circles, the Zimbabwe Project, which helped war veterans re-establish themselves, and the influential Zvishavane Water Project, under its charismatic leader, Zephaniah Phiri, the water harvester.[30]

This kind of approach was entirely appropriate; it was very much 'hands off' and was premised on enabling such organisations on the ground, whose capacities and vision we recognised and thought very highly of, to support local communities recover and develop after the ravages of war.

Oxfam made one specific policy intervention on land at the national level in 1989/90. This came about in the context of a Front Line States campaign we were mounting, which sought to illustrate the destruction being wrought across the region by South Africa in its notorious

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[29] Robin Palmer, 'Robert Mugabe and the Rules of the Game', July 2000, http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/rulegame.rtf

[30] For more details, see Robin Palmer and Isobel Birch, *Zimbabwe: A Land Divided* (Oxford; Oxfam, 1992). For Zephaniah Phiri's work, see Mary Witoshynsky, *The Water Harvester* (Weaver Press; Harare, 2000).

(and genteelly worded) policy of 'destabilisation' and to argue the case for sanctions against South Africa. The latter got us into considerable hot water with the (then very conservative) British Charity Commissioners. In Zimbabwe, the 10-year constraints imposed by the Lancaster House Constitution of 1979 were about to come to an end, and Peter Nyoni, then Oxfam's Country Representative, decided that there was need for some shaking up. So he asked me to come to Zimbabwe, interview key members of the Zimbabwean Government, and write a review of the first decade of land reform. This I did; it became a chapter in our Front Line States book,[31] was published in the journal *African Affairs* as 'Land Reform in Zimbabwe, 1980-1990'[32] and has recently been made available electronically.[33] It has been much cited and I was told that it was recommended reading for successive British High Commissioners going to Harare!

The thrust of the article was highly critical of the Zimbabwean Government, for only paying serious attention to land issues when there was an election to be won, and of the British Government, for seeking to constrain any radical redistribution of land, which it seemed in those far off Cold War days to equate with Communism. The article concluded by warning that Namibia and South Africa would be next in line for such constraining treatment. So it proved, and the folly of such attitudes and short-time horizons is being amply demonstrated in the tragedy that is today's Zimbabwe.

I had one personal (i.e. non-Oxfam) subsequent engagement with the land reform process. This occurred some months after the December 1998 donors' conference, when DFID recruited me (as an alleged 'expert') and two others to advise them what to do next. We said unequivocally – buy some land for redistribution. The logic of this was the palpable frustration and impatience at the slow pace of the official land resettlement programme and the obvious threat of unconstitutional action, coupled with the fact that the British Government was legally able to buy land and that other donors were waiting to take their lead from the British. Our advice was, I think, favourably received by DFID in Harare but it was clearly deemed too politically risky in London. In February 2000, Mugabe lost a referendum vote, the farm invasions began and our fears were sadly confirmed. [34]

Over the past two years, Oxfam has sought means of tracking some of the key changes taking place in the 'new resettlement areas', i.e. the former white-owned commercial farms. We have done this in order to be better informed about possible programme priorities there, but also for advocacy work designed to encourage others to 'cross the line' into these areas. We do this on the basis of humanitarian principles; others believe that this implies endorsing the Zimbabwean Government's 'fast track' land reform programme. This is in a context in which most Western countries have cut direct diplomatic links with the Zimbabwean Government and some aid agencies are leaving the country or else radically scaling down their activities. So Oxfam is doing what it can to prepare for what may be yet another post-conflict situation, which will almost certainly be more complex and difficult than that of 25 years ago.

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[31] Susanna Smith, *Front Line Africa: The Right to a Future* (Oxford; Oxfam, 1990).
[32] Robin Palmer, 'Land Reform in Zimbabwe, 1980-1990', *African Affairs*, **89**, 1990, 163-81.
[33] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/zim1980s.rtf
[34] Someone who had reason to know recalled that 'the hardliners always said: let's just take the land, forget about donors. They're just in it to slow us down or even to prevent land reform. The doves and technocrats said no, you need a lot of money to do this well, so you need the donors. Give us a chance, let's have a donor conference and get an agreement. Then the hardliners responded: OK, we'll give you a shot at it, but we'll bet you that nothing will come out of it. In the mean time, we will continue the compulsory acquisition just in case and to keep the pressure up. When after a year or so after the donor conference not a single donor dollar had come in, the hardliners said: see, we told you so. Let's do it our way.'

South Africa – early support for local NGOs, Oxfam Belgique and the LPM

During the late apartheid years, Oxfam (and many other international NGOs) supported local land sector NGOs like the National Land Committee [35] and some of its regional affiliates, such as the Surplus People Project in the Western Cape. We also supported other organisations - like the Legal Resources Centre, which attempted to resist forced removals (and many other abuses) through a combination of political and legal struggles.[36] When apartheid was in its death throes, Oxfam supported groups working on policy and constitutional issues as well as continuing to support local advice centres. When apartheid was finally overthrown, international NGOs faced difficulties about where to focus support and attention in the 'new South Africa'. Most donors poured money into the new government, which many former struggle NGO leaders joined. There was an assumption (which proved false) that, by contrast to its neighbours, the local NGO sector was extremely strong and so needed little support. So, after a decent interval, Oxfam withdrew its funding from land sector NGOs and played no part in supporting the new, highly ambitious land reform programme, except at a very local level in Kwa-Zulu Natal after we moved our office from Johannesburg to Pietermaritzburg. We have recently moved back to Johannesburg and are struggling with how best to engage in poverty issues at the national level. But it seems unlikely that we shall re-engage with the land sector. A veteran South Africa land campaigner did recently ask whether the classic NGO model of salaried experts was appropriate anymore; might it not be best to build on the great strength of volunteerism in rural communities, she wondered?

I had two direct personal (i.e. non-Oxfam) engagements with land reform in South Africa. One was to review the work of the Legal Resources Centre in 2001.[37] Two years earlier, DFID asked Lionel Cliffe and I to join a South African team reviewing donor support to the land reform programme more broadly. We did our work immediately after an election and the change of minister from Derek Hanekom to Thoko Didiza, at a moment when all past policies seemed to be on hold and there was considerable disarray and tension within the Department of Land Affairs. It was clear that the programme was in great difficulties, but Lionel and I gently tried to suggest that land reform takes time and that total despair was premature. But many parts of rural South Africa and the small towns that I visited (mostly in Northern Cape and Kwa-Zulu Natal) seemed far less unreconstructed than post-war Mozambique a decade earlier.

The more recent emergence of a Landless Peoples Movement (LPM), drawing some of its inspiration from Brazil's MST, renowned for its land occupations, and from Robert Mugabe's 'fast track' seizure of farms in Zimbabwe, indicates the dangers of leaving redistribution to the mercy of market forces. A land summit in July 2005 rejected the 'willing buyer, willing seller' approach and argued that expropriation should be used actively and selectively, as allowed in the Constitution. There is a sense that land reform in South Africa may now be at a crossroads.[38]

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[35] At least half a dozen Oxfam affiliates found, after the change of government, that they had all been supporting the National Land Committee, without necessarily being aware of the fact!

[36] The Legal Resources Centre, a non-profit public interest law centre which sought to exploit the legal loopholes which sometimes existed in a country whose government prided itself on upholding the rule of law, to mitigate some of the worst excesses of grand apartheid. Interestingly, post-apartheid the Legal Resources Centre has sought both to use the progressive clauses in the new Constitution to press the government to ensure social and economic rights such as housing, and to support land reform, particularly in the area of restitution of historical claims. Robin Palmer, 'Lawyers and Land Reform in South Africa: A Review of the Land, Housing and Development Programme of the Legal Resources Centre (LRC)', September 2001
http://www.lrc.org.za/Publications/AcademicPapers.asp

[37] See previous footnote.

[38] Though, as Ruth Hall has written recently, 'there is little consensus on what will take [the] place of willing buyer, willing seller' and 'it is not clear which of the [summit's] proposals will be taken forward,

In early 2004, during the run up to the elections, Oxfam GB received some unwanted publicity. The LPM was running a campaign of 'no land, no vote' and one of its leaders threatened that on election day they would 'chase white farmers from their farms like dogs.' Media reports said that the LPM was 'financed in part by British NGOs like Oxfam and War on Want.' This not unnaturally provoked protests from Agri-SA (representing 'organised agriculture') and others, and the British Government was asked to intervene. It then transpired that the LPM was being funded by a member of Oxfam International, Oxfam Belgium, whose mandate is very much one of solidarity; indeed its very name is *Oxfam-Solidarité*. It is far more overtly political than other Oxfams. *Solidarité* said it was convinced that the LPM was non violent. But nobody could know that for certain. So Oxfam GB had to explain to various people the complications of life within the complex Oxfamily. In the event, the elections passed off peacefully and white farmers were not chased away like dogs.

Zambia – a very curious story from the Copperbelt

Oxfam has just closed down arguably its most successful land rights programme in Southern Africa. This was Copperbelt Livelihoods Improvement Programme (CLIP, 1998-2005, RIP). This was done in a manner that was both truly appalling and in total contradiction to the values that Oxfam claims to espouse.

In 1998 Oxfam decided to launch a new livelihoods programme on the Copperbelt in response to deteriorating economic and social conditions there. Before doing so, it asked a team of researchers to undertake the collection of some baseline data, the better to measure the subsequent impact of its programme. In the course of this research, one of the key concerns to emerge was that of the considerable degree of insecurity over land tenure felt by peri-urban dwellers at a time when the government was desperately attempting to sell off the ailing nationalised copper mines. So it was decided to ask a team to enquire into this issue more thoroughly. Fortunately I was one of those chosen. We spent an extremely interesting time in Chingola, Mufulira, Kitwe and Ndola interviewing a number of communities and officials from government, councils, mine owners, churches, trade unions, universities, local NGOs and CBOs. Our report [39] was finalised in November 1998 and formally presented to a government workshop the following month. [40] I recall a newspaper headline proclaiming 'tenure insecurity rocks Copperbelt'!

One of our findings was that fewer than 5% of the people settled on the land had title; the vast majority were deemed to be 'squatters' under the 1995 Lands Act. For Oxfam's subsequent livelihoods programme, one of the key advocacy issues was community sensitisation through selected partners to highlight the provisions of the Lands Act, the procedures involved in acquiring land and the implications of being deemed a 'squatter'. Various strategies were developed on subjects such as encroachments in forests, absentee landlordism, and tenure rights on land owned by councils and mining companies. We worked to try to improve the food security and access to assets, including land, of resource-poor households. Oxfam played a critical role of broker between communities and local government, councils and mine owners. A number of successes were recorded. For

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when, how, and whether there will be further public participation in policy development.' Ruth Hall, 'The Shifting Terrain of Land Reform in South Africa: The National Land Summit, July 2005', *Review of African Political Economy*, **106**, 2005, 621-7 (cited here 626-7).

[39] Oxfam GB in Zambia, *Report on Land Tenure Insecurity on the Zambian Copperbelt*, November 1998
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/full1998_landtenureinsecurityreport.pdf

[40] Robin Palmer, 'Land Tenure Insecurity on the Zambian Copperbelt, 1998: Anyone Going Back to the Land?', *Social Dynamics*, **26**, 2, 2000, 154-70
www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/cbland.rtf

example in Mufulira in 2002, Mopani Mining Company was threatening to evict 9,000 households 'squatting' on their land, but later defined 5,000 hectares that were given to poor households, 70% of whom were headed by women. A commitment was also secured from the Government to make more land available to poor farmers under secure tenure. More recently, the Development Education and Community Project (DECOP) has emerged as the most influential player in terms of accessing land for poor communities.

Oxfam also supported the Zambia Land Alliance, an umbrella organisation which sought to defend the land rights of the poor nationwide and was also involved in a dialogue with the Ministry of Lands over a new National Land Policy [41] and the possibility of amending the deplorable 1995 Lands Act. [42] In March 2004, Oxfam supported the opening of the Copperbelt Land Rights Centre designed to offer information on land rights. Since its establishment, the Centre has mobilised voices to contribute to the Constitution-making process on land matters and has participated in the development of the National Land Policy. It has established links with government, local pressure groups and other key land stakeholders. It has influenced the Copperbelt administration about the need to develop a land strategy for the Copperbelt and is supporting them to do so. When this happens, it will provide opportunities for resource poor farmers to have even greater access to land.

I was asked to take part in the official 'opening' of the Centre; it was my first time back in Zambia since the 1998 research and really rewarding to see what had 'grown' from that research in the years since. I urged anyone in government listening (we were on TV!) not to repeat the mistakes of neighbouring Zimbabwe, where politicians were exploiting land for short term ends, to listen to their own people, rather than foreign investors, who often promised much but delivered little, and to think of adopting the clause in the Brazilian Constitution whereby land should perform a 'social function' – an attack on absentee landlordism, which was a particular concern on the Copperbelt and elsewhere.

In October 2004, Oxfam helped to facilitate a small, informal meeting of Zambian land experts. We were concerned about the fact that the country, in the words of one official, was sitting on a 'time bomb'. Recent research [43] had vindicated that view and highlighted a number of serious problems, including lack of reliable data on land ownership, widespread land speculation and growing absentee land ownership, increasing threats of eviction, erosion of rights to common pool resources, economic and social exclusion – the list went on and on. We found interesting ways of raising these concerns with the Zambian President. We also produced a reactive paper after the experts' meeting in which, inter alia, we said

> Oxfam facilitated a small, informal meeting of land experts to brainstorm on land issues. We did so in the belief that - contrary to widespread perceptions among politicians, civil society and donors that 'land is not an issue' in Zambia - it is indeed an issue that demands serious attention now for the sake of the long term interests of the country.
>
> Our concern lies in seeking a fairer balance between the interests of commercial agriculture and of foreign investors and the livelihoods and land rights of the poor. This derives from our obvious concern for the interests of the poor and because we believe that if actions are not taken now, the seeds of dangerous future conflicts will be sown.

[41] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/zamdlpol.rtf
[42] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/zamcspos.rtf
[43] Taylor Brown, 'Contestation, confusion and corruption: Market-based land reform in Zambia', in Sandra Evers, Marja Spierenburg and Harry Wels (Eds), *Competing Jurisdictions: Settling Land Claims in* Africa (Leiden; Brill Academic Publishers, 2005), 79-102.

> In is in the nature of politicians worldwide to have short term horizons, and in many African countries some have sought to exploit land issues, which are always highly emotive. Statesmen, on the other hand, have a different perspective and are concerned for the long term interests and welfare of their countries and their citizens. We are appealing for statesmanship on land in Zambia.
>
> Our general areas of concern include: lack of transparency, lack of adequate information and lack of awareness at many levels; confusion over legal processes and procedures, their complexity and inaccessibility; lack of resources and capacity at many levels; an absence of adequate checks and balances; lack of penalties for non-compliance with developmental obligations; the new position of chiefs vis-à-vis land in a free market economic environment; the HIV/AIDS-related grabbing of land and property of widows
>
> It is these features that permit corruption and speculation to flourish, which in turn threaten the immediate and future livelihoods of the poor. These issues can be confronted - as Oxfam's work on the Copperbelt, working in partnership with Government, Councils and mining companies and helping communities to demand their legal rights, amply demonstrates.
>
> It is our belief that the profile of land issues needs to be raised more effectively than in the past, in various fora, in a non-confrontational, non party-political manner, and we anticipate playing a role in this, strengthened by our direct experiences from other parts of Africa and elsewhere.

For a variety of complex reasons, some internal to Oxfam, there was little effective follow up to that meeting and within a year in the wisdom of some and to the amazement and consternation of many more, Oxfam closed down its Copperbelt livelihoods programme. [44] There remains a hope, perhaps a very faint hope, that some of this work might find a future home within a new HIV/AIDS programme.

Malawi – some policy lobbying, support to a land network and TSP

Oxfam has had an interesting but slightly erratic record on land rights in Malawi. One of the constraints has been the relative weakness of civil society, in part the consequence of the brutal and repressive 30-year dictatorship of Dr Banda, and the fact that no single organisation emerged to focus specifically on land. [45]

In 2000, the Oxfam office somehow managed to obtain an electronic version of the first draft of a new National Land Policy. I was able to produce a detailed critique of the Policy and circulated it rapidly for other acknowledged 'experts' to do the same. I had time to cut and paste sections of the Policy that I thought Malawian civil society groups might find it useful to focus on. For example:

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[44] One of its key architects reflected, 'as far as land is concerned, Oxfam has become a household name on the Copperbelt. Though I have now left, I feel proud of this.' She was concerned that in the future, work on land rights might not be supported 'if there is no one with the passion to push it.'

[45] For a fairly dismissive analysis of civil society in Malawi, see Fidelis Edge Kanyongolo, 'Land Occupations in Malawi: Challenging the Neoliberal Legal Order', in Sam Moyo and Paris Yeros (Eds), *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia and Latin America* (London and New York; Zed Books, 2005), 118-41. There are similar chapters on land occupations in South Africa by Mfaniseni Fana Sihlongonyane, 142-64, and in Zimbabwe by Sam Moyo and Paris Yeros, 165-205.

4.4 Care must be taken to ensure equitable access and distribution of the economic and social benefits to all citizens.

5.2 b) The objectives of this policy are to ensure accountability and transparency in the administration of land matters, and to ensure that existing rights in land, especially customary rights of the small holders are recognised, clarified, and ultimately secured in law**.**

7.2.6 Improve the quality of title in customary land tenure [and] place its administrative integrity on a firm, transparent and equitable foundation.

9.6.1 A discussion of what balance is needed between efficiency and equity in the functioning of a land market is desirable.

I was told that the various documents we produced were circulated widely, which meant that those NGO and church leaders who attended a consultation workshop on the Policy in October 2000 were well prepared and forearmed to raise issues of concern. [46] It also enabled a rather grandly named Civil Society Land Reform Task Force to meet immediately before the workshop and to draft 200 copies of some *Initial Comments* which were distributed to workshop participants on the first morning. Members also, by prior agreement, spread themselves across the 4 working groups of the workshop.

These *Initial Comments* stressed the crucial importance of popularisation, civic education and keeping the public informed through translation, radio and theatre [47] - and the key role civil society could play in this. The issue of lack of gender awareness was raised, as was that of possible distress sales in the wake of encouraging an open market in land. Was it compatible to proclaim as objectives both granting secure tenure and equitable access to land to all Malawian citizens *and* encouraging foreign investment in land? Civil society rejected the approach in the Policy of 'letting the sleeping dogs lie' – the dogs being the 'essentially fraudulent' concessions made by chiefs to British colonialists at the end of the 19th century. It was also felt (with echoes of Zimbabwe) that 'as the ex-colonial power**,** Britain has a specific role in assisting Malawi in this process and this should be explicit in the Policy.'

Oxfam strongly encouraged DFID, in the form of the wonderfully named Harry Potter, to get involved in the next stage. It was assumed that when the final Policy was agreed by Cabinet, a comprehensive land bill would be drafted. We felt that Oxfam might legitimately get involved in public awareness work around this. We believed at the time that the ruling UDF party was clearly committed to the Policy and to building a broad consensus around it and, having recently won a second term, felt in a strong position to do this. We believed that civil society should try to ensure that, as far as possible, the land issue did not become embroiled in party politics. In the event, that proved a little naïve.

A month after the workshop, Oxfam met Patrick Yasini, Controller of Land Services, and a key player in the whole process, to sound him out. We pressured him to put an explicit gender quota into the Policy for the various committees and land boards. This did later achieve results. The Policy was approved in January 2002.[48] We also made it clear that we saw our role as encouraging civil society to speak with one constructive voice on the land

[46] Robin Palmer, Report on the Malawian Draft National Land Policy workshop, October 2000 http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/mlwnlp.rtf

[47] Malawi has a long and interesting history of 'theatre for development' which dates back to the years of the Banda dictatorship

[48] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/malnlp.htm

issue. The Policy has subsequently been transposed into a costed, prioritised Land Reform Programme, funded by numerous donors, including DFID.[49]

Subsequent to 2002, Oxfam commissioned some interesting research by Sue Mbaya on the impact of HIV/AIDS on land. [50] Sadly, a planned comparative study in Zambia fell through – in part because this was seen as a regionally-driven initiative which failed to receive national buy-in. This, sadly, is a common fault-line for Oxfam. [51] There was also a failure to adopt a common methodology with research being funded simultaneously by FAO.

Oxfam has also continued to support initiatives by the Task Force on Land, which has now evolved into a formal network known as LandNet Malawi. Oxfam funded their strategic planning process. LandNet believes it will be well positioned to respond to land policy issues as a network. They are still lobbying for a Land Bill that will give security of tenure to poor women and men and contribute towards alleviating their poverty. They have also continued to sensitise people in the most affected areas on what the Land Policy entails and what will be the implications of changing the law.

Although the Land Bill has yet to be drafted, Government with the support of the World Bank has begun a 9 year project on resettlement of families in the Shire Highlands who have no land. This has faced with some resistance from chiefs and other traditional leaders who feel that the new Land Policy takes away some of their power – a familiar refrain across Southern Africa.

Within its Shire Highlands Livelihoods Programme, Oxfam has from time to time publicly raised issues of landlessness [52] and the need for chiefs to be better informed of the new Land Policy and Land Bill, and also the need to address the issue of land lying idle on tea estates while neighbouring people have no land to cultivate.[53] Other areas of concern are on ensuring equal and equitable access to land by women and men, and the impact of HIV/AIDS and its linkages to poverty and food security. We would like to see these better mainstreamed into the land reform process. Oxfam is also funding the Training Support for Partners (TSP) an NGO specifically looking at grassroots mobilisation on land rights issues. TSP has village-based capacity building programmes to empower rural communities to fully participate in these processes.

Mozambique – campaigning and trying to retain the gains of a land law [54]

One of the most memorable experiences of my work with Oxfam was travelling in Mozambique in December 1992, a couple of months after Frelimo and Renamo signed a peace agreement in Rome. It was the sight of people making peace on their own, going home without waiting for official demobilisation, deserting both armies in droves, and being

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[49] See Martin Adams, *A Review of DFID's Engagement with Land Reform in Malawi*, 10 December 2004
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/dfid_engagement_with_land_reform_in_malawi.rtf

[50] http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/malhiv.pdf

[51] We have set up regional management centres across the world, but only decentralised certain powers to them. The result, all too frequently, has led to confusion between country, regional and headquarters.

[52] IRIN, Malawi: access to land a problem for rural poor, 18 October 2004
http://www.irinnews.org/print.asp?reportid=43730

[53] 'World Bank land grant under-utilised', *Daily Times* (Malawi), 19 January 2005.

[54] Much of this section has appeared previously in Robin Palmer, 'Struggling to secure and defend the Land Rights of the Poor in Africa'**,** *Journal für Entwicklungspolitik* (Austrian Journal of Development Studies), **XIX**, 1, 2003, 6-21.
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/struglin.rtf

able for the first time in over a decade to do perfectly normal things in upcountry towns in Zambézia that was so memorable. I have written more fully elsewhere about Oxfam's attempts to cement the peace process through its work. [55]

On land, it was remarkable to watch first women and children going home to plant before the rains came at the end of 1992, and later to witness the remarkable degree of reconciliation at the local level. When I asked how communities were coming to terms with the return of ex-combatants and of individuals known to have committed atrocities, the responses were overwhelmingly positive. This perhaps reflected the fact that people often had very little choice about which side they found themselves on during the civil war.

In my tour report of December 1992, I noted that there were significant developments in the form of former Portuguese settler owners seeking to regain their property, which had been nationalised at independence in 1975, and of elite interests seeking to lay claims to land (especially in Zambézia) in an extremely fluid situation. 'At this moment', I wrote, 'there is a legal nightmare and great confusion about whose title to land is most valid.' Those warnings proved prescient and it was not long before Oxfam International lent its support to lobbying for a progressive land law, and then campaigning to spread awareness of its existence and what communities needed to do in order to claim those rights.

As soon as the civil war ended in 1992, the Wisconsin Land Tenure Center and USAID were again busy pushing privatisation of land, just as they had done in Uganda. Mozambique clearly faced huge problems of reconstruction, having suffered massive destruction during a war which had displaced millions of people. There were concerns around competing claims to land as people returned to a countryside much of which had previously been unsafe, as a large number of concession claims were made by South African and other speculators, and as plans were mooted to settle in parts of Mozambique some Afrikaner farmers who had difficulty coming to terms with the new South Africa. Frelimo was also busy transforming itself from Marxist-Leninism to neo-liberalism in the wake of the collapse of its former Soviet ally. In this somewhat unpromising situation, to which should be added a long history of highly directive top-down governance, there emerged a quite remarkably open and consultative process of law making, culminating in the 1997 Land Law (*Lei de Terras*) which was followed by an equally remarkable campaign of public awareness (*Campanha Terra*) to help people understand their new rights under that law… co-ordinated by the respected [sadly now deceased] academic José Negrão, and supported by a range of international NGOs including Oxfam.

In the course of writing this paper, I came across some long-forgotten correspondence from 1996 with Graham Saul, Oxfam International's first Advocacy Coordinator in Mozambique. We discussed the sensitivities of the role of INGOs intervening in the one area in which local NGOs were operating effectively. Joe Hanlon (see later) was also involved in some of those internal conversations. I stressed that 'given the horrendous past role of foreign intervention in Mozambique and the fact that local NGOs are now clearly running with this, I think it is right – no essential – that INGOs step back and let them get on with it. Obviously, we can and should support them in this when asked – funding workshops, translations of legislation, networking, information sharing etc.' Graham felt it would be useful to tell local NGOs that we were at least aware of such sensitivities. The upshot was that Graham attended the Draft Land Law Conference in Maputo in June which led him to ask himself, 'if communities are going to be

[55] Robin Palmer, 'Oxfam and Land in Post-Conflict Situations in Africa: Examples from Zimbabwe, Mozambique, South Africa, Rwanda and Angola', Paper for ACTS Conference on *Land Tenure and Conflict in Africa: Prevention, Mitigation and Reconstruction*, 9-10 December 2004, ICRAF Complex, Gigiri, Nairobi, Kenya.
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/oxfam_and_land_in_post_conflict_situations.rtf

given rights to their land, how will these rights be communicated to them?' Apparently I shot back with a number of questions which convinced him of the long-term importance of the issue, which Oxfam was previously not going to prioritise in its advocacy work. So he went off to attend local NGO meetings on land and got Oxfam International to fund parts of the Land Campaign which emerged.

This very imaginative *Campanha Terra* sought to address the lack of information issue by translating key aspects of the potentially progressive new Land Law into local languages, and by using imaginative media such as comics, audio cassettes, theatre, music and posters to help raise people's awareness of their new rights. This was particularly important in a country such as Mozambique, with its high levels of illiteracy, and where the law imaginatively and unusually acknowledged peoples' historical rights to land as communities, on the basis of acknowledged occupation rather than formal written records.[56] José Negrão wrote that 'around 15,000 volunteers had been trained as activists in the Land Campaign - these included young people, priests, pastors, evangelists, teachers, extensionists and NGO workers, in an authentic movement of national unity.' In its second year, the Campaign stressed the fact that consultation with local communities was obligatory when outsiders applied to acquire land in rural areas, and it sought to inform people about the ways in which such consultation should be carried out. Its concern arose from a series of cases in which officials had limited themselves to collecting only a few signatures in a token attempt to fulfil the consultation requirements.

Mozambique's progressive Land Law and Land Campaign not surprisingly produced a backlash. During 2001 an alliance of local and outside forces began seeking to undermine the law. USAID was irritated because Mozambique had not taken privatisation as a fundamental guiding principle in drafting the law. It began to argue that the law blocked the creation of land markets and was impossible to implement because it implied serious (and hence lengthy) consultations with communities before any agreements could be made to lease land to outsiders. In addition, some senior Mozambican elite figures did not like the law. They felt that they had been caught off guard when it was passed and complained that it challenged the power and interests of the state and complicated their accumulation of land. Quite a few Western donors sympathised with this view, and those in Mozambique who were seeking to defend peasant rights grew increasingly concerned about these developments.

On hearing about this and being approached about a possible response, Oxfam's concerns were that the whole process of getting a pro-poor land law in place, then following this with a fairly effective campaign of publicising the law and making people aware of their new rights, was in danger of being undermined, and thus all the time, effort and resources which Oxfam and many others had put into the process could well be undone. The question revolved around whether Oxfam GB would support some fact finding research by the Mozambican specialist, Joe Hanlon, who would try to discover what exactly was going on and by doing so would give support to those trying to defend some hard-won gains. There were numerous political complexities, including those caused by events in neighbouring Zimbabwe. In the meantime, Hans Binswanger, the World Bank's chief land guru, visited Mozambique and, to the surprise of some, proclaimed that Mozambique's Land Law was one of the finest in Africa. At the same time, concerns over land privatisation and other issues were raised by a number of Mozambicans attending a major World Bank workshop on land issues in Africa in Kampala. [57]

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[56] For details of the Mozambican Land Campaign, see a number of articles on the Oxfam GB land rights in Africa website at http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/africa_south.htm#Mozambique

[57] See comments by Maria da Conceição de Quadros at pp.57-73 of http://lnweb18.worldbank.org/ESSD/essdext.nsf/25ByDocName/PapersSouthern/$FILE/Session+II-Southern+Africa.pdf comments by José Negrão pp.23-30 of

In the event, Joe Hanlon went to Mozambique in mid-2002 and produced a careful, thoughtful and comprehensive research paper on the land debate in Mozambique.[58] He stated that:

> Land is again the subject of debate in Mozambique, five years after the passage of a land law following wide-spread consultation in one of the most democratic processes in Mozambique in the 1990s. The law has won praise for protecting peasant rights while creating space for outside investment. The new debate is about two issues:
> - Should land, or at least land 'titles' (effectively, leases), be able to be sold and mortgaged?
> - Should more emphasis be put on improving conditions for would-be investors (particularly large foreign investors) or should the stress being on delimiting and protecting peasant land, and capacitating communities to deal with investors?

Hanlon argued that the debate on land was actually a proxy for a debate about rural development and who should drive it - foreign investors, the urban elite, advanced peasants, or family farmers. Different groups were prioritised by various Mozambican and foreign actors, and he found sharp divisions within government, the World Bank, donor agencies, and Mozambican civil society. Hanlon went on to note that:

> The law gives communities the right to delimit and register their land, including not just immediate farms but fallow and reserve land. Once registered, potential investors need to negotiate with communities rather than merely consult them. About 100 communities have had land delimitations approved, but so far there have been no negotiations with investors. Delimitation gives communities power, but the process can cause problems, raising expectations and sometimes disinterring old disputes. Although the process is expensive and time-consuming, it may be the only way to protect peasant rights. So far, communities do not understand the value and potential of their land.

Rather than make recommendations, which might have been considered politically insensitive, Hanlon's paper cited proposals already made by Mozambicans and foreigners on themes such as: continuing the work of the land commission, improving consultation, continuing delimitation, creating a kind of community organiser, facilitator or barefoot planner, enforcement of regulations and agreements, pilot partnerships, credit guarantee funds, and increased transparency. Finally, the paper stressed the central role of Mozambican NGOs, but raised a number of questions about their increased role as service agencies and their ability to do what might be asked of them. Hanlon's key points concluded:

> There is a need to shift the balance toward peasants and the poorest, to guarantee in practice land rights contained in the law, and to increase the ability of communities to invest and to become genuine partners with outside investors. The key question is how to encourage both small and large investment without also aiding land grabs.

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http://lnweb18.worldbank.org/ESSD/essdext.nsf/25ByDocName/PapersConflict/$FILE/Land+Conflicts_Daudelin.pdf and comments by Chris Tanner at pp.60-70 of http://lnweb18.worldbank.org/ESSD/essdext.nsf/25ByDocName/PapersLegal/$FILE/Legal+Basis_Okoth+Ogendo.pdf

[58] Joseph Hanlon, *The Land Debate in Mozambique: will Foreign Investors, the Urban Elite, Advanced Peasants or Family Farmers Drive Rural Development?* (Pretoria: Oxfam GB in Southern Africa, 2002). http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/debatmoz.pdf and the Portuguese version http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/hanport.rtf

This research paper (which was of course translated into Portuguese) was extremely helpful in clarifying and publicising the issues in what had hitherto been a somewhat covert debate. The shadows of Zimbabwe and of race do complicate matters, as does the fact that a number of white Zimbabwean farmers have sought (and been given) land in Mozambique. The role of donors in such a highly donor dependent country as Mozambique is inevitably highly sensitive and I strongly agree with Hanlon's conclusion that:

> In the end, the land debate is really a proxy debate, to replace a debate about development policy that remains tabu. It would make more sense if Mozambicans could be encouraged to have that debate in public.

The tragic recent death of the deeply mourned José Negrão means that any such debates will lack a key champion of the poor.[59]

A very recent, valuable, detailed presentation and paper by Chris Tanner on implementing the Land Law in practice mentioned a new 'Land Fund' supported by DFID and other donors to provide resources to assist communities to identify and register their land rights and support their legal expenses if they want to defend their rights in court. But, echoing Hanlon, he concludes with 'an alarm call to wake us to the fact that the huge potential for good that is contained in the 1997 Land Law is being ignored and wasted. An historic opportunity is in danger of being lost to use the Land Law to implement a process of rural transformation with a controlled enclosure process that brings social benefits and generates an equitable and sustainable outcome for all those involved.'[60]

Angola – land grabbing, law making, a land network and urban evictions

National land issues were relatively slow to emerge in post-conflict Angola, following the ceasefire agreed between the MPLA and UNITA in April 2002. This was almost certainly in order to allow the elites on both sides to intensify the process of land grabbing they had begun in some areas during the war before a new election could be held.[61] The Angolan Government is acknowledged to be one of the most corrupt in the world; an expert suggests that corruption has now moved from being endemic to systemic. Civil society is extremely weak and inexperienced. But with the support and encouragement of Oxfam International and others, a land network, *Rede Terra*, founded in August 2002, has taken shape and over the past three years has sought to engage with government and donors to try to introduce some checks and balances in favour of the poor in the drafting of a new land law. I also found myself from time to time engaged long-distance in this process, writing a critique of the draft land law (which had emerged from a highly secretive process) and trying to bring relevant experience from elsewhere, especially from Mozambique and from FAO, which has a presence in Angola – and considerable relevant external expertise in the form of Paolo Groppo. In my comments on the atrocious draft land law, I stressed:

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[59] See *Interview with Professor José Negrão, Hero of Mozambique's Poor, about the Land Law* http://www.oxfamamerica.org/whatwedo/where_we_work/southern_africa/news_publications/art6338.html

[60] Christopher Tanner, 'Land Rights and Enclosures: Implementing the Mozambican Land Law in Practice', Paper at Conference on *The Changing Politics of Land in Africa: Domestic Policies, Crisis Management and Regional Norms*, University of Pretoria 28-29 November 2005.

[61] Jenny Clover, 'Land Reform in Angola: Establishing the Ground Rules', in Chris Huggins and Jenny Clover (Eds), *From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa* (Nairobi and Pretoria; ACTS and ISS, June 2005), 347-80 (364-5 on land grabbing). http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/angola_land_reform_ground_rules.pdf

> The need for relevant civil society and donor actors to seek out allies in different levels of government who share some of their concerns.
>
> The need for rural communities to assert their 'customary' land rights as communities and to have those rights affirmed by government. (This should proceed regardless of what happens to the draft land law).
>
> The need for concerned actors to support communities to assert these rights and for those actors to build alliances at different levels (national, provincial, local).

I suspect that as a result of staff changes Oxfam International took its eye off the ball at critical moments, allowing *Rede Terra* to fall too heavily under the influence of USAID. But a recent (and current) advocacy officer, Rosário Advirta, has taken a passionate interest in land issues and has strongly supported *Rede Terra* in its campaign *Por uma Justa Lei de Terras* (for a fairer Land Law), aimed at pointing out the problems the draft law would create if it remained unaltered. In 2003 I helped to bring two *Rede Terra* members to a workshop in Pretoria on women's land rights in Southern and Eastern Africa, and the exchange appeared to be mutually beneficial.

In a report written in June 2004 [62] Rosário Advirta noted that:

> In spite of civil society weakness, there has been some mobilisation around the land issue. For example, *Rede Terra* in Luanda, *Forum Terra* from Huíla and some smaller coalitions and associations, in both rural and urban communities, have been following some of the legal concerns raised in various fora and also unfair practices against the poor.
>
> From September 2003 to March 2004, *Rede Terra* consulted rural citizens on the draft law. This consultation, supported by Oxfam International, started with the creation of a manual explaining in clear terms, and in the principal national languages, what questions arose from the project. Activists were then trained, and the process of consultation was initiated in selected communities in 10 of the country's 18 provinces.
>
> On 8 April *Rede Terra* sent an open letter and a position statement to the National Assembly, accompanied by the report with the results of the consultation with the communities. At the same time there was also participation in seminars and debates on Luanda radio stations.
>
> Following the consultation process, *Rede Terra* and other stakeholders made submissions to commissions of Parliament based on the findings of the studies and opinions collected from diverse experts. The Campaign took various forms, including a Gala held on 16 April, the use of T-shirts and stickers for cars or shop windows, distributed in Luanda and in several other Provinces, and participation by members of the network in ongoing debates on these issues. *Rede Terra* is planning to continue to improve the Campaign through other tools in order to have a wider impact, particularly outside Luanda.

Subsequently, the process of actually passing the Land Law (*Lei de Terras*) through the Assembly took the normal highly secretive route, designed to keep everyone guessing. *Rede*

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[62] Independent Land Newsletter (June 2004), 'Angola', in *Land Reform Highlights in Southern Africa, 2003-4*
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/ind_land_newsletter_sth_afr_june_2004.rtf

Terra and its supporters, including Oxfam International, have hung in there and won some concessions, with the draft presented in December 2003 showing considerable improvements on earlier versions, including recognition of and partial protection of the traditional rights of rural communities. The Land Law was finally passed in December 2004. This was the first occasion on which any law had been open to public debate in Angola.

But the extent that the law will either be enforceable or seriously address growing land conflicts in both urban and rural areas remains seriously in doubt. For example, all citizens, families and communities are expected to complete the official process of legalising their land tenure situation (i.e. getting their 'titles') within three years. This was actually a concession won by *Rede Terra*; the Government had initially stated one year, with *Rede Terra* pushing for 5 years.

But Allan Cain, long-time Director of the urban NGO, Development Workshop has warned:[63]

> Land is emerging as the most critical flash-point of conflict, as displaced persons seek settlement sites in rural and urban districts alike…The urban poor are left in a position of extreme vulnerability, with weak tenure rights over the land they occupy, and risk being turned into illegal occupiers… Mass expropriation of land occupied by poor urban families, with inadequate financial compensation, is becoming a new feature of post-conflict urban development in Angola…
>
> The alienation of the urban poor from lands that they have lived and worked on for many years is likely to produce serious civic conflict in the years to come, unless the Government develops policies that recognise customary and existing occupational rights.

Development Workshop (DW) is Angola's first NGO and has been working since 1981 on behalf of the urban poor. (It was formerly funded by Oxfam GB and is currently part-funded by Novib – Oxfam Netherlands). In recent years it has tried to engage actively with government around the needs of the urban poor, stressing the importance of consultation with them, the need for clear rules for expropriation and compensation, and for policies and approaches which promote social and economic inclusion. It argues that:

> Social inclusion has to be the basis for appropriate urban land strategies and should be based on clear land rights – access to land, secure tenure, avoidance / resolution of conflict and transparent administration, including transfer rights. To exclude part of the population systematically from land rights, whether based on legal and / or technical grounds or due to limited institutional capacity, essentially undermines governance and the role of the state. [64]

Some of its research, focussing on urban land reform, has just been published in the book *Terra*. This contains a good description of the lobbying on the Land Law conducted by DW and *Rede Terra*, with DW leading on urban land affairs and drawing on its ongoing research programme. In lobbying the National Assembly, they stressed that the Land Law did not adequately address the reality of the majority (80-90%) of Angola's poor who occupy land informally and have no title to land, and that the state institutions have inadequate capacity to deal with land titling in the three-year time frame set by the Land Law - with the implication

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[63] Allan Cain, 'Livelihoods and the informal economy in post-war Angola', Jeremy Clover and Richard Cornwell (Eds), *Supporting Sustainable Livelihoods: A Critical Review of Assistance in Post-Conflict Situations* (Pretoria; Institute for Security Studies, Monograph **102**, August 2004), 87-101 (quotes here from 97-8). www.iss.co.pubs/Monographs/No102/Contents.html

[64] Development Workshop (Angola), *Terra. Urban land reform in post-war Angola: research, advocacy and policy development* (Luanda; Development Workshop Occasional Paper **5**, 2005), 24.

that the vast majority will in effect become illegal squatters. Despite disappointment at the final outcome when, despite all the lobbying, the National Assembly voted en bloc along party lines, DW concluded that this was an extremely positive process, that land rights and land tenure were now firmly on the public and political agenda and that this was a good example of proactive rather than confrontational advocacy.[65]

However that may be, lliterally as this paper was being written, there were yet more quite appalling evictions in Cambamba on the outskirts of Luanda, as the government, like its counterpart in Zimbabwe, seemed determined to wage war on the urban poor.[66] More than 600 families had their homes violently destroyed without warning (much less negotiation or any legal process), though they had lived there for years, in some cases for decades. One inhabitant said, 'I have been serving my country in the war, but now they do not need me anymore and destroy my house.' Ironically, I had recently attended a workshop in London for the launching of the *Terra* book at which the Angolan Minister of Town Planning and Environment had said that when replanning cities, the use of violence was not a solution. A Novib colleague asked, 'who will remind the Minister of his words?' As Rosário Advirta wrote, 'in the sad events of last week the police and municipality guys were totally illegal, had not even a scratch of paper to show, and several inhabitants had their land titles. No use, they had their houses destroyed like everybody else. These communities continue living among the ruins of their former homes, resisting and having to choose 'confrontational advocacy' – being beaten, taken to prison, and in diverse ways harassed to make them abandon the land on which they live.'

Many would be tempted to conclude that laws and policies, however good on paper, are of very little avail in the face of continuing practices such as this.

Conclusions and lessons

Writing this paper has been a somewhat strange experience, in part personal indulgence, but also in part an interesting voyage of discovery, rediscovery, reflection and learning. What kind of conclusions and lessons is it possible to draw from such a diverse ragbag of experiences and ramblings?

Perhaps one of the first is that large, multilateral agencies are really not to be trusted, or at least they cannot be relied on long-term, for they are inclined to duck and weave with changing fashions, tend to lack *longue durée* thinking and perspectives, and at times renege on earlier work. Politicians of course are even more notorious for thinking only in terms of very short-term horizons.

That said, multilateral agencies do exist, cannot be ignored or wished away, can be useful allies, and have done interesting, important and imaginative work at times in support of the land rights of people living in poverty – as this paper has sought to demonstrate.

International NGOs such as Oxfam International are at their best when they deploy sensitive and nuanced antennae, not least about their own role, when engaging in land rights work at a national level. Some of the examples from Mozambique, given its horrendous past history of foreign intervention, are illustrative of this.

Alliance building, among organisations and individuals, and seeking out new allies perhaps in unlikely places, is critical. Various examples of this occur in the paper, such as that on women's land rights. But sustaining alliances is really hard, both in the case of individuals

[65] *Terra*, 145-66.
[66] A year earlier I had arranged for two Oxfam International staff members from Angola to visit Nairobi to gain experiences of how organisation there had attempted to resist slum clearances.

and organisations. There is a need, especially in politically sensitive environments, to work hard at creating space in which land rights issues, always highly emotive, can be discussed. Gaining and retaining trust is obviously a critical factor here.

I believe that a variety of approaches from different kinds of organisations with different constituencies is not inappropriate and can indeed be productive. For example, there is no reason why organisations such as Oxfam, which choose to engage with the World Bank on land rights, should not also engage with social movements which chose not to engage with the Bank on principle. Embedded somewhere here is the hoary old chestnut about whether one chooses to live in the world as it is, or the world as one would like it to be. I'd count Oxfam (and myself personally) as among the serious pragmatists on that issue.

There are of course dangers of co-option when engaging in dialogue with the likes of DFID and the World Bank – but that, in itself, is not in my judgement an argument for non-engagement – rather for a proper self-awareness.

I believe it is really important to reject simplistic, single 'magic bullet' solutions, such as the World Bank's earlier mantra on land titling or the versions of de Soto's ideas which appear to have currently captivated so many right-wing thinkers.

It is obviously important to seize historical moments and spaces when they occur – in South Africa in 1994 and, perhaps, in Aceh now. They do not last for long. Related to that is the need to defend earlier gains, as in the case of Mozambique's Land Law.

Land and property rights have been clearly demonstrated to be of fundamental importance in those countries most severely affected by the tsunami disaster in South-East Asia.

The shadows of recent experiences in Zimbabwe and the associated factor of race do complicate matters in diverse ways, and not just in Southern Africa.

Angolan – and of course many other – experiences suggests that laws and policies, however good on paper, are of little use if authorities quite deliberately ignore or trample on them. Clearly, in such cases, different strategies are required.

The paper illustrates some familiar clichés about the need to build capacity in both civil society and in government policy making and planning.

There is also much on the importance of awareness campaigns to help women and men become aware of what rights they already have or may be about to acquire. This is always important in land rights, but perhaps even more so in post-conflict or post-disaster situations, when communities have often been displaced and there are likely to be immediate competing claims to land. Here gender issues need to be addressed much more seriously than they usually are, because women frequently lose gains they may have made during conflict when peace comes and men strive to reassert patriarchal control.

Last, individual relationships, established on the basis of previous contacts and collaboration, of building good rapport and trust, really can bring about significant changes for the better. In my experience, such relationships, transcending institutional boundaries and characterised by a shared passion for justice, can play an absolutely pivotal role in negotiating land rights for people living in poverty.