

WORKING ON LAND FOR OXFAM, 1997-2007 or LAST RITES FOR LAND RIGHTS?

Extracts from a farewell talk by Robin Palmer, Oxfam GB Global Land Adviser

16 February 2007

BACK TO THE LAND?

I have **written up many of my experiences** of working on land rights in a series of conference papers which are posted **on the *Land Rights in Africa* website**. There are some general critical reflections, with a specific focus on Southern Africa, a piece on civil society and good governance in Africa, another on land rights in post-conflict situations, one on land as a global issue, another on gender and land, and so on. Some of these are listed in an Appendix at the end of this.

At the **World Bank** in Washington last November, the Bank's chief land guru, Klaus Deininger, closed a meeting on land policy by saying that he and his colleagues appreciated the ways in which Oxfam constantly challenged the Bank to match the rhetoric in its policy statements with its practice on the ground. Another very senior World Bank official said privately that Oxfam was the only INGO which engaged seriously and constructively at a national level; he was thinking of the outstanding work of Lilianne Fan in Aceh, on which we had just made a joint presentation, but it also applied in the past to Cambodia and many other countries.

Working on land rights with a number of different job titles and within a number of different teams, different Aim boxes, through endless restructurings, short-term contracts and having to go out and fund my own salary on occasion, has been **fundamentally different from working on the Southern Africa Desk**. The Southern Africa work involved focussing to a very large degree on Oxfam's own programmes. Of course they were affected hugely by, for example, the advent of peace in Mozambique or structural adjustment in Zambia, but the point remains. Whereas working on land, principally in Africa, but then globally, meant focussing on **institution and alliance building**, on being part of **much wider processes**, on lobbying key donors, on finding key allies, and on imagining what might be the most appropriate **advocacy** role for an INGO in any given situation. It meant working with a wide variety of organisations and individuals and trying to marshal them for particular purposes. It has often demanded a deliberately low key and low profile approach, indeed almost invisible in Oxfam House by contrast to the Southern Africa work. Both were intensely interesting, but required different approaches.

The essential point has been to build up what some now call a **community of practice** – a group of people with whom you have worked, who you have come to trust and to value and be able to draw on them (and in return be drawn on by them) in order to support the advisory role. In this way, I have been able, to put it crudely, to get free advice from a wide range of really first class people to Oxfam's advantage.

The land rights work has often been deliberately quiet, low key and low profile, indeed almost invisible in Oxfam House, but also opportunistic where appropriate.

Why are land rights important? Well, I once produced a list for an internal concept paper I was asked to write and noted the usual things about land rights being essential to food and social security, to livelihoods, to identity and the like, but maybe a better way to illustrate it comes from this little news item which appeared in *The Independent* on Boxing Day, 2006. It was headed '**Girl's fingers chopped off.**'

In India a landowner chopped off all five fingers of a girl's hand with a sickle after catching her stealing spinach leaves in Bihar, eastern India. Khushboo, 10, the daughter of lower-caste labourers, was foraging for herbs near railway tracks when she crossed into the fields of upper-caste landlord Pankaj Rai.

I think this little horror story says a lot about power and powerlessness, about class and caste, about the rule of law and legal impunity. And it's precisely because of situations like this the world over that we – in the broadest sense - have fought for the land rights of those most vulnerable.

So much of our work on land rights has been a **struggle**, in all senses of the word, **against powerful elites, the private sector and agencies such as USAID**. The *leitmotiv* of my own role might be best summed up in the somewhat pretentious title of an article I wrote, 'Struggling to Secure and Defend the Land Rights of the Poor in Africa'.

It has also been something of a **struggle against Oxfam's declining interest and engagement with land rights**, as other priorities have taken precedence and programmes have found it harder to defend working on land following the readjustment into the silos of SCOs and Aims. (A significant exception has been the work on land and property rights in post-disaster Aceh and Pakistan).

In my quarterly report for August – October 2002, I accurately predicted that 'work on land may struggle for justification following the adoption of OGB's livelihoods strategy' in which there was barely a mention of land.

Land is clearly difficult, complex terrain. It's always highly sensitive, highly political, a potential source of conflict (current or future), and there are strong vested interests involved. 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. So it doesn't really help when so many agencies appoint expatriates as programme managers. Land demands taking long-term perspectives and consistent long-term engagement, analysis and monitoring, for these are long term *processes* which defy quick fixes, easy wins or easy final solutions – which is hard for most donors and short-sighted politicians. And of course, it does not help that land rights simply do not resonate in a British and most Western contexts.

A PRE-SCO AND AIM ERA, 1987-95

The period 1987-95 when I worked on the Southern Africa Desk was a time when people in country teams were left fairly free to determine their own priorities. They had to submit an annual report to the Africa Committee, comprising a range of specialists including committed academics.

People's jobs were then generally defined territorially, rather than thematically, which is now the case. So, in the Zambian team, one person was primarily responsible for work in the Eastern Province, or on the Copperbelt, or in the Southern, Western or North-Western Provinces. This both played to their linguistic competencies and meant that they had to be all-rounders and that our partners could rely on regular engagement with the same person.

As Desk Officer and then Regional Manager, this applied to me too. I got to learn about primary health care, disability, mental health, cooperatives, refugee and emergency issues, as well as 'traditional' rural development.

I can't help but reflect that this was far better for all of us than being locked into our current highly constraining thematic Aim silos, which have made it more difficult to work on cross-cutting issues such as women's land rights, and which have caused us e.g. to completely abandon work with the disability movement, which had been an important part of many of our programmes in Southern and Eastern Africa at this earlier time.

I have a strong sense too that project **staff then travelled far more extensively and knew communities far better than is normally the case today.** It's a little ironic that in an age where global communications are so much more sophisticated, we perhaps know far less about the people we strive to serve than we did when we spent more time sleeping in rural villages or urban compounds.

ENGAGING WITH OXFAM INT'NATIONAL IN ZIMBABWE ON THE CONSEQUENCES OF THE FAST TRACK LAND REFORM PROGRAMME

In 2003, the 5 Oxfams who work in Zimbabwe decided to 'undertake a learning exercise into the current situation and likely future programming options in the new resettlement areas' (i.e. the former white-owned farming areas). In I did an initial scoping study, premised on the heroic assumption that 'the composition and (inter)national legitimacy of the Zimbabwe government will change significantly within the next 6-24 months and have been engaged ever since as the go-between Oxfam Canada, Oxfam Novib and Oxfam GB and a team of Zimbabwean researchers looking at changing livelihood patterns in some of the former white farming areas.

This work, hitherto confined to Mashonaland provinces in the north is now to expand to Matabeleland in the south. From an Oxfam perspective, we are looking for guidance as to possible future programming in these areas (we have already 'crossed the boundary' in some of our humanitarian work), for evidence with which to lobby donors and for policy briefs with which to do internal advocacy.

I wish to complement the 3 Oxfams who have engaged in this difficult and sensitive work for their really excellent collaboration; it has been a great pleasure working with them, and it I shall be doing so beyond my retirement from Oxfam.

WORKING ON THE ZAMBIAN COPPERBELT

The longest piece of real fieldwork **research** I undertook as a land rights adviser was a mere 6 weeks on the Zambian Copperbelt in 1998 looking at land tenure insecurity in the wake of the privatisation of the copper mines and the layoff of thousands of mineworkers.

We helped lay the foundations of the excellent Copperbelt Livelihoods Improvement Programme (**CLIP**) under **Anne Mumbi** which, among other things, got hold of land from various sources, including mining companies, and made it available to peri-urban people wanting to farm.

So it was with great delight that I accepted an invitation to return for the first time in March 2004 to officially open the **Copperbelt Land Rights Centre**, designed as an information centre. My speech was infinitely less impressive than the 20 minute **drama sketch** which portrayed land conflicts around gender, class and age and had the entire audience, including the men in suites, in stitches.

Significantly less impressive was the decision at the end of 2005 to **close down** Oxfam's programme on the Copperbelt and utterly scandalous and despicable was the manner in which it was done, in total contradiction to the values and beliefs, never mind the policies, that Oxfam proclaims. Heads should have rolled, but they did not. To this day I feel very angry about this.

As Anne Mumbi, who I met again 3 weeks ago in London, later recalled, 'as far as land is concerned, Oxfam has become a household name in the Copperbelt. Though I have left, I feel proud about this.' Just this week she wrote with good news:

Good news - The Luano Land Alliance, one of the local created Oxfam land pressure groups in Chingola under CLIP, has finally won the land battle over Luano forest reserve. 4,400 hectares has been degazetted. This means that 2,000 poor households will have access to an inheritance of at least 2 hectares on which they will put up their own shelter and grow their own food to eat and sell. Oxfam should have been there to celebrate this handover to communities. Oxfam was soon to be the name in the region in terms of real empowerment of people. Anyway in the Copperbelt up to now when you visit the government Offices, they still speak highly of the CLIP programme and wonder why Oxfam had to kill the baby just at the time that it was about to make its big jump. It will remain a painful aborted dream! I am so happy and excited for Chingola and Luano that have fought on despite Oxfam abandoning them in 2005. This is testimony of what mobilising local organisations based in the community to carry out their own development work can do. I am so happy indeed!

SUPPORTING POST-TSUNAMI, POST-CONFLICT LAND AND PROPERTY RIGHTS ADVOCACY IN ACEH, INDONESIA

This began, within 2 weeks of the Tsunami, with my managing a brilliant 4-country **scoping study by Shaun Williams**, who had previously worked on a land rights programme for Oxfam in Cambodia. We were unable to publish Shaun's study because it said things about the Indonesian military that, at that time, we were unwilling to say publicly. I wrote a policy brief based on Shaun's study, but had the plug pulled on it when someone decided that we would only undertake advocacy at a country level. By this time we were doing precisely that in Aceh, Indonesia, through **Lilianne Fan**, who had worked with Achenese refugees in Malaysia, her own country. From March 2005 she was in Aceh working for Oxfam International on **land and property rights advocacy** and has continued to do so, sensitively, intelligently and with great success. My role has been to support her work in whatever ways seemed most appropriate. This included getting advice from people with useful and relevant knowledge; throwing the World Bank's rhetoric around best gender practice in land administration back at it; engaging with Joss Saunders and Advocates for International Development on possible legal support; presenting and hence publicising the Aceh work at a World Bank meeting last November; maintaining a chronology of what we have done over those two years, etc.

For me, the Aceh experience has demonstrated the importance of an INGO

- **looking at land rights in a post-emergency situation**, especially when the earth moves! and
- **seizing the political space** which opened up when a 30-year conflict finally came to an end.

The issues transcend any organisation of course, but an International NGO such as Oxfam is well positioned in its relationships with other actors to help the people of Aceh struggle for their rights in this area.

SETTING UP THE OXFAM GB LAND RIGHTS IN AFRICA PUBLIC WEBSITE

www.oxfam.org.uk/resources/learning/landrights/index.htm

This came about in 2000 as a logical extension of the networking and information sharing which I had begun, initially mostly with Oxfam colleagues, then partners, but increasingly with a much wider 'community of practice'.

It was conceived as offering a space where the voices of the land alliances (and their allies) we were supporting could be heard promoting pro-poor land reform. The rich and powerful are always heard; those less powerful and more vulnerable rarely so. This is about 'the right to be heard', to use the Oxfam jargon.

Lack of information was an issue I regularly came across; this was an attempt to redress that and to publish e.g. draft land policies, views of key donors (World Bank, DFID, EU etc) and critiques of their views – especially the Bank's views on titling as a universal panacea, or its so-called market-assisted land reform, and the more recent, highly seductive magic solutions offered by Hernando de Soto.

The website quickly established a niche in the market and has grown and grown and now has a strong international reputation.

It is **strong on gender and on Mozambique**, whose experiences offer something of a model of good practice.

It is fairly low maintenance. I write a short summary of each piece of work. Martin Brodetsky has been a real star in posting materials promptly and making helpful suggestions.

It is something I feel quite proud of. I am planning to continue running it.

We are thinking about introducing a new section on **videos**.

HELPING TO CREATE AND SUSTAIN NATIONAL LAND ALLIANCES AND SUPPORT AWARENESS CAMPAIGNS IN AFRICA

This was something we did, initially in **Uganda**, then more widely, in response to new land laws and policies being drawn up with the advent of privatisation.

It often involved staff members who felt passionately about land, such as Judy Adoko in Uganda. We encouraged the formation of **alliances**, gave them office space where appropriate, tried to galvanise the membership, but primarily pushed governments to listen to them and urged donors to do the same. This certainly had some impact, which I've written about widely.

We helped bring about decisive changes in the direction of the law in **Uganda**.

We made a significant difference in **Kenya**; I knew this when USAID tried none too subtly to persuade DFID to stop funding the Kenya Land Alliance. The Alliance coordinator was made a member of an official commission looking at illegal land grabbing.

In **Mozambique** we tried to act with sensitivity and supported a very successful land campaign to raise awareness of rights enjoyed under a progressive land law, and later endeavoured to ensure that those rights were not undermined.

In **Rwanda** we also trod with great sensitivity, for example in trying to share the experiences of other African countries on villagisation.

We supported excellent work at times in **Tanzania**, including funding the publication of the Swahili version of the path breaking Shivji Commission's Report and paying costs to enable the Commission to travel outside Tanzania.

A lot of this work and the networking which accompanied it was facilitated by our being a member of **DFID's Land Tenure Advisory Group. IIED**, in the form of Camilla Toulmin, was also a member, and their experience in West Africa neatly complemented ours in Eastern and Southern Africa.

Much of this is **documented on the Land Rights in Africa website**.

Sadly, following an internal restructuring and the retirement of the very supportive Head of DFID's Rural Livelihoods Division, Mike Scott, that group was disbanded and DFID no longer has my counterpart, Julian Quan, at its headquarters in London .

The phase of law and policy making in Africa is now largely over, with notable exceptions such as South Sudan and Ethiopia, and the **focus has now shifted to** the less exciting, but of course critical, phase of **implementation**. Which is precisely when many of us walk away.

But, I was told this week, and was delighted to hear that **we WILL be monitoring the implementation of the new Organic Land Law in Rwanda** in 2 of the districts where we are working.

WOMEN'S LAND RIGHTS IN SOUTHERN AND EASTERN AFRICA

This is my definite number 1 both for the original workshop in **Pretoria in June 2003**, which I planned and organised with Kaori Izumi, and for all that followed from it.

The Pretoria workshop was a fantastic experience, totally engaging. The 80 or so of us who were there all came away feeling that we had learned much from each other – we were a highly diverse group – and that we wanted to build on it. I called my presentation back in Oxford, **Tina Turner in Pretoria**, because I'd begun by asking **What's Law got to do with it?** and we all ended feeling that it was **Simply the Best**.

Craig Castro organised **before and after meetings with Oxfam staff and partners** to maximise the impact of the workshop.

Kaori Izumi went on to organise **4 more workshops** (which Oxfam supported) and edit **2 books** on the land rights of widows and orphans in a context of HIV and AIDS.

I set up an Oxfam **list server** to share experiences from the workshop. It's had its ups and downs but is still running and Craig Castro has kindly agreed to maintain it after my departure.

Sibongile Ndashe of the Women's Legal Centre in Cape Town recently told me that 'I keep on mentioning the Pretoria workshop as **the best that I have attended** because of the **networks** that have resulted from there but mainly kept alive because of the **list server**. Thanks for your dedication and all your efforts.

Birgit Englert, University of Vienna, drew inspiration from the workshop to edit an excellent (forthcoming) book on *Falling between two stools: Women's Rights to Land in Eastern Africa in the Context of Privatisation*. I helped to get this MS in good shape and strongly recommended it to **James Currey**, Publishers.

Many other links were made and things happened of which we have little or no knowledge.

As I have frequently argued, **this property grabbing is an absolutely critical issue**. Thanks to the vision of Craig Castro, we have **supported the work of others** in Southern Africa, but have found it **hard to engage ourselves** because it cuts across issues of gender, the right to be heard, sustainable livelihoods and violence against women - and hence across the tidy boxes in which we now try to package our work.

My challenge to Oxfam is to continue to engage in and support this critically important work. The good news is that there now seems to be some commitment to do this, at least in Southern Africa.

CONCLUDING THOUGHTS

I think it's absolutely safe to predict that **conflicts over land will intensify in future**, especially in parts of the world where they have not been a prominent feature in the past.

I'd reiterate the need for Oxfam and other INGOs to **look seriously at land rights in all post-disaster situations**, especially where the earth moves – it doesn't cost very much, and it can be of critical importance, as experiences in Aceh and Pakistan have shown.

I'd stress the critical need to continue to find ways of **working on women's land rights**, most especially in the context of HIV and AIDS and property grabbing from widows.

I'd also urge Oxfam to try to do more in defence of the **land rights of the urban poor** in the face of all too familiar urban clearances.

I'd argue the need to always leave some space to be **opportunistic**.

It's obviously important to **seize historical moments and spaces** when they occur – in South Africa in 1994 and in Aceh and Bolivia now. They do not last for long.

Related to that is the need to **defend earlier gains**, as in the case of Mozambique's progressive Land Law, which the private sector, among others, is currently seeking to undermine.

I'd stress 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 even more seriously, because women frequently lose gains they may have made during conflict when peace comes and men strive to reassert patriarchal control.

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.

I'd like to end with 3 quotes from previous things I've written.

- On women's land rights, Latin American experience would suggest that there is **no serious alternative to political struggle** to achieve rights that are so fiercely resisted at so many levels.
- For the first time in my 20 years of working with Oxfam, I was recently asked to talk to the course we run for new members of staff. Someone was sufficiently inspired by what I said about women's land rights that she asked me to recommend things to read, which I did. She replied: 'it is so much to learn, but today is as good as any day to start.' I responded: 'Don't be intimidated. **The main thing is to care and to have passion and a sense of injustice and to want to change the way things are.** Without that, in my view, all the learning in the world is not much use.'
- **Struggles for land rights continue to form a vital part of the wider fight for global justice.** It is my very strong belief that Oxfam should continue to support and sustain people and organisations who are engaging in fighting for land and justice for the poor. The fact that poor people are struggling against increasingly long odds in a hugely hostile global climate makes this more necessary than it has ever been. So the historic Frelimo slogan from Mozambique remains as valid today as it was back in the heady days of the Front Line States – **A luta continua!**

APPENDIX SOME PUBLICATIONS BY ROBIN PALMER

'Civil Society, 'Good Governance' and Land Rights in Africa – Some Reflections',
FAO Expert Meeting on Good Governance in Land Tenure and Administration, 25-27 September 2006
http://www.oxfam.org.uk/resources/learning/landrights/downloads/civsocgoodgov_landrightsinafrica.rtf

'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'
International Conference, *Social Movements Perspectives: Land, Poverty, Social Justice and Development*,
Institute of Social Studies (ISS), The Hague, 9-10 January 2006
http://www.oxfam.org.uk/resources/learning/landrights/downloads/critical_reflections_on_oxfam_and_land_rights.rtf

A Guide to the World Bank's *Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report*, August 2005
http://www.oxfam.org.uk/resources/learning/landrights/downloads/wb_guide_gender_best_practices_land_admin.rtf

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

'Land as a Global Issue - A Luta Continua'
Oxfam-Zambia Copperbelt Livelihoods Improvement Programme Land Workshop, Mindolo
Ecumenical Centre, Kitwe, 29-30 March 2004
http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/land_global_issue.rtf

‘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
www.oxfam.org.uk/resources/learning/landrights/downloads/struglin.rtf

‘Gendered Land Rights – Process, Struggle, or Lost Cause?’,
28 November 2002
<http://www.oxfam.org.uk/resources/learning/landrights/downloads/genderedrtf.rtf>

‘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/resources/learning/landrights/downloads/cbland.rtf

‘Land Policy in Africa: Lessons from Recent Policy and Implementation Processes’
C. Toulmin and J. Quan Eds. *Evolving Land Rights, Policy and Tenure in Africa* (London, DFID, IIED, NRI, 2000), 267-88
<http://www.oxfam.org.uk/resources/learning/landrights/downloads/rppolimp.rtf>

‘Mugabe’s “land grab” in regional perspective’
T.A.S. Bowyer-Bower and C. Stoneman Eds. *Land Reform in Zimbabwe: Constraints and Prospects*.
(Aldershot, Ashgate Publishing, 2000), 15-23
<http://www.oxfam.org.uk/resources/learning/landrights/downloads/zimgrab.rtf>

Contested Lands in Southern and Eastern Africa: A Literature Survey
Oxford; Oxfam UK and Ireland: An Oxfam Working Paper, October 1997

‘Land Reform in Zimbabwe, 1980-1990’
African Affairs, **89**, 1990, 163-81
<http://www.oxfam.org.uk/resources/learning/landrights/downloads/zim1980s.rtf>