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LAND AS A GLOBAL ISSUE – A LUTA CONTINUA¹

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Land in a globalised world

It would be hard to exaggerate the significance of land as an asset for the poor in today's structurally adjusted, economically liberalised and globalised world. This sober reality makes it somewhat curious that Oxfam GB, despite a long track record in land and the fact that it continues to support many organisations engaged in struggles for land, has produced a global livelihoods strategy in which land is barely given a serious mention!² Hopefully, this will be remedied by saner counsels in the not too distant future.

Trying to understand the many dynamics at play in today's complex post-Cold War world is not easy. As someone who since 1997 has tried to support Oxfam staff, partners and allies engaged in land issues principally, but not exclusively, in Africa, I feel this problem acutely. What is really happening in the contexts in which we are seeking to intervene, and what are the critical links between the local, national, regional and global levels? There are never easy answers to these questions, but it is important to continue to ask them.

At the level of ideas, I find quite helpful some of the debates which have appeared in the pages of the *Journal of Agrarian Change* – even if they have sometimes been critical of my own ideas and approach.³ But they do make for rather gloomy reading. In one of his many contributions (he *is* an editor of *JAC*!), Henry Bernstein ponders pessimistically about the prospects for significant future redistributive land reform targeted at the poor. He argues that the long wave of land reform across the world beginning with the French Revolution came to an end in the 1970s, coinciding with the emergence of the phenomenon we now refer to as globalisation. The back of feudal landlordism was broken in many parts of the world, allowing the development of both industrialisation and more productive agriculture, based on capitalist relations. Industrial urbanisation took people off the land and provided new and expanding markets. But now, Bernstein argues,⁴ we live in a globalised world characterised

¹ This paper was written at 30,000 feet above the Sahara and Mediterranean aboard a flight from Addis Ababa to London on 12 March 2004, demonstrating highly productive use of dead time. It was subsequently garnished with footnotes back in Oxford to give it an aura of spurious respectability.

² *Oxfam GB Livelihoods Strategy* (approved by Council April 4, 2003).

³ See Ann Whitehead and Dzodzi Tsikata. 'Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary', *Journal of Agrarian Change*, **3**, 1/2, 2003, 67-112. The authors are mildly critical of both Oxfam and IIED for urging that devolution and subsidiarity be key principles of land management without adequately addressing the gender implications of such a 're-turn to the customary', 89-90.

⁴ Henry Bernstein, 'Land Reform: Taking a Long(er) View', *Journal of Agrarian Change*, **2**, 4, 2002, 433-63. See also Bernstein, 'Land Reform in Southern Africa in World-Historical Perspective', *Review of African Political Economy*, **30**, 96, 2003, 203-26; Bernstein, "'Changing Before Our Very Eyes": Agrarian Questions

by the search for ever cheaper and more exploitable labour. Oxfam International has sought to capture part of this in its recent report *Trading Away Our Rights*,⁵ which documents the very particular exploitation of women workers in global food chains.

The existence of cheap labour export processing zones (EPZs), which many governments seem proud to boast of, is an illustration of this. In the infamous *maquila* factories of Central America or in the clothing sweat shops of East Asia, we seem to be in a world in which human and labour rights are being put into reverse gear. The lack of bargaining power of poor people in today's global supply chains has led some NGOs to characterise this as 'the race to the bottom'. We are all aware of the growing gap between rich and poor and the intensification of inequality in many parts of the world. Significant economic development *has* taken place since the Second World War in South-East Asia which, among other things, encouraged and enabled radical land reform in Japan, South Korea and Taiwan, and later, and rather less radically, in Thailand and the Philippines. Latin America has witnessed both land reform and counter reform, as political struggles between right and left have ebbed and flowed, fuelled by American obsessions with containing the spread of dangerous ideas from Castro's Cuba.

The fall of communism in Eastern Europe has led to economic and social misery for many as state social safety nets have been removed, to be replaced by a form of gangster capitalism in a number of countries. Here, with the exception of 'western' countries such as Hungary, Poland and the Baltic states, the famed 'magic of the market' has been found seriously wanting.

Africa's recent economic history has been almost uniformly dismal. Structural adjustment may well have been necessary to attack the bloated and unproductive bureaucracies and parastatals in many countries, but the social impact of the medicines applied has been harsh in the extreme. Zambia is one of many countries to have suffered truly radical economic decline. As someone who lived in Zambia in the 1970s⁶ and witnessed with my own eyes the rapid formation of a new urban middle class as Zambians abandoned the land in their tens of thousands for new economic opportunities in the cities, it has been deeply disturbing to return (with Oxfam) in subsequent decades to observe the rapid and demonstrable decline in people's hopes, expectations and lifestyles. In Zambia, as in much of Africa, the huge loss of regular urban jobs has made it far harder for people to engage in economic reciprocity with rural kinfolk. Scholars have written of 'de-agrarianisation' or 'de-peasantisation',⁷ to describe a process in which people adopt what in the jargon is now called 'diversified livelihoods strategies' in an increasingly desperate attempt to survive. In such a context, intensified by population increase and related pressure on resources, access to land as a key asset for survival has become much more important, in ways that would have seemed highly unlikely in Zambia back in the mid-1970s. As a result, conflicts over land have intensified across the continent.⁸

and the Politics of Land in Capitalism Today', *Journal of Agrarian Change*, **4**, 1/2, 2004, 190-225. This last piece is one of a number in a special issue of JAG which look at redistributive land reform and offer a strong critique of the small is beautiful / small farmers are best approaches that we in Oxfam love so well.

⁵ Oxfam International, *Trading Away Our Rights: Women working in global supply chains* (Oxford, Oxfam International, 2004).

⁶ I was a history lecturer at the University of Zambia (UNZA) in Lusaka from 1971-7.

⁷ See in particular the work of Deborah Bryceson, including Deborah Bryceson and Vali Jamal (Eds), *Farewell to Farms: De-agrarianisation and Employment in Africa* (Aldershot, Ashgate, 1997).

⁸ Pauline E. Peters, 'Social Conflict over Land in Africa: time to re-orient research', *Journal of Agrarian Change*, forthcoming; Pauline E. Peters, 'The Limits of Negotiability: Security, Equity and Class Formation in

Some struggles over land

The purpose of this brief, crude global sketch is to make the point that struggles over land will take different forms in different parts of the world depending on a range of important variables such as levels of economic development, political awareness and mobilisation, degrees of urbanisation and literacy, levels of education and technology, and the agricultural potential of soils (a critical factor in Africa).⁹ In short, the local context is all important. Organised peasants march on the streets and occasionally invade the capital city in Brazil, Indonesia and the Philippines,¹⁰ while, at the other extreme, in South Africa the ANC Government has clearly judged (perhaps correctly) that it can afford to delay meaningful land reform because it fears no danger of peasant revolts in the foreseeable future. In countries such as Uganda and Kenya, small pressure groups including land alliances which Oxfam (meaning here and henceforth Oxfam GB and Oxfam International) has supported, have little serious political constituency and bear no resemblance to the great Brazilian mass movement of the landless, the MST (*O Movimento dos Trabalhadores Rurais Sem Terra*).¹¹ Decades of political conflict culminated in the 1988 Constitution, which proclaimed that land in Brazil must perform a 'social function'. In other words (and this has particular resonance for the Zambian Copperbelt)¹² that it is not politically acceptable for vast tracts of land to lie idle in the legal hands of absentee landlords, neither producing anything nor providing jobs. So, when the MST engages in organised land occupations, as it frequently does, it enjoys for the most part the critical support of the Brazilian middle class and the law as well as of progressive lawyers and judges in states such as Rio Grande do Sul.¹³

Elsewhere, for example in Guatemala and Honduras, class configurations are very different and the local equivalents of the MST struggle against the outright and often violent hostility of the big landlords (and vigilantes) and their urban allies. Here the issue is further complicated by ethnicity – by the palpable hostility directed towards the indigenous people of Central America.¹⁴ In this part of the world land activists need to be both extremely courageous and members of organised trade union or political movements. Put crudely, in parts of Central and South America such people routinely get killed for their beliefs.¹⁵ This does not happen in Africa. This is a fundamental difference, reflecting contrasting historical

Africa's Land Systems', in Kristine Juul and Christian Lund (Eds), *Negotiating Property in Africa* (Portsmouth, NH, Heinemann, 2002), 45-66; Sara Berry, 'Debating the Land Question in Africa', *Comparative Studies in Society and History*, **44**, 4, 2002, 638-68.

⁹ See Archie Mafeje, *The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa* (Geneva, UNRISD Civil Society and Social Movements Programme Paper **6**, 2003), 29-30; and the enduringly useful Robin Palmer and Neil Parsons (Eds), *The Roots of Rural Poverty in Central and Southern Africa* (Heinemann, London, 1977), 6-9 ('physical environment and the European myth of African agriculture').

¹⁰ In parts of Central America peasants also blockade roads and even frontiers.

¹¹ See the MST's website www.mstbrazil.org/

¹² Robin Palmer, 'Land Tenure Insecurity on the Zambian Copperbelt, 1998: Anyone Going Back to the Land?', *Social Dynamics*, **26**, 2, 2000, 154-70

<http://www.oxfam.org.uk/resources/learning/landrights/downloads/cbland.rtf>

¹³ See two papers from the IDS Sussex workshop, *Law, Democracy and Development: Fundamental Rights in the Balance: New Ideas on the Rights to Land, Housing and Property*, 16-18 October 2003: Peter P. Houtzager, 'The Social Function of Property, the Movement of the Landless (MST), and the Juridical Field in Brazil', www.ids.ac.uk/ids/law/pdfs/houtzagersw102.pdf

and Hon. Eugênio Facchini Neto, 'Balancing Fundamental Right: One View of the Cathedral, through a Judge's Eye' www.ids.ac.uk/ids/law/pdfs/facchinieng.pdf

¹⁴ In Honduras there is a 'popular' saying 'better be dead than have indigenous people living on my land'.

¹⁵ I was told in 2002, the year I visited Guatemala, that 8 land activists had been killed.

conditions.¹⁶ One curious and unanticipated impact in Central America of the collapse of the world coffee industry has been to call into question the legitimacy of gross absentee landlordism when many small scale former coffee producers are urgently seeking new land for alternative sources of livelihood. In Guatemala, I was told by the Oxfam partners CALDH (*Centro de Accion Legal para los Derechos Humanos*) and CNOC (*Coordinadora Nacional de Organizaciones Campesinas*) that ‘private property was sacrosanct until the coffee crisis’ and that this was a political and ideological battle which they just had to win.

Different kinds of Oxfam International support

The kinds of intervention and levels of support which the Oxfam family (Oxfam International) adopt will naturally vary in different countries depending on the political context. But a few generalisations can nevertheless be offered.

One consistent theme has been support to those who are marginalized socially, politically or economically in their own countries. For example, in the Philippines Oxfam has supported organisations working for the land rights of indigenous peoples,¹⁷ who number over 10 million and comprise 17% of the population. This has involved both social organisation at the local level and national advocacy aimed first at passing a law guaranteeing indigenous land rights¹⁸ and - much more difficult - at enforcing it once it was passed. I visited an indigenous Manobo community in Mindanao, where I was told that two of their members, involved in a very public symbolic land invasion of a neighbouring sugar cane plantation, had been shot dead by a security guard, but justice had not been done because of the close links between the local political ‘big man’ and the plantation owner, who clearly enjoyed a large degree of impunity.¹⁹

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, as mentioned earlier, and in countries such as Indonesia and India (where they are referred to as ‘tribals’). In Honduras and the Philippines, the indigenous people have been systematically forced by colonial invaders into more marginal highlands, which has echoes of the ‘native reserves’ of Southern and East Africa. They are frequently denied social and political rights and struggles often focus on the need to assert these – in some countries their very identity as indigenous people is denied.

¹⁶ Of course, people do regularly get killed in *local level* conflicts over land in Africa and this seems likely to increase as conflicts intensify over resources more generally.

¹⁷ 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/resources/learning/landrights/downloads/edinburgh.rtf
See also the website of IWGIA, the International Work Group for Indigenous Affairs, www.iwgia.org/sw619.asp

¹⁸ The 1997 Indigenous Peoples Rights Act (IPRA).

¹⁹ Jun Borras writes of the ‘the local political bosses (*caciques*) who lord it over the countryside through a complex network of patronage.’ Saturnino M. Borras Jr, ‘The Philippine Agrarian Reform: Relatively Vibrant Land Redistribution amidst less-than-dynamic Agricultural Transformation’, International Conference on Agrarian Reform and Rural Development, Tagaytay City, Philippines, 5-8 December 2000.

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 because they lack political influence as a result of being deprived of education. So it is not uncommon for policy makers, reflecting a long history of conflict between farmers and herders, to call for the abolition of pastoralism or, at best, for pastoralists to become more sedentary. This seems to be the current view of the Ethiopian Government, though it is well aware of the complexities of cross-border pastoralist communities living in a region scarred by past conflicts over borders. In many parts of the Horn and East Africa, Oxfam has worked with pastoralist communities in a variety of interesting ways, including on land rights. But this is often an uphill struggle, especially 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. There are continuing echoes here of the long history of colonial game parks, associated with significant evictions of population and greatly reduced livelihoods for people such as the Maasai. In the contemporary context, some of the East African land advocacy groups have sought to achieve sustainable links with pastoralist organisations, helped by international NGOs such as Oxfam, but this has not proved easy.

One area of past activity worth recording is the support which Oxfam (and others) gave to organisations resisting forced removals in apartheid South Africa. This included both the umbrella National Land Committee and some of its regional affiliates, such as the Surplus People Project in the Western Cape and 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.²⁰

Some general trends - lack of information / falta de informação

A persistent theme in much of the land advocacy work in which I and many others have been involved is that of lack of information, particularly on the part of the politically powerless. This is a state of affairs which governments in general and ministries of land in particular are often keen to perpetuate in their own interests. Extracting information from them can often be extremely difficult, though donor demands for transparency can be helpful here. A major function of the Oxfam GB website I manage, on land rights in Africa, is to address this very issue.²¹

A very imaginative land campaign (*Campanha Terra*) in Mozambique sought to address this *falta de informação* by translating key aspects of a 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

²⁰ Robin Palmer, 'Lawyers and Land Reform in South Africa: A Review of the Land, Housing & Development Work of the Legal Resources Centre (LRC)', 2001 <http://www.lrc.co.za/Docs/Papers/palmer.pdf>

²¹ This once had the simple URL www.oxfam.org.uk/landrights, but has recently been structurally adjusted to <http://www.oxfam.org.uk/resources/learning/landrights/index.html>

law imaginatively and unusually acknowledged peoples' historical rights to land as communities, on the basis of acknowledged occupation rather than formal written records.²²

Awareness of one's rights is nowhere more important than in the area of women's land rights.²³ These too vary greatly across the world depending on factors such as the legal context (which is surprisingly gender progressive in Latin America) and levels of political awareness and organisation. Even between neighbouring countries realities can be very different, with women enjoying greater legal rights in Columbia and Nicaragua than in Honduras and Mexico because of greater mobilisation by and unity within women's groups. But in Africa women face particular obstacles, often being regarded legally as minors and generally enjoying only secondary rights through their husbands, if married. Such rights are frequently ill-defined, of uncertain duration and subject to change and to maintaining good relations with others. Women often need to be married – and may remain in oppressive relationships – in order to enjoy access to or rights in land. Patriarchy remains dominant at all levels, while patrilineal traditions, combined with the HIV/AIDS pandemic, make women particularly vulnerable to loss of assets, including land, on the death of her spouse. Widows are frequently chased away by their late husband's relations and there are increasing harrowing individual tales of destitution as a result.

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. Awareness and support work are absolutely critical. Changing laws is important, but changing social norms is even more so.²⁴ Information is indeed power, but Latin American experience suggests that there is no substitute for political struggle in the fiercely contested arena of women's land rights – as elsewhere.

Some concluding thoughts

Land is always a deeply political issue, involving highly disputed and often very dangerous terrain, as recent events in Zimbabwe have illustrated all too graphically. It is therefore both remarkable and highly commendable that Oxfam International has felt able to engage to the extent that it has done in past years. It has an excellent 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

²² For details of the Mozambican Land Campaign, see a number of articles listed under 'Southern Africa - Mozambique' on the Oxfam GB land rights in Africa website listed above. They include 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

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

For subsequent developments, see 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) www.oxfam.org.uk/resources/learning/landrights/downloads/debatmoz.pdf

²³ See Robin Palmer, 'Gendered Land Rights – Process, Struggle, or Lost Cause?', 2002

www.oxfam.org.uk/resources/learning/landrights/downloads/genderedrtf.rtf

²⁴ See the short and long reports of the FAO/Oxfam GB Workshop on *Women's Land Rights in Southern and Eastern Africa*, Pretoria, South Africa, 17-19 June 2003:

www.oxfam.org.uk/resources/learning/landrights/downloads/wlrsea_short_report.rtf

www.oxfam.org.uk/resources/learning/landrights/downloads/wlrseareport.pdf

across the world, not least here in Zambia within the Copperbelt Livelihoods Improvement Programme (CLIP).

But working on land requires adopting very long term horizons and sticking with things through thick and thin, for these are long term *processes* which defy quick fixes or easy final solutions.²⁵ Oxfam and other donors such as DFID are, generally speaking, unable to adopt such long-term horizons. Fashions come and go in the notoriously fickle development world, as they do in the academic world. Six years ago, I rather pessimistically concluded that Oxfam was reaching ‘the end of an era’ in its land advocacy work in Tanzania and Uganda.²⁶ Developments since then, notably the adoption in 2003 of the global livelihoods strategy mentioned at the beginning of this paper, have generally reinforced this view.

Contexts do differ greatly, as repeatedly stressed earlier in this paper, but it is clear that the clumsy imposition of liberalisation, the rolling back of the role of the state and of the state marketing boards, grain reserves and the like, combined with manifestly unfair international trade rules,²⁷ have left many poor people far more vulnerable than they were and far more dependent on access to land than ever before,²⁸ while that very access is increasingly threatened in a globalising world.

In such a context, 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!**

²⁵ Many colonial governments and their successors have sought in vain to find ‘final solutions’ to land problems.

²⁶ Robin Palmer, ‘Oxfam GB’s Land Advocacy Work in Tanzania and Uganda: The End of an Era?’, 1998 www.oxfam.org.uk/resources/learning/landrights/downloads/eafadv.rtf

²⁷ See Oxfam International’s www.maketradefair.com

²⁸ Land is of course used for a whole variety of purposes, not necessarily simply for agriculture.