

Land Reform and Poverty Alleviation in Southern Africa: Towards Greater Impact

Conference Report and Analysis

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1. PURPOSE OF THE CONFERENCE

The Southern African Regional Poverty Network (SARPN)¹ hosted a two-day conference on land reform and poverty alleviation on the 4th and 5th of June 2001 at the Human Sciences Research Council (HSRC) in Pretoria, South Africa. In keeping with the goals of the SARPN, the conference was designed to facilitate the sharing of perspectives on land issues in several Southern African countries and to generate debate about how pro-poor policy processes may be incorporated into land reform policy options in the region.² The central intention of the conference was to establish a set of policy recommendations and guidelines derived from land reform policy perspectives within the context of poverty alleviation in the region.

The event was organised by the SARPN in recognition of the importance of land reform for poverty alleviation and a concern about the perceived lack of progress with land reform in the region. Land reform has the potential to make a direct impact on poverty through targeted resource transfers, particularly in the rural areas. It is viewed as an instrument for redressing the inequities in access to economic opportunities and resources. Indeed, land reform literature is inundated with empirical arguments for land reform (Cousins, 1999; Adams, 2000; Toulmin & Quan, 2000). These arguments relate to the economic benefits derived from tenure security; the link between equality in the distribution of assets and positive economic growth; the advantages of smallholder agriculture from an efficiency standpoint; and the desirability of transferring land to efficient users through land sales and rental markets.

The need to keep land reform, and its linkages with poverty, on the public policy agenda is also arguably strengthened by the renewed interest by many African leaders and development agencies in revisiting the policy environment within which sustained economic development can take place in Africa. Land reform is vital if sustainable development is to take place in African countries. The Millennium Africa Plan (MAP), originally developed by Algeria, Nigeria and South Africa, and the Omega document, generated by the president of Senegal, are examples. They have been superseded by the African Initiative, adopted at the July 2001 meeting of the Organisation of African Unity (OAU).

In order to explore the arguments in favour of land reform, invitations were extended to land practitioners from across the region. The participants were identified largely by existing regional land and agricultural networks and NGOs, and through informal co-operation with international NGOs. The conference delegates consisted largely of members of civil society, which meant that civil society perspectives on the land debate in the region was emphasised. Although this meant that various government ministries and departments, the private sector and donor agencies were not fully represented, a two-day conference emphasising a wide range of regional issues cannot hope to effectively include all perspectives on the land debate. It is hoped that the lessons learned from the event and the

¹ The broad goal of the network is to facilitate debate in the region around poverty issues in a cross-sectoral way. It is believed that this initiative, which will be conducted in conjunction with several regional partners and agencies, can serve as a vital prompt to more focussed debate and thinking. See the SARPN website at <http://www.hsrc.ac.za/corporate/conferences/sarpn/index.html>.

² The region is difficult to define as it is fractured in many ways under the SADC umbrella. The region should be taken loosely to mean "Southern Africa" rather than the Eastern and Central African countries that are members of the SADC.

recommendations will be disseminated within a wider field of actors in the region, especially those in government within the SADC region.

A good understanding of land ownership and the state of rural development in the countries of the region are important if land reform programmes are to make a real impact on reducing poverty levels. In designing the conference programme, emphasis was placed on ensuring representation from as much of the region as possible.

2. CONFERENCE PROCEEDINGS

The first day consisted of a series of presentations outlining land reform in a regional perspective. The initial session, entitled **Land Reform in a Regional Context: Country Experiences**, consisted of a general overview of the status of land reform in the region followed by a series of country studies. These studies outlined the experiences of seven SADC countries, namely Zimbabwe, Namibia, Lesotho, Swaziland, Malawi, South Africa and Mozambique. This took the form of a retrospective and prospective view of land reform from the point of view of prospects for enhanced and actual poverty alleviation.

Each speaker presented a paper that broadly considered the following questions:

- a) What has been the view of land reform and poverty alleviation in the past twenty years (at the time of the transition in some countries), i.e. what were the policy choices, objectives, goals?
- b) What has been learned about each country's land reform and its connection to poverty alleviation programmes (i.e. gender implications)?
- c) What are the prospects for further land reform in each country?
- d) What might national governments, the SADC, civil society and international development agencies do to enhance or underpin land reform and poverty alleviation in the region (i.e. what are the strategic policy options)?

The final session of the day, entitled **Land Reform in a Regional Context: Overarching Themes**, entailed an interactive discussion facilitated by a leading Southern African land reform practitioner. The major themes affecting land reform in the region were mapped out in order to inform policy directions from civil society, government, international development agencies and the private sector.

The second day consisted of a series of roundtable discussions exploring themes in greater depth through micro-studies of land reform experiences in the region. Each roundtable incorporated two or three short papers that explored a common theme followed by an informed discussion. The day of roundtables was concluded by a final plenary, which brought together the dominant themes of the roundtables along with the preceding day's deliberations.

3. AN OVERVIEW OF LAND REFORM IN THE REGION

According to the keynote presentation by Martin Adams, there is very little evidence of renewed progress with land reform in the region despite the Zimbabwe land crisis, which came to a head in March 2000.³ There is an unbridgeable gap between the continuing public statements of politicians about land reform and the ability of governments to

³ See Martin Adams' keynote address in Appendix Two of this report.

deliver. International donors want to help government agencies with funding for land reform but agreements have been slow in forthcoming. The ability of the public sector to manage development assistance constructively is declining. At the same time, civil society organisations, which have been working with governments on land reform over the last decade, are losing morale and staff for lack of funding. This applies to university departments, private sector service providers and non-governmental organisations (NGOs).

The following is a brief synopsis of the status of land reform in the region derived from Adams (2001a), presentations at the conference and other recent publications on land reform in SADC states. It is clear that there is a renewed interest in land reform, at least from civil society, and that land issues remain an important component of public policy and political debate.

The situation pertaining to land reform in **Zimbabwe** has received intensive media coverage over the past eighteen months. The promising land policy developments in 1998, as gleaned from systematic research, which established that the performance of small farmers had generally been good both in terms of farm production and household income (Kinsey, 1999), evaporated in the pre-election violence and land occupations of 2000. If the United Nations Development Programme offer of assistance to resettle the targeted 5.0 million hectares were to be accepted, then there would be a major requirement for external assistance in a short period of time and a work programme larger in geographical scope than anything previously undertaken in the region.

Since the 1991 National Land Conference on land reform in **Namibia**, one year after independence, little has been achieved either in the field of tenure reform or land redistribution, despite the promising start. Government and non-governmental institutions remain weak. However, the press has recently been carrying more than the usual number of reports about new government land reform initiatives. A new Minister of Lands Resettlement and Rehabilitation was recently appointed.

The land policy process in **Lesotho** was restarted recently with a Land Policy Review Commission appointed by the prime minister. Tenure reform is subject to debate between those in favour of the traditional system and modernists who believe that land should be tradable. The commission's report is currently being reviewed and revised and is expected to appear as a draft white paper later in 2001. The initiative could result in a serious attempt to tackle the country's intractable land tenure problems. If it is so, land tenure reform in both urban and rural areas will require external assistance for several years.

Swaziland embarked on a land policy process in 1996 that progressed fitfully until the beginning of 2001 when the land debate was enlivened by high-profile evictions by certain traditional leaders. This was followed by a land conference in February 2001 when civil society organisations reviewed the draft Swaziland Land Policy and began to grapple with the issues. Demands for tenure reform on Swazi "nation land" have increased recently but much will depend on progress with wider issues relating to democratic reforms in the kingdom.

In **Mozambique** the dominant discourse on land, dating back to the 1970s, has centred around two key issues – productive use and ownership of land. The 1997 Land Law is seen as a positive step towards devolution of authority and autonomy to local holders of

rights. However, there are practical problems of implementation due to lack of capacity at provincial level, but more especially at district level. External assistance continues to be needed but it is difficult for donors to find worthwhile government projects to support.

In the period 1995-1999 in **South Africa**, progress was being made, but over the past two years there have been serious setbacks. While land restitution may have picked up, work on land redistribution and land tenure reform has undoubtedly slumped. Donors have little to show for their attempts to reach agreement with government on future assistance to land reform. Government appears set to financing the programme from the national fiscus.

Malawi is in the process of finalising a National Land Policy following the 1999 Report of the Presidential Commission of Enquiry into Land Policy Reform. The implementation of the envisaged reforms is expected to require substantial donor assistance.

Two countries not presented at the conference, namely *Zambia* and *Botswana*, are included below to indicate the continuity of some of the issues within the region. The lessons learned from them are intended to be of use to all SADC countries undergoing land reform.

Recent research by Oxfam (Feeney, 1998) in **Zambia**, which examined how people whose livelihoods once depended on the copper mines have begun looking for land, highlights the problems of an unco-ordinated government response to land reform.⁴ The 1995 Lands Act has failed to protect people living as squatters on council, private, forest and *Zambian Copper Consolidated Mines* land. The privatisation of the mines and party politics have further eroded the fragile position of people forced to look to land for survival.

In **Botswana** the Tribal Land Act of 1968 transferred the authority over land from traditional authorities or chiefs to representative land boards with the aim of reducing discrimination between tribes. This approach may be described as one of careful change, responding to particular needs with specific tenure innovations, and has resulted in Botswana long being recognised for its competence in the administration of customary tenure. Despite this successful approach, miserable conditions are still endured by farm workers employed on freehold farms and in cattle posts in communal areas, and the *Basarwa* (San or Bushmen) have been consistently denied their traditional rights to occupying land (Adams et al., 2000).

4. FACILITATING POLICY RECOMMENDATIONS

While the historical, political and economic contexts within which land policy changes are taking place differ enormously from country to country, the papers and the debate at the workshop revealed that several general lessons and policy recommendations that might be taken forward by policy makers in the region can be gleaned from the experiences of all these countries.

Land reform is a highly contested and a volatile, cyclical and politically sensitive issue (Adams, 2001b). Public policy has the overall objective of providing an enabling

⁴ The full paper entitled "Land tenure insecurity on the *Zambian Copperbelt*" can be downloaded from: <http://www.oxfam.org.uk/landrights>.

framework for the development and implementation of legislation in an integrated, harmonious manner, but it is underpinned by more specific objectives that vary from country to country. This variance depends on the prevailing and historic circumstances and, of course, on the selected direction of socio-economic development.

This understanding takes cognisance of the fact that land reform is a long-term iterative process that needs feedback, learning and involvement of many stakeholders. Land policy formulation is a dynamic process characterised by an intricate array of actors and relationships. There are obvious limitations to the mainstream linear model of a neatly staged policy process that assures that appropriate options can be identified through rational analysis and can be readily adopted for implementation. Land policy formulation should be seen as a “long-haul” adjustment rather than a dramatic “stroke of the pen”. It is a complex change, which requires innovative approaches and novel managerial capabilities (Juma and Clark, 1995). Land policy formulation is also not an apolitical process as the interests of the state and society are closely entwined within the process.

Throughout the conference it became apparent that there is often a disjuncture between policy intentions and implementation. This often relates to a lack of attention to the implementation procedures and the immense difficulties of turning policy directives into effective practice. These limitations should be borne in mind while reading through the following recommendations, as pragmatic solutions that move progressively towards implementation in careful steps are a recipe for success.

The recommendations are intended to feed into such a process. As a result, an attempt has been made to distinguish between broad cross-cutting themes and specific issues for particular countries. End-users are encouraged to take these discussions forward in different environments around the region.

A “mapping” workshop facilitated by Ben Cousins⁵ after the presentations of the seven country studies explored several key policy issues and challenges across the region. These included the following:

- policy processes and political dynamics
- the role of civil society
- state capacity
- policies and programmes complementary to land reform

Using a table, the elements of each national land reform programme were briefly analysed. These elements were debated and discussed by the delegates and recorded during the workshop and are presented in Appendix One. They are therefore a useful indication of broad recommendations for each country, as reflected by the participants. They should be read in conjunction with the policy recommendations described on the following pages. These recommendations have been distilled from the various papers, workshops, recorded commentary and suggestions handed in at the end of the final plenary.

⁵ Professor Ben Cousins is the director of the Programme for Land and Agrarian Studies (PLAAS) at the School of Government based at the University of the Western Cape. He has published widely and has extensive experience in land issues from around the region.

Each policy issue is followed by the points raised by the conference participants, which have been elaborated and then used to derive a central policy recommendation on that particular issue. The breadth of experience highlighted several broad generic issues, which point to the following recurring key policy issues and challenges:

5. GENERAL POLICY RECOMMENDATIONS

5.1 POLICIES AND PROGRAMMES COMPLEMENTARY TO LAND REFORM

- 1 *The papers and debates noted that although the original objectives of land reform programmes in many countries include the alleviation of poverty, the link between land policy and poverty alleviation is unclear.* This requires the stated objectives of the land reform policies in each country to be revisited. As these are often different to the achievements of implementation, the outcomes should be measured against the stated objectives.
- 2 *There is often a gap between country-based anti-poverty strategies and land reform although poverty alleviation and land reform are inextricably linked.* This is largely responsible for the failure to reduce poverty levels even though both land reform and broader poverty alleviation programmes are being implemented.
- 3 Land reform is generally conceived as the establishment of small-scale farmers. *There are, however, more options open to land reform and economic development than just the establishment of small-scale farmers.* Participative management, profit sharing and equity schemes are feasible alternatives.
- 4 This is related to *the absence of agrarian reform* in many countries. The terms “agrarian reform” and “land reform” are often used interchangeably although the latter is only one component of agrarian reform, which is in turn only one component of rural reform. “Agrarian reform” is a broad term used to describe the attempt to change the agrarian structure, which may include land redistribution, land tenure reform, and other supportive reforms. *The intention with agrarian reform has been for the state to move beyond land redistribution and tenure reform and to support the implementation of other rural development measures.* A comprehensive strategy should include the improvement of farm credit for smallholder farmers, co-operatives for farm-input supply and marketing, and extension services to facilitate the productive use of reallocated land.
- 5 *HIV/Aids and its impact on land reform is a neglected area in all the countries.* There is often an inadequate conceptualisation of the impact of the pandemic on the land reform process (for example on the implementing agencies and on the beneficiaries) as well as on an integrated strategy that links land reform objectives with the impact of HIV/Aids.
- 6 *The requirements of marginalised groups, including farm workers, the disabled, women, HIV/Aids infected and affected people are often superficially acknowledged* to legitimise the state or political party in the reform process *without any actual engagement with them.*
- 7 *Post land transfer support is often inadequately provided.* The complex process, the resultant institutional change, inadequate capacity, little political will, and budgetary constraints are some of the factors responsible for lack of adequate government support.
- 8 *Environmental considerations* of land reform are often inadequately conceptualised despite being a central consideration of sustainable land use.

From these considerations one broad recommendation may be derived for policy makers in government, civil society, donor agencies and private sector institutions:

The original objectives of land reform (which acknowledge poverty alleviation) need to be emphasised to refocus on the stated intentions of the process. This would facilitate an all-encompassing approach to the different aspects of land reform as well the targeting of a broader range of beneficiaries, especially the marginalised. This approach includes the explicit factoring in of the impact of HIV/Aids on the various components of land reform processes.

5.2 POLICY PROCESSES AND POLITICAL DYNAMICS

- 1 *The conference noted that there is often a lack of consultation with various stakeholders in the policy process. This is especially true for the beneficiary groups. Participation has been a largely rhetorical undertaking for governments in the policy process. The lack of consultation requires urgent attention if the reform processes are to comply with the democratic rules of transparency and accountability. In addition it is essential in this process to take into account indigenous perspectives, knowledge and understanding.*
- 2 *There is often a lack of political will to underpin effective, sustained land reform. It should be noted that many proposed land reforms have faltered largely because they were conceived in order to mobilise support at a critical time in the life of a government (or an aspiring government) (Adams, 2001b).*
- 3 *The cyclical nature of land reform means that certain vested interests have an influence on policy at different times during its cycle. As a result, land reform often becomes a “tradable asset” for politicians to resurrect or emphasise at certain times to advance their own cause.*
- 4 *Since land reform is a **political process** it is naïve to recommend a de-politicisation of the process, which de-politicisation was suggested a number of times during the conference. Rather, one should attempt to ameliorate the negative impact that politics might have on land reform. A clearly defined policy that is firmly in place would explicitly define the parameters in which governments and politicians can operate. Clearly defined policy guidelines would also allow for their monitoring by vigilant sectoral interests, such as the private sector, media and NGOs, and would ensure greater compliance of all parties with policy parameters. Such involvement of a broad range of stakeholders would also reduce the centrality of government to the land reform and policy process. In addition, a well-trained civil service could provide an additional counterweight to political manipulation. A transparent, open process would ensure that the obligations embodied in a number of constitutions across the region were adhered to. It should be recognised that some political dynamics such as grassroots organisation and mobilisation and NGO militancy can be highly positive for land reform processes.*
- 5 *The state is ambivalent towards traditional authorities. The tension between democracy and hereditary, traditional leadership was a recurring theme in the presentations. This ambivalence requires attention. The progressive elements of customary tenure should be enhanced where possible and attention paid to gender inequality, hereditary title, accountability and transparency. The land boards of Botswana were presented as a successful example of synergy between elected local government and traditional authorities.⁶*
- 6 *For land reform to be effective it must conceptualise adequately the role of women in the rural economy. This would ensure that land reform embodied a development focus.*

From these considerations one broad recommendation may be derived for governments, civil society, donor agencies and private sector institutions:

Land reform policy should be formulated through participation by a wide range of stakeholders, be clearly defined and be firmly legislated and implemented. This would limit the extent to which governments can manipulate the process of implementing people-centred land reforms away from the interests of beneficiaries. Civil society organisations in particular should be vigilant throughout the land reform process.

⁶ See Adams' conference paper.

5.3 THE ROLE OF CIVIL SOCIETY

- 1 It was noted at the conference that *it is difficult to gauge the role of civil society in the land reform process considering the complexity of the state/civil society relationship in the land issue*. Relations between civil society and governments engaged in land reform are invariably tense.
- 2 There are *different definitions and contested notions of civil society*. Civil society is inherently dynamic and highly differentiated, with unequal power relations and a multiplicity of interests. The term “civil society” (and many others such as “household”, “community”, “farmers”, “government”, and “donors”) should be used and understood critically. At the conference “civil society” was predominantly taken to mean NGOs and the voluntary sector.
- 3 The conference noted that *civil society should have a significant role in the policy process*. Unfortunately, the limited involvement of civil society in the process has meant that this potential contribution has been lost in many countries within the region. This has happened to the detriment of the development and implementation of effective land reforms in national settings throughout the region.
- 4 Arguments for good governance and transparency often define a role for civil society beyond mere deliverers of services to land reform beneficiaries. *Civil society should be included in the policy dialogue and decision making to ensure social equity,⁷ to strengthen buy-in by various stakeholders, to maintain a “watchdog” element to limit the extent of political manipulation and to keep the interests of marginalised groups clearly in focus*.
- 5 *There is generally a lack of expression of the actual pressure for land reform from below. Civil society should be in a position to articulate this pressure and to support marginalised groups to mobilise themselves to engage with the reform process*.
- 6 NGOs should be challenged to position themselves to *legitimately talk on behalf and with beneficiaries of land reform as well as the marginalised*.
- 7 *Adversarial relations between state and civil society should be accepted, as such relations are inevitable*. However, constructive consultation and interaction should be encouraged.
- 8 *Creative coalitions are required although this recommendation does not necessarily call for the creation of additional regional or national networks*. Rather, those already in existence should be made more effective through encouraging coalitions between them and across the NGO-government divide.
- 9 Creative coalitions could be strengthened through *regional dialogue* that elicits both “regional” and national voices.
- 10 *A challenge for civil society is to build capacity in order to engage effectively with land reform*. This requires the identification and teaching of appropriate skills to enhance its engagement.

From these considerations one broad recommendation may be derived for policy makers from civil society, donor agencies and private sector institutions:

NGOs/civil society organisations should embrace a more visible, proactive role that facilitates the articulation of voices from below. This may involve civil society agencies taking on a less adversarial and more co-operative relationship with other land sector agencies. NGOs/civil society organisations need to work together on creating frameworks and models for agrarian reform, which they can feed into policy debates with governments.

⁷ “Social equity” refers to the distribution of assets and the total output between individuals or social groups within the society.

5.4 STATE CAPACITY

1. *Capacity constraints at all levels within the state should be clearly recognised throughout the region.* Although this lack of recognition is widely identified as a reason for the “failure” of land reform, it is not easily defined or understood. An understanding of capacity can only be achieved through an honest audit of state capacity and what is required to enable the successful implementation of planned land reforms. Once this is known, resources can be allocated by the state, private or donor sectors to make the requisite changes.
2. *It has been widely recognised that land reform is expensive, involving lengthy consultation and a complex legislative process, and that it involves a major programme of institution building, training and awareness raising, as well as costs pertaining to increasing staff capacity* (see Adams, 2000: 135; Toulmin and Quan, 2000: 15). One implication of this is the need to find cheaper, pragmatic solutions for addressing the implementation of land policies. This was the view of several of the Mozambican delegates who emphasised the village lands registration programme in Mozambique, which builds on the commitment of a number of paralegals and existing structures at village level.
3. Governments can in principle *outsource certain functions of their land reform programmes to civil society or the private sector* so that in spite of the limitations faced by government departments, the implementation objectives of the policy are still met.
4. *Inter-departmental and ministerial co-ordination often requires attention in the land reform process.* Constraints to effective land reform include inconsistent objectives between land-related policies and even an apparent confusion of aims within singular programmes. These contradictions and duplications waste scarce financial and personnel resources. These constraints may be avoided through the careful co-ordination of policies and programmes through broad and effective consultation and focussed integration of objectives.
5. A central question at the workshop was *why the state is allocated such a central role in land reform considering its capacity constraints.* It is necessary to ask what the state’s role should be and how it should be played. It should act more as partner and facilitator than as director.

From these considerations two broad recommendations may be derived for policy makers from governments, civil society, donor agencies and private sector institutions:

The incapacity of the state to deliver land reform must be remedied. The extent of the capacity required for effective implementation must be understood and provided by the state - or outsourced to other sectors. This is related to a central issue indicated in 5.2: Political ownership of land reform generally lies at the national level and should be devolved to local level political processes to identify sustainable solutions.

Although capacity constraints have been recognised as a reason for the “failure” to attain the targets of land reform programmes, the issue of capacity is not easily defined or understood. An understanding can only be achieved through an honest audit of state capacity in relation to what is required for implementation. Once this is known, appropriate resources can be allocated by the state, private and donor sectors. In addition, certain functions such as evaluating land reform projects and providing aftercare to beneficiaries can be outsourced to civil society or the private sector for effective implementation.

6. THE WAY FORWARD

The papers and discussions highlighted a number of cross-cutting issues and set the context for an ongoing learning process on land reform in Southern Africa. This learning will hopefully be extended beyond the actual conference delegates. In short, land will continue to play a particularly significant role in securing the livelihoods of the “rural poor” in Southern Africa. Against this background there are therefore several important means by which a pro-poor land reform agenda might be developed:

- Targeting the marginalised, especially through genuine consultation
- Creating an enabling environment with clear processes in which all sectors can engage
- Post transfer support in a wider development process particularly to ensure sustainability of land reform programmes
- Genuinely considering and strategising around the impact of HIV/Aids on the processes of land reform

These points, apart from the final one emphasising HIV/Aids, have been reiterated on a number of occasions prior to this conference. This reveals the fact that the way forward is for greater focused dialogue, lobbying and, particularly, action if land reform is to work for the poor in Southern Africa. Essentially these messages need to be imparted to those involved in land reform policy processes throughout the region. The challenge is to effectively inform policy processes at a variety of levels. The following four points are presented as a way of taking the conference forward.

First, the workshop emphasised that a more systematic way of sharing experiences between the different stakeholders engaged in land reform policy should be developed. This would strengthen on-going policy processes and contribute to the evolution of workable land policies in the various SADC countries. This has three elements:

- Strengthening the existing national and regional land networks and their interaction at a regional level. This could improve the capacity of governmental and civil society agencies involved in land issues;
- Dissemination of these policy recommendations by delegates, in their particular country, particularly to the desks of key policy makers within SADC states; and
- Distribution by the SARPN of this document and the country study papers through a number of sectoral address lists that have wide linkages across the region. The papers and the recommendations will also be circulated at larger international agencies such as the Food and Agricultural Organisation and the International Fund for Agricultural Development.

Second, the conference papers and the policy recommendations have been made available electronically on a number of websites. The Oxfam “landrights” website (www.oxfam.org.uk/landrights) has generously posted all the country studies, a selection of the roundtable papers and the policy recommendations. The papers, along with a number of other poverty-related papers, are also available on the SARPN website (<http://www.hsra.ac.za/corporate/conferences/sarpn/index.html>). The papers and the recommendations may also be published in a booklet through the SARPN.

Third, the impact of HIV/Aids on land reform received significant interest during the conference, as a response to the perceived dearth of information on the issue. Therefore it has been proposed that the SARPN should host a workshop on the impact of HIV/Aids on land reform and rural development in collaboration with a number of specialists from around the region. The workshop will explore the experiences of a range of land and health practitioners in a rural location in KwaZulu-Natal, the heartland of the pandemic in the region, as well as drawing on the strengths of regional participants. If this workshop is deemed a success it will be replicated in various locations around the region. The proceedings of the envisaged HIV/Aids workshop will be circulated as widely as possible.

Fourth, the conference showed that very little documentation appeared to exist around the implementation of land reform and its impact on poverty alleviation in Mozambique. This insight was reinforced by an SARPN visit to Maputo. As a result, the SARPN will consider hosting a workshop in Maputo in collaboration with a locally based institution to discuss perspectives on the implementation of the 1997 Land Law. The Angolan government has drawn on the Mozambican land reform policy process; this suggests that an SARPN workshop could strengthen regional linkages and perspectives by bringing key players in Angola to a Mozambican review. Relevant organisations such as the Wisconsin Land Unit at the University of Eduardo Mondlane in Maputo, ORAM, Helvetia and other land experts will be consulted. Expertise from around the region, including Tanzania, will also be sought.

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APPENDIX ONE: COUNTRY TABLES**ZIMBABWE:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <ol style="list-style-type: none"> 1. Holistic approach to agrarian reform (infrastructure, land reform, social, institutional) is required 2. Realistic target setting 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. Clarify objectives and processes for poverty alleviation and land reform 2. Re-engage the policy process 3. Is it about land reform or power? – define objectives clearly 4. No safeguards to ensure equity
<p style="text-align: center;">State capacity</p> <ol style="list-style-type: none"> 1. Develop human resources to plan and implement sustainable approaches (fast track) 2. Institutional transformation 3. Conceptualise the impact of HIV/Aids on the land reform process 	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. Civil society is being excluded 2. Strengthen lobbying - farm workers

**NAMIBIA:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <ol style="list-style-type: none"> 1. Intensive use of land and increased productivity of current farming practices 2. Collective farms – is it a problem of size or support? 3. Absence of clear priorities for land reform 4. Poor inter-ministerial co-operation 5. Realistic target setting 6. Develop integrated development programme for farm workers 7. Redistribution/tenure reform not part of wider agrarian reform 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. Lack of political will vs. ambiguity at policy level 2. Political influence of potential beneficiaries 3. Emotions vs. economics of land ownership
<p style="text-align: center;">State capacity</p> <ol style="list-style-type: none"> 1. Lack of planning capacity 2. State allocation of funds for post-transfer support does not match need 3. Develop measures in order to assess land reform progress – links with assessing government's capacity 4. Need policies in place to develop capacity of government to implement land reform 5. Inadequate human resource capacity to develop community specific resettlement models 	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. Farm workers' rights require attention 2. Limited capacity – particularly in research 3. Clearly established structures for civil society input required – for policy process 4. Make policy commitments 5. Need for monitoring and evaluating the land resettlement programme 6. Participatory approach required 7. Low profile of civil society in a land debate dominated by the government

**MOZAMBIQUE:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <ol style="list-style-type: none"> 1. Lack of effective models for investor-community relations 2. Limited integration with other natural resource use programmes and protective legislation for the poor 3. Land reform should be linked to other development initiatives such as eco-tourism drives of government 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. Government should promote trust between political groups around the land reform process 2. Lack of political support and/or understanding of land policy at lower levels of government 3. Registration of title is subject to willingness of state – democratic rights issue
<p style="text-align: center;">State capacity</p> <ol style="list-style-type: none"> 1. Tensions between the political interests of ruling party and social needs of people 2. Urgently require sufficiently qualified personnel to implement land policy 3. Necessary to design appropriate institutional mechanisms within decentralisation: <ul style="list-style-type: none"> - Outsourcing of government technical functions - ensuring participation in land planning, allocation and management 4. Impact of HIV/Aids on state's capacity undermines human resources 	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. National NGOs generally weak and inexperienced, yet required for conflict resolution & participatory processes 2. Lobbying and advocacy necessary to influence land reform 3. NGOs required to source funding to support land reform process 4. CBOs require better understanding of the implications of new legislation

**MALAWI:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <ol style="list-style-type: none"> 1. Co-ordination between relevant departments lacking – this required for effective land reform 2. Gender policy lacking 3. HIV/Aids prevention and land reform should be mutually supportive 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. Political will required to drive process 2. Land reform will challenge authority of chiefs – a challenge for government 3. Land reform will challenge position of commercial farmers – is the government serious about redistribution and prepared to challenge this sector? 4. Marginalised need to be involved to change top-down process underway 5. Short-term safety nets need to be linked to long-term land reform process to combat poverty effectively
<p style="text-align: center;">State capacity</p> <ol style="list-style-type: none"> 1. Behind lack of co-ordination is a lack of state capacity – weak institutions are unable to co-ordinate effectively 2. Impact of HIV/Aids on state's capacity undermines human resources 	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. Civil society not mobilised, yet required to participate to ensure objectives of land policy are met 2. Advocate land issues 3. Interpret policies and convey these to the public 4. Ensure debate between traditional authorities and elected structures in terms of land reform objectives and processes

**LESOTHO:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <p>1. If land reform is to combat poverty it should be:</p> <ul style="list-style-type: none"> - linked to programmes to make the land more productive - supported by post land transfer policies to ensure production - linked to programmes intended to combat land degradation 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. Government policy is ambivalent around the land policy objectives 2. There is no structural connection between the land policy and poverty alleviation 3. There should be non-discrimination when allocating land 4. Tenure needs to be improved for investment and development
<p style="text-align: center;">State capacity</p> <p>1. Scarce state and government resources a major concern</p>	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. The role of civil society is negligible 2. Need genuine ongoing consultation during policy process

**SWAZILAND:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <ol style="list-style-type: none"> 1. Holistic approach to the rural sector required 2. Link small-scale agriculture to markets 3. Needs analysis required before land reform 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. Political commitment to land reform is ambiguous 2. Question around land access and tenure security 3. Question around why the state is the driver of land reform 4. Participation is essential 5. Dual legal system problematic in terms of socio-cultural concerns and gender issues 6. Define role of traditional authorities within policy 7. Harmonise traditional law and democratic aspirations
<p style="text-align: center;">State capacity</p> <ol style="list-style-type: none"> 1. With zero economic growth how can land reform be implemented? 2. Weak state capacity requires alternative implementation strategies 	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. Civil society is an alternative forum to debate land issues 2. Civil society required to engage with the dual legal system and separation of powers 3. Question of who owns the land crucial – the state or the people?

**SOUTH AFRICA:
Key Policy Issues and Challenges**

<p style="text-align: center;">Policies and programmes complementary to land reform</p> <ol style="list-style-type: none"> 1. Role of land reform in farm and non-farm rural development unclear 2. Failure to link land reform and poverty alleviation clearly – what does poverty alleviation mean in reality? 3. Dichotomy between land rights and economic development 4. Sustainable technical support programmes required 	<p style="text-align: center;">Policy processes and political dynamics</p> <ol style="list-style-type: none"> 1. The advantages and disadvantages of communal tenure unclear 2. Insufficient consultation with relevant stakeholders 3. Neo-liberal prescriptions across sectors problematic 4. Ambivalence on traditional authorities vis-à-vis democratic land holding 5. Farm worker participation in land reform required 6. Political rhetoric does not match practice 7. Declining budgets, continual under-spending 8. Urban priority for government – rural areas neglected
<p style="text-align: center;">State capacity</p> <ol style="list-style-type: none"> 1. Impact of HIV/Aids on state capacity unknown 2. Limited government capacity to implement land reform 3. Government should outsource functions it cannot manage itself 4. Lack of land reform skills, resources and capacity at all government levels 5. Local government needs investment to proactively drive land reform in a supply-led approach 	<p style="text-align: center;">The role of civil society</p> <ol style="list-style-type: none"> 1. Community-based approach to land reform necessary 2. Alternative approaches to market-led land reform required – compulsory acquisition 3. Civil society to build links between three legs of land reform 4. Programmes required to monitor abuse of farm workers 5. NGOs no longer influential 6. Adversarial relationship between government and NGOs has negative impact 7. No movement/pressure from below to drive land reform 8. Give real content to gender policy

APPENDIX TWO: KEYNOTE ADDRESS BY MARTIN ADAMS

- It is a privilege to be invited to make some opening remarks at the Southern African Regional Poverty Network (SARPN) Land and Poverty Conference held at the Human Sciences Research Council. It is a great honour and at the same time a great responsibility, which I do not treat lightly.
- First I would like to commend the SARPN secretariat and their team for recognising the important relationship between land tenure, poverty and sustainable development in the Southern African region.
- This is a region in which land dispossession by colonial and apartheid regimes has, above all other factors, contributed most to the underlying poverty of the African population. Tenure insecurity remains a fundamental underlying cause of poverty in the region today. We have achieved very little so far in righting that wrong.
- People will say, of course, jobs, employment, etc. are more important to people than land or fixed property. Of course jobs are important, but in today's wage economy there is nothing very secure about employment and a wage packet. With land and a home in which one can invest one's savings and return to in times of crisis, the loss of a job is much less of a disaster. In any case, the proportion of the population that can rely on wage employment as a principal source of income is declining.
- When jobs are not forthcoming people have nothing but the land and related natural resources to fall back on. The ability to sustain a living on that land will hinge on the strength of one's land rights:
 - The right to occupy a homestead, to use land for crops and for grazing, to make improvements and so on
 - The right to transact that land: to give, to mortgage, to bequeath, to rent areas of exclusive use
 - The right to exclude others
 - The right to enforce legal and administrative provisions in order to protect the rights of the holder
- Tenure security is both a basic human right and essential if people are to be allowed to manage their land resources, invest in the land and use it sustainably. Tenure security is a public good, like access to health care, education and so on.
- But how often does the importance of tenure security find expression in public statements of politicians and in government policy? This lack of attention is not just a case of budgetary priorities. The cost of putting in place the necessary laws, systems and procedures does not amount to very much.
- Above all, I suspect, the lack of action is a result of low public awareness of the importance of tenure security to poverty reduction and sustainable development. This is why the SARPN is to be commended on arranging today's meeting.

- I am well aware that the central agrarian issue in Southern Africa is the repossession of land alienated by white settlers. That is understandable and justifiable given the history of the region. But other aspects of land reform are also important.
- The fact is that the great majority of people in the region do not have tenure security. They have no right independent of the will of the state to use and occupy their land. Very little, if any, progress has been made across the region with tenure reform to the advantage of farm workers, labour tenants on freehold land, and those who use and occupy land in the so-called “communal areas” (especially on peri-urban communal land).
- Looking around the region, very little progress has been made. Indeed, people’s livelihoods, especially those of the poor, probably are more insecure than they were a decade ago. This lack of attention to tenure security is not just a case of formulating basic laws but also putting in place the administrative arrangements so that rights have some meaning in practice.
- One has to ask why has so little progress been made? I have made a few suggestions why this is the case in my paper.
- It is in the nature of things that land tenure systems, traditional or modern, will be manipulated by the powerful in their own interests and will disregard the well being of the rural poor. Politicians may tolerate bottom-up participatory processes in other areas, but not in matters that require them to relinquish control over land allocation. (We should not take refuge in blaming politicians, though – we deserve the politicians we get!)
- A well-trained civil service could counterbalance the politicians, but inadequate administrative capacity is a recurring problem in land reform. A numerous and widely deployed army of well-trained staff with the necessary administrative and legal support is essential. For a number of reasons the capacity of the public service in Southern African countries does not seem to be improving.
- If land reform measures are to be successfully implemented and contribute to the livelihoods of rural people, the pace of reform cannot run ahead of advances in other related government functions, especially those for providing infrastructure (water, power and communications) and technical support services to small farmers – credit, input supply, marketing, extension and adaptive research. In short, unless it is accompanied by other expensive undertakings, land reform is unlikely to make much difference to the poor.
- If political, administrative and cost considerations all militate against success, why try? The answer to this question must be the same in 2001 as it was in 1980 in Zimbabwe, 1990 in Namibia and 1994 in South Africa. Although not in itself a guarantee of economic development, land reform is a necessary condition for a more secure and balanced society and to avert the type of insurgency witnessed in Zimbabwe, currently the world’s fastest shrinking economy.

- Despite the Zimbabwe land crisis, which came to a head in March 2000, there is very little evidence yet of progress in land reform in the region. There is an unbridgeable gap between the public statements of politicians about land reform and the capacity of governments to deliver.
- International donors want to help with funding but the ability of the public sector to manage and use those funds constructively and responsibly is declining. At the same time, civil society organisations, which have been working with governments on land reform over the last decade, are losing staff for lack of funding. This applies to university departments, private service providers and NGOs. The capacity to respond to the deepening land crisis in Southern Africa is diminishing.
- Against this volatile and unpredictable background in the region, NGOs in the land and rural sector have been struggling to obtain donor assistance for core functions of land reform advocacy, capacity building and project implementation. The reluctance of donors to support the NGOs reflects the difficulties faced by donors in obtaining agreement on bilateral programmes that incorporate support to organisations that may be critical of government policies. This timidity on the part of donors is part of a much larger problem of donor-government-NGO relations.
- Unlike other sectors (e.g. education, health, water supply), assistance to land reform presents problems arising from its volatile, cyclical and politically sensitive nature. Assistance is likely to be always needed, but the nature and intensity of support vary from time to time and are difficult to predict. Donors cannot walk away when things turn sour. They must lie low, tread carefully and maintain a basic flow of support.
- Land reform is a long-term iterative process, needing the feedback, learning and involvement of many stakeholders. It is also a highly contested one, particularly in the unequal societies of the region. As everybody now knows, unequal ownership of the land is an increasing threat to political stability in the region.
- A good understanding of the emerging situation in the countries of the region is important if donors are to respond promptly to requests for assistance. Civil society organisations are a major source of knowledge. Strengthening civil society during periods of government inaction is of value for what follows. The history of land reform supports the theory that civil society can be vitally important in giving a kick-start to a new government initiative – just as it was in South Africa in 1994.

Martin Adams, 4 June 2001

Martin Adams, an ODI research associate, worked as a soil surveyor and plant ecologist in Sudan and the South Pacific in the 1960s, after which he became involved in the economic, institutional and land tenure aspects of agriculture in the Middle East, the Horn of Africa and East Africa. Since 1990, he has concentrated on land reform in Southern Africa and the Philippines. For the last six years he has been policy advisor in the South African Department of Land Affairs.