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LAND AND THE NEED FOR COOPERATION IN EAST AFRICA

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In recent years Oxfam (UK and Ireland) has become increasingly concerned about land issues in Africa. Our concern has grown because so many of the people with whom we work, whether they are farmers, pastoralists, women's groups, local NGOs, environmental organisations, or government ministries are themselves deeply worried about access to land. Given the crucial importance of land to the economies of East Africa, it is obvious that ownership, access and use of land is one of the key factors in economic policy formulation - and in poverty alleviation.

Because land has become a key issue today throughout Eastern and Southern Africa, with national land policies, land commissions and the drafting of new land laws, it is crucial that the three East African countries should try to learn both from the experience of each other and from countries further afield. In South Korea and Taiwan, for example, land reform which resulted in a much more equal distribution of land for smallholders enabled them to participate fully in subsequent economic growth.

Land is a multi-faceted issue. At one level it is about power, control and vested interests. It is both ridden with conflict and will contain the seeds of future conflicts if not addressed justly now. There are real dangers that the powerful will exploit their power and insider knowledge to the detriment of the weak and the many who are either unaware of their legal rights or unable to enforce them. For that reason Oxfam believes that land issues are too important to be left to be determined solely by small numbers of politicians or officials, who may be tempted to make deals in secret.

Today's post-Cold War world is characterised by the global dominance of market structures, of privatisation, liberalisation and structural adjustment. While these may sometimes offer opportunities to the better off in society, they can also pose serious threats to the poor in Africa, especially on the land, which historically has acted as a social safety net.

Land issues are always complex and context specific. There are no easy, glib solutions. The Kenyan model of individual titling and registration was once held up as an example for others to follow. However most experts, including those from the World Bank and the Wisconsin Land Tenure Centre, are now agreed that it has major flaws, is extremely expensive and has not achieved what it set out to achieve, as resilient indigenous systems of tenure have continued to co-exist with western ones so that the official land registers fail to reflect social reality.

Programmes like the Kenyan one have indeed often led to inequitable arrangements for land tenure, access and exchange which threaten the needs of the poor, especially those who draw their livelihoods from the land, and contribute to the growing number of urban squatters. Experience would suggest that land, like education, is one of those goods which markets do not

necessarily provide well and that public action may be needed to ensure that unrestricted market forces do not lead to increasing polarisation.

A major issue of contention is that of foreign ownership of land. Obviously, countries in East Africa, as elsewhere, are keen to attract foreign investment at a time when this is drying up as Africa has to compete with other parts of the world. Foreign investment in support of stated Government aims of poverty reduction (in both Uganda and Tanzania) is especially needed. One thing that Africa has to offer is land. But, equally obviously, to open your door wide to outsiders with no controls at all, as has happened recently in Mozambique, may offer short term gains for a few but creates huge problems for the future. Moreover it carries absolutely no guarantee of reducing poverty, as income from taxation of investors and from employment of labour may end up less than the social costs of households who are dispossessed of land, cannot afford to feed their families and so have to rely on government subsidies for social services. Anti-poverty strategies can only succeed on the basis of economic growth and equitable distribution of incomes. To raise incomes, people need more (not less) secure access to land in order to participate in economic growth.

This is no doubt why MPs and others in Uganda and Tanzania pushed for a ban on foreign ownership of land during debates on new land legislation. The two Governments have so far resisted this pressure, which had considerable popular appeal, arguing that nothing should be done to deter foreign investment. One can readily understand and sympathise with their dilemma, but Oxfam would argue that if this view does finally prevail when the land bills are debated this year, checks and safeguards must be put in place to provide adequate protection to citizens.

We are particularly concerned that if any one of the East African countries chooses to adopt a completely open door policy of foreign land ownership, the others will be driven to follow suit for fear of losing out on possible investment. It must be in their own interests for East African Governments to work closely together and to have common policies on this highly sensitive issue.

We also strongly believe that it is in the public interest for genuinely open, participatory debates to be held on land, so that everyone has a chance to be made fully aware of the issues before governments rush to legislate. Such a process is difficult. It is costly. It certainly takes time. But there are many local NGOs and committed lawyers and other professionals in East Africa who would be only too willing to assist such debates and to help create greater popular awareness on land issues. We believe that they have a key role to play and that it is only out of such debates that workable laws can be created and a truly national consensus can emerge, one that balances equity with efficiency, justice with expediency.

Oxfam believes it is in the long term interests of governments to engage seriously on land with their people, while recognising that many issues, such as the often neglected land rights of women, of pastoralists and of some ethnic groups, will always be contentious.

Governments would also do well to look at ways of following the suggestions of the Tanzanian Presidential Land Commission, and its more recent Zimbabwean and Mozambican counterparts, of devolving control over land to democratic local structures rather than trying to control everything centrally. That would certainly not be an easy or comfortable thing for governments to do. But it would, we believe, be a step in the right direction - the direction of building a

popular consensus which respects all people's rights to land, not just those of the rich and powerful. For to pass laws today which may further marginalise the poor cannot but breed serious social conflict tomorrow.

Oxfam (United Kingdom and Ireland) is a charity, registered in Britain, which works in many countries throughout the world - in Africa, Asia, the Middle East, Latin America and the Caribbean, Eastern Europe and in Britain itself, where poverty has deepened in recent years. Oxfam has had offices in Kenya, Uganda and Tanzania for many years. We work to support local organisations in long term development, in emergencies and in lobbying and campaigning to try to make the world a better place for the poor, the disadvantaged, the marginalised.