

**Supporting the establishment of land alliances in East Africa:
some personal reflections**

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Introduction

The purpose of this short paper is to provide some background on the establishment of land alliances in East Africa in the 1990s, which hopefully will assist the discussion in the final session of this conference.

A number of key factors came together to help make possible the creation of land alliances in East Africa.

One was the global context of post-Cold War Western triumphalism when, following the fall of the Berlin Wall in November 1989, the World Bank appeared set on promoting the privatisation of land, in the form of individual titling, throughout the world, citing alleged huge successes in Thailand and Kenya. A key spokesperson for this was the famous Peruvian economist Hernando de Soto, who offered very simple solutions to extremely complex questions.

A second was the recognition by influential academics, notably Issa Shivji and H.W.O. Okoth-Ogendo, that something needed to be done urgently in response to this, given for example the nature of customary land tenure in Africa and the complexity of pastoralist land rights.

A third was a comparable recognition by national Oxfam GB staff, including Country Representatives Odhiambo Anacleiti, Alfred Sakafu and Emmanuel Kallonga in Tanzania, Judy Adoko (who now heads LEMU – the Land and Equity Movement in Uganda) and Mohamed Elmi (subsequently a cabinet minister) in Kenya, that Oxfam needed to engage seriously as new land laws and policies were being mooted. One of their key concerns was the possibility that many communities with whom they were working might become landless.

A fourth was the brief emergence of a radical, progressive donor in the form of the Rural Livelihoods Division of the British Department for International Development (DFID). Its head, Michael Scott, was keenly aware of the critical importance of land rights in Africa and he encouraged his staff, in East Africa and elsewhere, to engage seriously in debates on land laws and policies and also to support the growing need for land coalitions or alliances and to make funding available to both governments and civil society. There was a 5-year honeymoon (1998-2003) during which DFID was a serious and key player on land rights in East Africa and elsewhere on the continent. In 1998 at its headquarters in London, Michael Scott set up a Land Tenure Working Group, comprising key DFID Rural Livelihoods staff and Camilla Toulmin, representing IIED, and myself, representing Oxfam GB. Camilla and I found this initiative extremely valuable, as it gave us easy access to DFID Rural Livelihoods staff across Africa, while in turn Camilla and I provided access for DFID to the individuals, groups and communities with whom IIED and Oxfam were working. DFID organized two important workshops in 1999 [Report on DFID Workshop on Land Tenure, Poverty and Sustainable Development in sub-Saharan Africa](#) and 2000 [Workshop on Land Tenure Networking in sub-Saharan Africa](#).

As for me, I have worked on land issues during much of my working life. Initially I was an academic. In 1960 I left England to study history in what was then the University College of Rhodesia and Nyasaland, based in Salisbury (now Harare). I subsequently wrote a PhD,

which later became a book, on the history and politics of land in Rhodesia (colonial Zimbabwe). I taught history at the new universities in Malawi and Zambia. Not being able to find an academic job back in England, I eventually joined Oxfam GB where I worked for 20 years (1987-2007), initially on its programmes in Southern Africa, latterly as a land policy adviser. It was in that capacity that I engaged with land alliances in East and Southern Africa. I attended a Hakiardhi conference in 1997 and the key planning meeting of the Kenya Land Alliance in 1999, and I corresponded regularly at this time with Judy Adoko and Rose Mwebaza of the Uganda Land Alliance. My role was largely one of networker, passing information and advice from one context to another where it might prove helpful. In those Reagan/Thatcher times, it was really important to argue and demonstrate that there was indeed an alternative. That was why in October 1997 I compiled [Contested Lands in Southern and Eastern Africa: A Literature Survey](#) and in January 2000 I established a [Land Rights in Africa](#) website to offer a space where the voices of land alliances and their allies could be heard promoting pro-poor land reform. That website is still running; it moved from Oxfam to Mokoro in 2012. Among other things it documents the many struggles of land alliances in East Africa and elsewhere.

In Tanzania

In 1991-2 the radical Law Professor Issa Shivji headed the Tanzanian Presidential Land Commission. He was insistent on not accepting any funding from the World Bank and instead sought alternative sources of support. Oxfam GB in Tanzania responded positively and paid travel costs to enable the commissioners to study comparable land problems in Kenya, Botswana and Zimbabwe, and also the translation and publication costs of a popular, shortened Kiswahili version of the final report. In a move designed to counter possible strategies by those favouring privatisation, Oxfam disseminated the findings of the report (broadly that power over land should be vested in the people rather than with the central government) through a series of week-long, district level workshops with partners and church leaders, which the Chief Justice urged magistrates and legal officers to attend. These were publicised nationally every day on the radio and in the papers. Oxfam knew a general election was coming, that the most sensitive issue was land and so helped people to raise land issues with prospective MPs. It also helped Issa Shivji prepare a national workshop with academics, politicians etc.

Why had Oxfam in Tanzania responded in this way? Because its national staff had become acutely aware that liberalisation was leading to landlessness. Both Odhiambo Anacleiti and Alfred Sakafu, Oxfam Country Representatives, had previously worked in government, so they knew the systems and culture of government well and were thus able to engage with it in appropriate ways.

The Land Commission did not provoke the national debate on land which Shivji had hoped for. So he approached Oxfam with the idea of supporting an independent think tank which would be able to carry out campaigning and advocacy work on land. Oxfam agreed to support what became [Hakiardhi/LARRRI](#) (the Land Rights, Research and Resources Institute), set up in 1995 'to advance, promote and research into land rights of small peasants and pastoralists' in a context in which the final version of the National Land Policy in 1995 (currently under revision 21 years later!) went against many of the key recommendations of the Commission.

In May 1997 Hakiardhi called a conference, with Oxfam funding, attended by the Uganda Land Alliance, the National Land Committee of South Africa and my good self!. The context was that a draft Land Bill, expected to have far reaching consequences, had been delayed until October, thus giving NGOs time and space to organise a debate. During discussions it emerged that there was a general lack of information and a need to work hard to empower civil society and establish a network and try to coordinate activities. NGOs recognised that

they came from a very sectarian tradition, not one of broad alliances, and would need solidarity to withstand the very real pressures they would undoubtedly face. This led to the formation of a National Land Forum (NALAF), a loose coalition of NGOs which called for a proper national debate on land before the proposed land bill was passed and which prompted many Tanzanian NGOs to work on land. Oxfam engaged discretely with northern donors and helped LARRRI and NALAF develop closer links with the grassroots and hence strengthen their impact. But of course major disagreements and conflicts lay ahead, as well illustrated in

http://mokoro.co.uk/land-rights-article/?fwp_land_rights_countries_filter=tanzania

These initiatives in Tanzania encouraged Ian Leggett, Oxfam's Regional Manager for East Africa, to urge engagement with land activist groups in Uganda and Kenya and to share experiences across borders.

In Uganda

Ugandan NGOs were slow to mobilise around land issues. Oxfam GB's 1990 *Africa Make or Break Campaign* sparked off a campaign for debt relief which raised its profile in Uganda and led to close working relations with a number of ministries. A 1995 *Basic Rights Campaign* implicitly involved land rights and led to the formation in that year of the [Uganda Land Alliance](#), comprising national and international NGOs and some academics. Judy Adoko, Oxfam's Deputy Country Representative, was and [remains passionately concerned with land issues](#) and was key in establishing the Alliance which initially operated inside Oxfam's office. As in Tanzania, the context was a threatened new land bill, expected in March 1998. The Alliance sought to:

- lobby for a moratorium on land acquisition and registration, pending enactment of a fairer law;
- publicise the new draft land bill for debate from the grassroots upwards and carry out education of the general public via a weekly radio programme in order to promote further this debate;
- lobby to ensure that the new land tenure arrangements protect the rights of vulnerable and disadvantaged groups and individuals.

An early draft of the land bill implied the promotion of an entirely free market in land through the transformation of the whole country into individually-owned leasehold and freehold estates. Liz Alden Wily, a Nairobi-based independent land adviser called in by the Alliance, described it as one of the harshest transformations into western tenure yet seen in Africa, which would open the door to rapid accumulation and land speculation.

The Alliance gradually gathered strength and conducted a series of workshops in many parts of the country. After initially being treated with disdain by the Technical Committee on Land, ULA managed to consolidate and escape its initial legal focus and to force recognition of its concerns on behalf of the poor. A key breakthrough occurred in September 1997 at a workshop in Kampala, which the Alliance had long been pushing for. It was open to the public and attracted nearly 300 people. The Prime Minister was present, as was the Minister of Lands and several MPs, representatives from the World Bank and DFID, and the British High Commission. It was an important opportunity for the Alliance and Liz Alden Wily to make public their critical views of the bill. There was heated debate and many conflicting views, but some positive outcomes:

- the Prime Minister agreed to hold a public debate on land, something which had been previously resisted, and which the World Bank (via the Kenyan Shem Migot-Adholla) said it was also now committed to;
- the new land bill was declared a public document and so was open for comment;
- there was clearly a great deal of support for looking at poverty issues;

- the government announced that it would not be taking land from the people for foreign investment, as it already has enough land for this.

Following this breakthrough, the Alliance conducted a series of grassroots workshops. Finding the Ministry's concept of 'consultation' highly circumscribed, it switched to targeting MPs and ran a workshop specifically for them. Meanwhile other lobby groups, which wanted the Bill passed as it stood in order to 'free up' land, began mobilising. The Alliance took up a number of specific gender issues, including co-ownership of land by spouses. There was enormous pressure to pass a Land Act before a constitutional deadline in June 1998. There was a very heated debate in the press and in parliament, where a divisive issue was the role of landlords in Buganda. Despite the controversies, there was general satisfaction with the 1998 Uganda Land Act and a real sense of achievement by the Alliance that it had largely managed to deflect the law from its original course. Its main concern was over the 'lost' co-ownership clause, which it was naively hoped would be quickly reinstated. But initial satisfaction was rapidly followed by disillusion because the Act could not be implemented because of the enormous cost and lack of institutional capacity and the power of vested interests. But at least they had ensured that the debate on women's land rights moved into the public domain. For more details see

http://mokoro.co.uk/land-rights-article/?fwp_land_rights_countries_filter=uganda

In Kenya

Following the establishment of land alliances in Tanzania and Uganda, Oxfam was keen to push for something similar in Kenya. Perhaps too keen and the fact that the pushing came initially from an expatriate Country Representative was insensitive. Things changed in 1999 when that person was succeeded by Mohamed Elmi, who had a vast experience of pastoralist land issues, and who subsequently became Minister of Development of Northern Kenya & other Arid Lands. But unlike Tanzania and Uganda there was no draft land law in the pipeline to latch onto.

A key person was the lawyer Michael Ochieng Odhiambo of [RECONCILE](#) (Resources Conflict Institute). He facilitated the formal launch of the [Kenya Land Alliance](#) in May 1999 at a seminar in Nairobi attended by a variety of NGOs involved in land issues and by donor observers. An inaugural planning workshop was held at Utafiti Hall, Egerton (Agricultural) University, Njoro in September 1999, which I attended. It was a very professional, business-like meeting, which got down to the practicalities of how to get the Alliance off the ground. I was the Jeremiah voice warning of all the pitfalls they needed to be aware of. The meeting was funded by DFID, whose Senior Natural Resources Officer, Martin Leach, attended and participated fully, clearly demonstrating that DFID was seriously interested in land, despite the highly sensitive political context and the lack of political space at that moment.

In his report of that meeting, Michael Ochieng Odhiambo noted that the objectives of the KLA were:

Main Objective

- To mobilize individuals and institutions for effective advocacy to achieve the reform of land policy and law in Kenya.

Sub-Objectives

- to facilitate networking and information sharing among the members and between them and others locally, regionally and at the international level;
- to sensitize and inform stakeholders and the public on the reform of land policy and law in Kenya;
- to contribute to the current debate on the reform of land policy and law in Kenya;
- to generate policy and legal options for land reform in Kenya; and

- to organize civil society groups to formulate a draft land policy for presentation to the government.

He noted that 'This statement of objectives, it was agreed, could not be exhaustive. Rather it was seen as the basis of ongoing evolution to be worked on as the Alliance is established. The participants were alive to the fact that they formed but a proportion of the potential stakeholders of the Alliance. They could only set the ground for the eventual development of the Alliance when it is operational and other stakeholders have come aboard.'

On a visit to Kenya just 4 years later, I found it extremely gratifying to learn at first hand from various people about how successfully that 1999 initiative had born fruit in terms of the establishment of an effective land advocacy network, how the KLA was universally seen as a key player in debates on land, and that its submissions had influenced both the Njonjo Commission and the important Constitution of Kenya Review Commission. Moreover, its Coordinator, Odenda Lumumba, had been appointed to the new Commission of Inquiry into the corrupt allocation of public land. I wrote then that if anyone had predicted that this might happen within 4 years back in 1999, they would have been laughed out of court. KLA had clearly spent time in planning and strategizing in order to be in a strong position to influence events when some political space finally opened up – as it did in 2003. One sign of its growing effectiveness came when USAID tried none too subtly to persuade DFID to stop funding it! For some details of the succeeding activities of the KLA and others, see http://mokoro.co.uk/land-rights-article/?fwp_land_rights_countries_filter=kenya

Concluding thoughts

Just a few concluding thoughts. Historical memory is really important. I know, I'm an historian by training! If any of the East African land alliances thought they were in for an easy ride 20 years ago (which I'm sure they didn't), they will long have been disabused of that! We all knew that there would be long struggles ahead. That there were hugely complex land issues associated with gender and pastoralism for instance, or with implementing land laws and policies, and of finding effective ways of informing people of their land rights. But we probably might not have predicted that [Africa's elites, both national and local, have come to literally despise their own small-scale farmers and pastoralists](#) and to have participated so willingly in the global land grab. Class formation has now become a very significant factor. As we always knew, land will always be a hugely controversial and contentious issue, since it is primarily about power and involves unequal struggles between vested interests and the weak. Privatisation has offered very rich pickings for the rich in recent years.

I will be very interested to hear the views of current land alliance leaders at this conference. For me it remains a case of, in the words of the famous Frelimo slogan, [A Luta Continua](#) - the struggle continues.