

LANDNET AFRICA

Report of the East African Sub-Regional Planning Workshop

held at Kenya College of Communications Technology, Nairobi
15 - 18 August 2000

Compiled by RECONCILE (Resources Conflict Institute)

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Background

The Resources Conflict Institute (RECONCILE) hosted the East African Sub-Regional Planning Workshop for LANDNET Africa at the Kenya College of Communications Technology (KCCT), Nairobi from 15th to 18th August 2000. The workshop funded by the Department for International Development (DFID) was a follow up to the regional planning workshop held in Addis Ababa in January 2000, at which LANDNET Africa was formally launched. The Addis Ababa workshop had in turn been a follow up to a workshop hosted by DFID in Sunningdale, London in February 1999 on *Land Rights and Sustainable Development in Sub-Saharan Africa*.

The Sunningdale workshop, which was attended by policy makers, researchers and civil society representatives from all over Sub-Saharan Africa, discussed land rights, land tenure and land policy reform in Africa at the dawn of the new Millennium. Among the major recommendations coming out of the workshop was the need to create a regional framework in Africa to facilitate the exchange of ideas, experiences, expertise and other resources among African countries, in the process of land policy development. LANDNET Africa is a response to this need.

In Addis Ababa last January LANDNET Africa was formally launched, with a regional secretariat at the Organization for Social Science Research in Eastern and Southern Africa (OSSREA). It was then agreed that the sub-regional components of the network in East Africa, West Africa, Southern Africa and the Horn, would undertake planning processes to create frameworks at those levels for the operation of the network. The East African Sub-region becomes the first of the sub-regions to hold its planning workshop.

The objectives of the planning workshop were: to agree on the institutional framework for the network at the sub-regional as well as national levels, identify the issues around which to network both in-country and at the sub-regional level as well as the activities to be undertaken both in the short medium and long term. It would also propose mechanisms for funding the networks at the different levels, and agree on how to institutionalize linkages between the different networking levels *inter se* and with other regional and global networking initiatives.

Participants to the workshop were drawn from Kenya, Uganda, Tanzania and Rwanda¹. There were also representatives from West and Southern Africa components of LANDNET Africa, as well as representation from the Secretariat at OSSREA and DFID in London. Country delegations included representatives from civil society and government, as well as universities and research organizations. Key land tenure and land policy organizations from the four countries also participated in the workshop.

Workshop Process

The workshop was held over a period of four days, with the actual proceedings taking place over two full days². On the third day, a smaller group comprised of representatives from each country as well as RECONCILE, DFID and OSSREA and the West African representative met in a post-workshop planning process to plan the immediate follow up to the workshop.

¹ The country delegations to the planning workshop were coordinated by national land alliances, among them the Kenya Land Alliance, the Uganda Land Alliance and the National Land Forum of Tanzania.

² The first and last day being arrival and departure days respectively.

The formal opening ceremony was conducted by the Prof. Shem Migot-Adholla, Kenya's Permanent Secretary for Agriculture and Rural Development; while the Deputy British High Commissioner to Kenya, Mr. Paul Harvey officiated at the closing ceremony.

The first day was dedicated to a keynote address and thematic presentations followed by LANDNET Africa Updates, and Country Land Tenure Networking Updates. Three thematic presentations were made, all of them relating to land tenure networking. The LANDNET Africa Updates were meant to bring the participants up to date on the developments on the networking arrangements since Addis Ababa. The country teams also gave updates on the status of land tenure networking in each of the participating countries. All presentations were made in plenary and followed by discussions.

On the second day of the proceedings, the participants went into the actual planning process, working alternately in country groups and as a sub-region in plenary. They were thus able to identify and agree on issues for networking both at country and sub-regional level; the networking process; and the funding mechanisms to support both the country and regional frameworks. Agreement was reached on the way forward, both within countries and at the sub-regional level, and a short and medium term plan of action designed to carry the process forward. This day ended with a banquet at which the formal closing ceremony was performed.

Day One: Session One

Session Chair: Dr. Patricia Kameri-Mbote

The first session of the workshop proceedings commenced with introductions, during which participants were invited to identify themselves, their institutional affiliations and their personal and institutional interest in land tenure networking.

Welcome Remarks 1: Michael Ochieng Odhiambo³

Following the introductions, Michael Ochieng Odhiambo welcomed the participants to the workshop. He noted with pride that by hosting this workshop, RECONCILE had delivered on the commitment it made in Addis in January, and thus ensured that East Africa became the first sub-region to hold its planning workshop. He expressed gratitude to the participants for making time to attend the workshop, some of them on fairly short notices. He narrated how in preparation for the workshop, he had visited all the countries participating in the workshop, and had held discussions with a good number of the participants. His visits were intended to enable him to identify the issues of concern to the countries in the sub-region, assess the status of land tenure networking in those countries, and identify individuals and institutions that would be useful in carrying forward the agenda of land tenure networking within the framework on LANDNET Africa. He thanked those who had facilitated his trips in Tanzania, Rwanda and Uganda, and who had also assisted in making arrangements for the country delegations. He also thanked DFID and NRI for the support they had given³ to the process leading to the workshop, and was happy to welcome Julian Quan to the workshop, noting that his presence demonstrated the importance that DFID attached to this process.

Odhiambo noted with appreciation that also attending the workshop were Alemayehu Azeze, Susan Mbaya and Kassim Kassanga. The three represented respectively the regional secretariat

³ Executive Director of the hosts, Resources Conflict Institute (RECONCILE)

and Horn of Africa Focal Point, the Southern Africa sub-region and the West African sub-region of LANDNET Africa. Their presence in the workshop was a demonstration of the commitment to seeing the network emerge as a truly African framework for the sharing of ideas across Sub-Saharan Africa. Their participation in the workshop would ensure that in planning the East African sub-regional network, the participants in the workshop would be alive to the issues that bind them together with their brothers and sisters in these other parts of Africa.

In so far as the workshop itself was concerned, Odhiambo noted that all the countries of East Africa are faced with similar challenges with respect to land. All the economies represented in the workshop he said, are based on natural resources, which makes land basic to the livelihoods of the people of the sub-region. In all these countries the basic problems of land management related to the democratization of land ownership and control and the efficient use of land to realize national development objectives. The regional and international imperatives that these countries needed to respond to in facing these challenges were equally similar, so that there was eminent value in forging a common agenda and strategy around land tenure in the sub-region.

Odhiambo explained that this planning workshop was convened to agree the strategy and framework for operationalizing the East Africa component of LANDNET Africa, comprised of Tanzania, Rwanda, Uganda and Kenya. In this connection, it was expected to initiate national processes, and create strategies for linking the national processes with the sub-regional process, and onto the Africa-wide regional process. He hoped that the participants would meet the challenge of the workshop and ensure that the momentum of networking that had emerged from the process to date was carried forward for the greater good of the sub-region and its peoples.

Welcome Remarks 2: Julian Quan⁴

In his welcome remarks, Julian Quan expressed his pleasure at being able to attend and participate at this inaugural planning workshop for the East African component of LANDNET Africa. This was a climax of a process that has been going on since the Sunningdale meeting at which the idea of an African land tenure network was first mooted. He traced the development of the idea from Sunningdale, through Addis Ababa to the present workshop.

He outlined DFID's interest in the issues with which the workshop and the network were concerned. DFID's overriding concern in these issues was informed by their linkage to poverty alleviation which is the cornerstone of DFID activity in the sub-region, as elsewhere in the world. In the economies of the countries represented at the workshop, there were clear linkages between land rights and poverty. DFID hoped that in addressing issues of land rights, the opportunities for enhancement of livelihoods would be identified and acted upon. Thus, DFID saw in the land tenure networking process an opportunity to enhance the effectiveness of its bilateral aid relationships with the countries of the sub-region by dealing with a major cause of poverty and impediment to poverty alleviation.

Quan identified the following as the challenges to the workshop in designing the strategies for the way forward:

- ◆ Avoid networking for networking's sake; and instead identify issues of common concern around which to organize the exchange of ideas and experiences;

⁴ Land Policy Adviser, Rural Livelihoods Department, DFID, London

- ◆ Do not lose sight of the importance of land as a development tool, and seek to link the discussions on land to the development needs of the respective countries;
- ◆ Find a constructive role for donors, ensuring that they become less and less hands-on; but rather provide support to processes conceived locally; and
- ◆ Strengthen relationship between NGOs and governments, and enhance a three-way dialogue between civil society, governments and donors on issues of land and development.

He noted that although he was attending the workshop as a representative of DFID, he also had a keen interest in issues of land policy and development, and looked forward to a fruitful sharing of experiences with colleagues present, a number of whom he had had close association with in the process going back to Sunningdale. He congratulated RECONCILE and its staff for managing to bring the participants together, and looked forward to a successful workshop.

Official Opening Ceremony: Prof. Shem Migot-Adholla⁵

In his address to the participants before declaring the workshop formally opened, Prof. Shem Migot-Adholla noted that the holding of this workshop marked an important milestone and the realization of a dream for himself and a number of people both within and outside the region and the continent. These were people who had for a long time been involved in discussions about land policy and sustainable development in Africa, and a number of whom were present in the workshop. In particular, the workshop was an important step in a journey that started in Sunningdale, London in February 1999, with the holding of the workshop hosted by DFID on *Land Tenure and Sustainable Development in Africa*, at which the idea of the network was first mooted⁶.

On whether there was justification for the network, Prof. Migot-Adholla acknowledged that the question needed to be addressed at the very beginning of the workshop, even though it had been asked and answered a number of times in the process leading to the workshop. In answering the question, he enumerated the processes of land policy reform going on in each of the countries represented at the workshop, and noted that in these processes a number of lessons were emerging on what may be termed *best practice* of land policy development and land reform. The countries needed to establish a framework for sharing experiences. Such a framework would facilitate the sharing of information, ideas and experiences. It would keep the practitioners and analysts of land policy development, land reform and land administration in the region in constant touch with each other and with others from elsewhere in the world. This was the major challenge that *LANDNET* Africa set out to meet, and it was the reason that the workshop had been convened.

On the nature of the network that the participants should seek to establish, he challenged the participants to create a framework that would make it possible for civil society and government to share information and to work together for the good of the peoples and countries of East Africa. In this connection, he hoped that the structure of the network to be created would be such as to provide space for consultation and participation for all shades of stakeholders.

⁵ the full text of the speech is available at RECONCILE

⁶ Prof. Migot-Adholla attended and participated actively at the Sunningdale meeting. At the time he was Rural Development Specialist with the World Bank

He suggested that the network must be as inclusive as possible in its composition and in its leadership, without losing sight of the need to be lean and cost effective. It must be organized in such a way that the sub-regional and regional frameworks would be facilitative rather than operational, ensuring that the main action would always be at the national level. At the national level, the network must be one that facilitates its members to do their work, rather than appear to be doing the work of its membership.

Apart from being inclusive in its membership and outreach, Prof. Migot-Adholla advocated for a network that would be inclusive in its coverage of issues. He reminded the participants that individuals and institutions and indeed even governments would only stay in a network to the extent and for as long as it addressed issues that are of concern to them. The moment it appeared that one group of stakeholders was monopolizing the discussion, others would opt out of the network on the grounds that it was no longer relevant to them.

In conclusion, he thanked all those who had supported the initiative to date, and invited them to continue supporting it as it evolves into a viable framework for the sharing of information, ideas and experiences across the continent and between Africa and the rest of the world. He wished the participants success in their deliberations and looked forward to linking up with them in the network. He then declared the workshop officially open.

Session Two: Keynote address and Thematic Presentations

Chaired by Rwanda

Keynote Address: Prof. H.W.O. Okoth-Ogendo⁷

After the break that followed the official opening of the workshop, Prof. Okoth-Ogendo presented a keynote address on the theme, *Networking for Land Policy Development*. He used the presentation to set out the parameters that should inform the process of networking for land policy development in the region. He noted that land reform was closely linked with constitutional reform in Sub-Saharan Africa, and should thus be seen in the context of democratization. However, care should be taken to avoid the mistake that was made in the past when it was thought that Africa needed constitutional reform before land reform. It was now clear that the land question would always be a matter for consideration in Africa. All that could be done is to find a way of managing it.

Tracing the evolution of the land question in the region, Prof. Okoth-Ogendo asserted that the framework for the plunder of land and natural resources in Africa was set up by the colonial regimes, when in utter ignorance of the rights of local populations, they determined that the land in Africa was not owned by any person and was therefore available for acquisition and settlement by colonists. The traditional institutions and systems for defining and managing land rights were distorted and replaced by colonial statutory and policy instruments. Yet the values that inform the relationship between the Africans and land has never changed. These have survived, and over time have subverted the statutory and policy framework and system that was intended to replace them. This reality must inform land reform if the process has to be of real value to the African peoples.

⁷ Professor of Public Law at the Faculty of Law, University of Nairobi

Prof. Okoth-Ogendo submitted that land reform must not only be aimed at getting land back to the African masses; but it must also identify those traditional values that have survived over the past 100 years and inculcate them into the policy and legal framework. Thus, land reform must address issues of property rights, production, administration, and management.

Prof. Okoth-Ogendo discussed the ongoing land policy reform processes in the different countries of Africa. He noted that different countries are at different stages in the process, and that it was evident that the process sought to address policy and law, and involved public discourse, policy development, legislative reform and implementation. There did not appear to be any particular sequence, and it was not possible to argue that any sequence was necessarily the best. What was important was to develop public consensus on the kind of reforms that should be implemented.

Yet the building of consensus was proving quite problematic in the region. He identified the following as the factors that have affected the process in the countries of the region:

- ◆ The degree of political will and commitment to land reform
- ◆ Inadequate public preparedness for the exercise
- ◆ Absence of theoretical clarity on what needs to be done
- ◆ No specificity in the design of procedures for public consultation, as well as for follow on action
- ◆ Inadequacy of innovation in designing the policy and legislative instruments and institutions for the democratic and equitable management of land

He suggested that these factors should inform the search for sustainable land policies in the region. In this search, he cautioned that the uniqueness of each country should be borne in mind without losing sight of the commonalities. In addition, while each country must understand clearly its own situation, it is also necessary to understand the situation in other countries that are addressing similar situations, in order to learn from the experience of others.

On the basis of the foregoing, Prof. Okoth-Ogendo challenged the participants to design a network for Africans by Africans that would facilitate the flow of information within the region. In this connection, he encouraged them to ensure that the network to be created would:

- ◆ Build and promote partnerships between researchers, NGOs and governments
- ◆ Facilitate the building of capacity on land tenure and policy development
- ◆ Facilitate regular workshops and meetings for the exchange of information
- ◆ Design guidelines for best practice in land policy development for use by governments within the region
- ◆ Develop a database on human and institutional resources for land policy development

He concluded by wishing the participants success in their deliberations, and assuring them that he would continue to follow the development of the network closely, and that he hoped to be an active member and participant. He noted that since Sunningdale, a certain level of networking had been going on between some of the people involved in the process of developing the network, and this was proof that the idea being pursued here was viable and necessary.

Thematic Presentation 1: Networking on Women's Land Rights in Eastern Africa

The first thematic presentation was made by Elizabeth Akinyi-Nzioki⁸. It was based on a project being undertaken by EASSI⁹ in five countries of Eastern Africa, four of which are the countries that participated in this workshop.

Ms Akinyi-Nzioki informed the workshop that the project is informed by the realization that the major cause of poverty in the region has to do with the lack of control by women of land while they are the major users and producers on land. This contradictory situation constrains the productive energies of women, and is at the root of the crisis of food deficiency in the region.

She explained that the action research would address these and other constraints to the productivity of women on land, assess the extent to which these constraints affect food production and security of livelihoods in the region, and determine the level of access by women to land as a productive resource. In this sense, it was not enough for land reforms to generalise on access to land. It was necessary to specify the needs of women as a group, but also to specify the need of access to land for agricultural production. She asserted that for rural Africa, poverty alleviation is directly linked to access to land as an arable resource.

Highlighting the problems faced by women in this region, Ms. Akinyi-Nzioki asserted that women are generally excluded from secure access to land by both cultural and legal norms. Even where the law appeared to be progressive and in favour of women, the legal provisions sometimes end up being contradicted by cultural norms. As a result, daughters are usually disinherited because it is argued that they will eventually get married and gain access to land through their marriage. The impact of these cultural norms are so strong that most women are afraid to own land in their own names, preferring to register even the land they purchase directly in the names of male relatives, or to hide the fact of such ownership altogether.

She outlined the process of the research. It would focus on women's independent rights to land as users and producers. It would analyze policy and legal constraints to this, and examine the legal, political and other institutional impediments to women's ownership of land. The project would also advocate for women's land rights, seek to improve the responsiveness of policy makers to the position of women on the land question, link women's land rights issues with the issues of poverty alleviation, and with other emerging policy issues of liberalization and patriarchy and globalization.

Overall the project would seek to bring out women's realities in relation to land, and put in place strategies for incorporating women's land rights into the ongoing land reform processes in the region. There would be particular emphasis on inheritance issues. Ultimately, these concerns would be linked to the constitutional and law reform debates in the region, and actionable strategies put in place for follow up and implementation.

Thematic Presentation 2: Common Property Networking at the Global Level

Dr. Patricia Kameri-Mbote¹⁰ made the second thematic presentation, based on her participation at the IASCP Conference in June 2000.

⁸ Principal Researcher, EASSI's Action Research on Women's Land Rights Project.

⁹ Eastern African Subregional Support Initiative for the Advancement of Women.

¹⁰ Senior Researcher, African Centre for Technology Studies (ACTS)

She introduced IASCP as an association of practitioners of common property resource management, the objective of which is to reassert the existence of common property as a viable ownership and management regime. The association organizes international conferences every two years, each conference providing an opportunity for the sharing of experiences and exchange of ideas on themes of CPR.

In the June meeting held in Indiana, USA, various panels addressed issues of common property resource management. Also addressed was the need for the association to become more active in countries other than the USA. This, Dr. Kameri-Mbote asserted, provided an opportunity for the kind of network envisaged at this workshop to create linkages with IASCP for the benefit of the members of the network. She hoped the interim secretariat of the regional network would reach out to IASCP and explore possibilities for such linkages.

She informed the workshop that IASCP has developed a digital library on CPR management to ensure easier networking and exchange of information. When the prototype was demonstrated at the June conference, she noted that there was very little information coming out of Africa. This, she reckoned was due more to the manner in which information is handled in Africa, rather than a reflection of the paucity of work on these issues in the region. Again, this is an area that should be of interest to LANDNET in the long term.

Thematic Presentation 3: Issues for Land Tenure Networking in Rwanda

Mr. James Kimonyo¹¹ made a presentation on critical issues of land tenure networking in Rwanda. The presentation was deemed necessary, as this was the first time that Rwanda was getting involved intimately in the process of LANDNET Africa. It was necessary for the participants to get a greater appreciation of the issues of concern to Rwanda.

Kimonyo gave a brief background of Rwanda. He stated that Rwanda is a landlocked country with a population estimated at 8 million people. It is one of the poorest countries in Africa, with a population density of 750 persons per acre of land. The country's economy depends almost entirely on agriculture, which employs 90% of the people, provides 80% of the exports and contributes 48% of the Gross Domestic Product; yet only about 40% of the land is arable.

The country faces major problems of soil erosion and deforestation, which have been exacerbated by the internal displacement of the population by reason of the Genocide. Traditional methods of agriculture are the most prevalent, as well as customary land management and tenure systems. All land is otherwise deemed to belong to the state. In November 1999, a statutory instrument¹² was passed which extends rights of land inheritance to women.

He identified the major issues for land policy in Rwanda (see Box 1), and confirmed that these were being looked into in the development of a national land policy and law, a process that was already under way.

Box 1: Issues of Land Policy in Rwanda

- ◆ Land scarcity
- ◆ Resettlement of the homeless and returning refugees
- ◆ Modernization of agriculture

¹¹ Director of Settlement in the Ministry of Lands, Settlement and Environmental Protection

¹² Law No. 22/99 of 12th November 1999. The full text of this law is available at RECONCILE.

- ◆ Weak cadastral system
- ◆ Conflicts between law and custom, especially the new matrimonial law in its progressive provisions on inheritance of land by women
- ◆ Absence of a national land policy and tenure law

On LANDNET Africa, Kimonyo expressed Rwanda's interest in the process, noting that the network would provide the country with an opportunity to learn from the experiences of other countries in the region and elsewhere. He confirmed that the Ministry of Lands was committed to the idea, as was demonstrated by the attendance by the Permanent Secretary at the Addis workshop. Indeed it was the Permanent Secretary who identified RISD as the right organization to co-ordinate Rwanda's national component of LANDNET Africa. The Ministry was trying to work closely with civil society organizations in Rwanda in the development of a land policy and legislation. In this connection, a National Land Policy Workshop was planned for September 2000, and it was the Ministry's expectation that the national component of LANDNET Africa would take an active part in the workshop.

Since Addis, Michael Ochieng Odhiambo had visited Rwanda to introduce the idea, identify issues and arrange for the participation of Rwanda in this workshop. During that visit, a workshop was organized with major stakeholders at which fruitful discussions were held. The participation of Rwanda in this workshop was as a result of these consultations.

Kimonyo concluded by thanking the organizers of the workshop for including Rwanda within the East African component of the network. He assured the workshop that Rwanda was committed to play an active role in the network, as demonstrated by the strong delegation to the workshop, which included top government officials as well as university professors and other members of the civil society. He made special mention of Dr. Bugingo who as the chair of the Presidential Commission on Civil Society would be responsible for defining the relationship between government and civil society.

Questions, Comments and Discussion of Keynote and Thematic Presentations

Following the presentations a number of questions and comments were raised by participants and the presentations discussed in plenary. Participants sought clarification from Prof. Okoth-Ogendo on the place of customary law and traditions in land policy development; how to deal with the problems caused by boundaries which were drawn by colonialists without regard to the interests of Africans, and whether it was enough to emphasize tenure security, when environmental insecurity was an equally serious problem. He was also asked to clarify whether there was a 'right formula' for land policy development.

On customary law, Prof. Okoth-Ogendo asserted that 100 years of marginalization had failed to destroy the influence of customary law in the management of land. In particular he noted that in all countries in the region, customary values prevailed in issues of inheritance. Even where, as in Rwanda, there was a specific statutory instrument, the conflict between the values contained in the statute and customary values, always ended up settled in favour of custom, especially in rural areas.

Thus, whereas in the past customary norms have been ignored in policy and law development processes, it was now time for serious work to be done with a view to documenting these norms and creating space for them in the policy and statutory frameworks for the management of land in

the region. This called for innovation on the part of legal scholars and lawmakers in the design of legislation and policies. This, Prof. Okoth-Ogendo insisted, was the challenge for legal and policy scholarship in the region, and provided a starting point for the work of LANDNET Africa.

On the boundaries of African countries, Prof. Okoth-Ogendo agreed that they were drawn outside Africa on the basis of selfish colonial interests. However, he thought that trying to rewrite the boundaries at this point in Africa's history could result in even more serious problems. In his view, Africans should settle for the next best thing: to design trans-boundary arrangements that would favour the sustainable use of natural resources and promote collaboration between the peoples of the continent.

Prof. Okoth-Ogendo agreed that tenure security was not the only issue, or even necessarily the most important issue for land policy development. Issues of environmental security cannot be ignored. However, the tenure issue addresses the proprietary question, and through it such issues as land distribution, land administration and management must be brought to the fore. Thus, in addressing the tenure question, a proper foundation is laid for taking on such other concerns as environmental security.

On the process of land policy development, Okoth noted that some countries started with policy and then moved to legislation, while others started with legislation and then worked on the policy. Tanzania and Uganda represented examples for these respective approaches in the region. He advised that in the best of circumstances, policy development should precede the enactment of legislation. In this way, the policy document would set out the nation's values on land as a resource, and these values would in turn inform the legislation. However, this is the ideal situation, while in each country policy processing is done in response to specific circumstances, and it is these that would determine whether the process begins with policy or law.

Ms. Akinyi-Nzioki was asked to explain how the action-research she was leading would link up with the numerous research projects on the same issue going on in the region. She was also asked to explain the difference made by the fact that the project was characterized as 'action-research'.

In answer, Akinyi-Nzioki stated that the research would begin by looking at what has been done in the region in order to identify the gaps for further research. It would also identify the major actors on women and land rights research in the region. However, as an action-research project, it would work directly with women farmers in the region as well as with policy makers in an effort to change attitudes and practices of policy processes for the benefit of women. It would link the discussion of women's land rights to specific issues of development and food security.

A question was also raised about the mandate of LANDNET Africa and its niche. In answer, it was suggested that this is what should come out of the workshop. It was important to establish who is doing what in the region, so as to establish what gaps existed and thus where the network would best invest its energies and resources. It was also important to establish the specialities covered by the existing membership of the network and how these can be used to mainstream land into the activities of the members of the network. In doing this, the network would seek to work with rather than subvert existing initiatives and networks.

The workshop was also challenged to come up with concrete ideas on activities that would be undertaken. Such ideas as information exchange and training had been discussed in abstract form since the commencement of the process. Now it was time to make specific suggestions that could be acted upon. In this regard, it was important to identify institutions that could take lead roles in following up on specific activities.

Session Three: LANDNET Africa Updates

Session chaired by Uganda

During this session, updates were given on the status of LANDNET Africa since Addis. Alemayehu Azeze, Kassim Kassanga, Sue Mbaya and Michael Ochieng Odhiambo reported on the different sub-regional components of the network.

Azeze reported on the activities at the secretariat at OSSREA. He stated that the responsibilities of the secretariat include the drafting of the proposal for the wider network. This proposal had been done and submitted to the DFID and GTZ. The next steps include the appointment of a coordinator to oversee both the regional and Horn of Africa sub-regional activities.

As the secretariat for the Horn of Africa sub-region, OSSREA is in the process of initiating activities in Ethiopia, Sudan and other countries of the Horn of Africa. There are plans to establish the Ethiopian and Sudanese components of LANDNET Africa.

Prof. Kassanga reported that following the Addis meeting, the West Africans decided to forge ahead with national workshops before conducting a sub-regional workshop. The national workshop in Burkina Faso was held in June, while the one for Ghana was held in July. Reports of these workshops have been circulated. Each country was working on the establishment of its own national network, which shall then link up with the sub-regional network when this is formed.

He reported further that the Ghana national network had been created, and its secretariat is based at the Institute of Land Management and Development, Kwame Nkrumah University of Science and Technology, where he too is based.

Prof. Kassanga outlined the challenges that they faced in West Africa as including a poor response to invitations to the national workshop, problems with communications as most people did not have access to email, and problems of language in the region between English and French speakers. So far, the network was working only with four countries in the region, while looking at ways of bringing in the other countries.

Ms Sue Mbaya¹³ reported on the Southern Africa component of the network, which is called the Land Rights Network of Southern Africa. She noted that the countries of Southern Africa have a common colonial legacy that has a major bearing on the land question and how it manifests itself, and have in recent years been facing similar problems in seeking to address the issue. She also noted that there was a similarity in the interventions being tried across the region both by government and by civil society. These interventions included commissions of inquiry and legal enactments on the part of governments, and networking, coalition building and awareness creation on the part of civil society. However, for a number of reasons, these interventions had

¹³ Coordinator, Land Rights Network of Southern Africa. The full text of Ms. Mbaya's presentation is available at RECONCILE.

failed to make a significant impact on the problems of landlessness and insecurity of tenure in the region. Governments and civil society in the region are now working on collaborative approaches to addressing the land question.

After the meeting in Addis last January, the sub-region is planning a follow up workshop similar to the East African one. Although initially planned for June 2000, the workshop is yet to take place, as the members of the sub-regional network are consulting further and pursuing funding to hold it. It is now proposed that the interim steering committee shall meet in the near future to discuss plans for the meeting. The size of the sub-region and a number of other constraints have militated against speedy progress on the establishment of the sub-regional network, but there was substantial support for the idea of the network within the sub-region.

Michael Ochieng Odhiambo in his report on the East African component of LANDNET Africa stated that for the sub-region the most important outcome of Addis was the inclusion of Rwanda as part of the sub-regional process. As Rwanda had not been in the process initially, it was decided that a mission would be organized to Rwanda to bring the country up to date with the process. It was for this reason that he travelled to Rwanda and held the meetings that Mr. Kimonyo made reference to in his presentation.

Odhiambo noted that Rwanda had lots to offer to the network, and lots to learn from it. He was particularly impressed by the close collaboration between government and civil society in Rwanda on the land question. The contact organization, RISD¹⁴ previously organized a workshop on the resettlement programme, and as Mr. Kimonyo had observed in his presentation, it was in fact the Ministry of Lands that recommended to the Addis workshop that RISD be asked to coordinate the national process for LANDNET Africa.

Odhiambo narrated how during his mission to Rwanda he was able to meet with the Minister and other senior government officials and was assured that the Ministry would be ready to work closely with civil society organizations on the land issue. He noted that civil society was fairly young and not well organized, but a number of organizations were springing up and would need support to build the capacity necessary for them to make a meaningful contribution to the policy and legislative process in the country.

He explained that it had been easier to move ahead with the East African process because of the small number of countries and closer linkages that already existed between them. The approach that had been adopted in the sub-region was to hold the sub-regional workshop and use it as the launch pad for national level processes. In this way it was expected that the national processes would be synchronized better.

He identified the major challenge for LANDNET in East Africa as being how to link up with other processes and initiatives of networking that were already in existence at both the national level in the four countries and at the sub-regional level. In addition, the network needed to identify crosscutting issues that were relevant to all the member countries, in order for each member country to find value in the network.

This entailed the addressing of both hardware and software aspects of the network. The infrastructure for establishing and ensuring that the network would operate effectively had to be addressed for each national component as well as for the sub-regional networking framework.

¹⁴ Rwanda Initiative for Sustainable Development

Such infrastructure included physical resources as well as the intellectual input into the process of networking. He also set out the issues for land tenure networking in the region (see Box 2), and suggested that the network would have to start by addressing the issues that are crosscutting across the region.

Questions and Comments on LANDNET Updates

In discussions on the updates, the participants identified and exchanged ideas on a number of challenges:

Working with Existing Networks: this was identified as a major challenge. It was suggested that there was greater value in building on the processes and initiatives already in existence than trying to reinvent the wheel. In this connection, it was recommended that the interim secretariat of the network should map out the situation to establish what existing initiatives the network could link up with.

Relations with Governments: while the major players in the network so far are NGOs, it was noted that the network sought to be one that would bring together government and civil society to discuss and implement policy processes. It was important to strengthen the links with governments in the region, and to build the necessary confidence between government and civil society that will make such meaningful collaboration possible. Participants noted that governments were inclined to think that NGOs had no business getting involved with issues of land policy and legislation, which was deemed a preserve of the government, and the situation in Rwanda was commended as a positive development that other governments in the region ought to learn from.

In this connection, it was suggested that the network should target Parliamentarians as a means of influencing governments. Yet other participants suggested that the network should organize a brainstorming session between NGOs and government on the opportunities and constraints to collaboration between NGOs and governments in the region. Similar efforts should be made to link up with research institutions in the region.

Box 2: ISSUES FOR LAND POLICY NETWORKING IN EAST AFRICA

RWANDA

- ◆ Land re-distribution and settlement in the aftermath of the genocide
- ◆ Land policy development that informs and facilitates that process
- ◆ Gender dimensions: women's access to and control of land and its produce
- ◆ Land markets, liberalization and investment in land
- ◆ Land administration, titling and registration
- ◆ Land law and conflict management
- ◆ Land tenure and sustainable agriculture
- ◆ Customary land tenure vs. formal statutory tenure

TANZANIA

- ◆ The promulgation of the regulatory and institutional framework for the implementation of the new land legislation
- ◆ The administration of land
- ◆ The management of the commons
- ◆ Peri-urban land management
- ◆ Land markets, liberalization, investment and national development

- ◆ Customary land tenure vs. formal statutory tenure

UGANDA

- ◆ Co-ownership of land by spouses
- ◆ Landlessness and the problem of tenants
- ◆ Urban and peri-urban land management
- ◆ Management of conflicts
- ◆ Customary land tenure vs. formal statutory tenure (inheritance, succession, etc.)
- ◆ Regulatory and institutional framework for implementation of the Land Act
- ◆ Funding the decentralization of land management and administration

KENYA

- ◆ Land policy reform
- ◆ The management of the commons, public land
- ◆ Customary law and customary land tenure
- ◆ Landlessness and the squatter problem, both urban and rural
- ◆ Land hoarding and under-utilization of land for food production and to support national development

Role of DFID and other Donors: the participants noted that DFID had played a central role in the process to date, and wondered whether this interest would be sustained in the long run. They questioned the interest of DFID in land reform processes in the region, and in particular whether this interest would not be pegged to a political agenda that might not be too obvious at the moment. In this connection, participants noted the position of the British government on the land issue in Zimbabwe, and wondered whether and how this position would influence the support from DFID to the network. Issues were also raised about the sustainability of the funding situation generally.

Julian Quan who represented DFID at the workshop advised the participants that GTZ had indicated a willingness to fund the process in the Horn of Africa. That this had not been followed up had more to do with the busy schedules of all those involved at OSSREA and in the Horn. He suggested that given the interest that GTZ had expressed and their involvement in the process since Sunningdale, they should be approached for funding while other options were being considered.

He conceded that political issues sometimes came to the fore, but it was up to the members of the network to design strategies for addressing such problems as they arose. For instance in Southern Africa, while it was true that political tensions may interfere with the flow of funds, it was sometimes the absence of clarity about what is to be funded that was the greater problem. Thus the challenge for sub-regional networks was to design viable sub-regional initiatives as these are more likely to appeal to funders, and less likely to get compromised by political problems of individual countries. In this connection, he advised that the British government is more likely to support processes at the sub-regional and regional levels. He also suggested that one way of dealing with fears about sustainable funding is to diversify the sources of funding.

Session Four: Country Land Tenure Networking Updates

Session chaired by Tanzania

This session provided an opportunity for each of the countries present at the workshop to update the participants on the status of in country networking on land tenure issues. Because the

existing land tenure arrangements at the national level were expected to play an active role in facilitating the national frameworks for participation in LANDNET Africa, it was necessary for participants to understand the current status in each country.

Rwanda

Annie Kairaba reported that following the mission to Rwanda by Michael Ochieng Odhiambo, there was a lot of interest in Rwanda on the network. A number of organizations were able to attend a workshop with Odhiambo during his visit to Rwanda, and they are all interested in taking an active part in the network. Her organization, RISD was taking the lead in facilitating the process within Rwanda.

She reported that in spite of the interest in the land issue on the part of both government and NGOs, there was as yet no agenda or framework in place for networking around land in Rwanda. They hoped to put together such a framework and a concrete agenda in the follow up to this workshop. To this end, they had already planned to hold a national workshop in September at which the national framework would be agreed as well as strategies and priority issues for action. As the country was in the process of working out a national land policy, the major issue at the moment would be the active participation of NGOs in the policy formulation process.

She identified the greatest challenges that would be faced in Rwanda as arising from the sensitive nature of the land issue in Rwanda. It is a sensitive political issue as it has a bearing on the reconciliation process in the aftermath of the genocide. This makes some NGOs reluctant to get involved in discussions about land policy. The government considers the resettlement programme a response to an emergency situation given the specific circumstances of Rwanda, and this informs their attitude to any discussions about the modalities, efficacy and sustainability of the programme. These emergency concerns need to be taken into account in engaging the donor community, who also put pressure on the government about resettlement and other land policy issues as conditionalities for assistance and support.

Access to land is a major issue for land policy in Rwanda at the moment. Apart from its implications for reconciliation, it also has a bearing on poverty reduction. Thus, it has to be addressed holistically in its various dimensions. To this end there was a great opportunity in the keen interest on the part of all Rwandese on the land issue following the return of refugees. International and local NGOs, churches and even the university are keenly interested in the issue, and have indicated a willingness to take an active part in the network.

Uganda

The report on Uganda was presented by Rose Mwebaza¹⁵, who reported that the Uganda Land Alliance is the national framework for networking on land issues in Uganda. The network which came into existence in 1996, has grown from an initial membership of 10 most of whom were international NGOs, to the current total of 50 members, including CBOs. Over the period of its existence, the network has created a greater appreciation of the central place of land in the discussion and implementation of development work across the board in Uganda.

¹⁵ Coordinator of the Uganda Land Alliance

Like all other NGOs, the relationship between the Alliance and government has not always been smooth sailing. It keeps oscillating, with real positive engagement at one time, and suspicion and outright hostility at other times.

A number of challenges for land tenure networking in Uganda were identified on the basis of the experience of the Uganda Land Alliance to date (see Box 3). It was emphasised that because it had been in operation over a period of four years, and had been actively involved in the discussions around the new land law, ULA had accumulated great experience over this period, based on actual implementation of networking processes. These experiences provide an opportunity for learning for the other emerging national networks in the region, and ULA was willing to share this experience with others in the region.

Box 3: Challenges to Land Tenure Networking in Uganda

- ◆ addressing the government/civil society relationship;
- ◆ making communities appreciate the need to be involved in the discussions on land;
- ◆ addressing the elitist and urban image of policy advocacy groups, for purposes of ensuring mass legitimacy;
- ◆ addressing the many issues that emerge in discussions around the diverse components of the land question;
- ◆ capacity of member organizations for effective policy research advocacy and activism;
- ◆ keeping the network together by working on issues that interest the members;
- ◆ keeping the network growing and relevant;
- ◆ access to information from within government;
- ◆ building and maintaining consensus as the network grows in membership and diversity of organizational concerns and priorities

The major issues at the moment were identified as co-ownership of land by spouses and implementation of the Land Act. The latter is a major problem as the government does not have the money to implement the ambitious provisions of the law, especially the ones relating to the establishment of institutions from the sub-county to the national level.

It was however recognized that there was a real opportunity for serious work on the land issue in Uganda and there was now greater awareness on the part of the public of the issues at stake, and more enthusiasm on the part of various stakeholders. Moreover the fact that there was an ongoing process in which the government has publicly declared the wish to involve the public provided an entry point for interested actors.

Tanzania

The report for Tanzania was presented by Tumaini Silaa. She stated at the outset that Tanzania does not have an established institutional framework for networking around the land issue. Such networks as exist are ad hoc and informal. These include National Land Forum (NALAF), Gender Land Task Force (GLTF), Pastoral Indigenous Non-Governmental Organizations Forum (PINGOs), etc. She referred participants to the database prepared by HAKIARDHI on organizations interested in the land issue in Tanzania for details of individual organizations.

She noted that the Tanzanian government was keen to cooperate with civil society organizations, which created a useful opportunity for NGOs. This opportunity has been used by NGOs to organize sensitization forums for government officials on issues of land rights. There already existed a viable collaborative framework that brought together donors and civil society organizations, which again could be useful for networking around land issues.

According to Ms Silaa, the greatest challenge in Tanzania was within the NGO sector itself, and related to the creation of consensus on the framework and strategies. The existence of the ad hoc networking initiatives listed above demonstrated the lack of such consensus. For instance, GLTF was coordinated by Tanzania Women Lawyers Association (TAWLA) and came out of a process of consultation on the Land Bill. On the other hand, NALAF was created to facilitate

discussion; and it enabled NGOs to work together until the land law was passed. Neither of these however constitutes a formalised framework for networking on land in Tanzania.

Part of the problem was borne out of intra-NGO competition and suspicion, which was compounded by what some perceived as donor-propelled agendas on the land debate in Tanzania. It was also noted that there were different levels of understanding among the NGOs, which resulted in different priorities. As a result it was difficult to agree on a common agenda, strategy or priority. Also lacking was rootedness of the land issue on the agenda of a number of NGOs.

To address these challenges, the Tanzanian participants at the workshop decided that they would as a matter of urgency call a meeting of all stakeholders to agree on the way forward; find out what each one is doing, and strategise on the way forward. They would also work on public awareness, education and sensitization on land using the new land law as an entry point.

They saw a real opportunity for networking in the sub-region on the land issue, given that land is an issue that is current and relevant across the board in East Africa. It was also clear that there were already in existence in each of these countries some form of internal networking. What needed to be done was simply to strengthen the existing arrangements, and create linkages at the sub-regional level.

The major constraint in the view of the Tanzanian delegation lay with institutionalization of networking at the sub-regional level and the sustainability of such frameworks. In particular they considered it important to address sustainable sources of funding. In addition, while noticing that there were great improvements in the environment in the region, they noted that the traditional constraints in NGO/government relations would still need to be addressed.

Kenya

Odenda Lumumba presented the report on Kenya. He stated that in the past there had existed in Kenya loose networks around specific land issues. In recent times however, institutional frameworks, prominent among them Pamoja Trust and the Kenya Land Alliance, have emerged for more formalised networking.

The Presidential Commission on Land Laws (the Njonjo Commission) appointed in 1999 provides a good opportunity for land groups to come together and mobilize for the interests of their constituencies. It has helped focus the attention of groups on issues of land rights.

He identified challenges to networking on land tenure issues in Kenya as: selling the networks to a wider constituency to gain mass legitimacy, keeping the momentum and solidarity around issues in the long run, sharing of resources among NGOs, agreeing on strategies for creating synergy within the NGO community, and transparency and accountability of networks.

The issues of importance and urgency at the national level were identified to be: the management of public land, reckless allocation of government land for speculative purposes, attachment of people to specific territories, informal slum settlements, environmental security, land use planning, women's land rights, inheritance of land and the customary law, and the management of trust land.

The opportunities for networking at the sub-regional level include processes associated with the revival of the East African Community and the renewed donor interest in the land issue. The latter is forcing governments to initiate discussions on land policy. However, constraints still

existed in the attitude of governments to NGOs, and the general distrust between the two institutions.

Questions and Comments on Country Land Tenure Networking

In the discussions following the country presentations, the following points were raised:

Role of Universities the Rwandese delegation highlighted the role of the National University of Rwanda in the search for sustainable rural livelihoods. In this connection, the University was reported to be working closely with other local institutions and communities to promote rural entrepreneurship as a basis of sustainable rural economy. The University has found out that land is the most serious issue in this endeavour, both as a source of livelihoods and as a source of conflict. The delegation suggested that it would be important to ensure that relevant departments and faculties at universities were actively involved in the network.

Need to respect the autonomy of members the Ugandan delegation recounted how the Uganda Land Alliance had been able to survive and maintain the consensus of its members by respecting the autonomy of its members. This means that if a member organization takes a different position from that adopted by the network, then rather than differ in public, the member is free to initiate its own process in accordance with its mission and mandate. The network is thus able to adopt a collective position without compromising the autonomy of member organizations; and similarly, members are able to differ with the position adopted by the network without threatening its unity.

Important to open up channels of communication between governments and NGOs Participants, taking the cue from the remarks by the Guest of Honour at the opening ceremony, emphasised the need for partnership between NGOs and governments. In this connection, it was contended that donors are sometimes responsible for creating bad blood between governments and NGOs, by playing up NGOs against governments. In Rwanda, it was reported that following the genocide, donors channelled huge sums of money through NGOs in the field. These NGOs worked outside the control of government, and in the end made it quite difficult for government to properly plan the reconstruction process in the country. It was therefore recommended that LANDNET should put in place a mechanism for coordination with relevant government offices and departments.

It was also observed that opening avenues for positive engagement was likely to achieve much more than would come from hostile criticism. Thus, NGOs, without losing sight of their role of keeping an eye on governments and blowing the whistle where and when appropriate, must also seek to work with governments in the search for lasting solutions to the problems that face society. The example of the Uganda Land Alliance in creating an atmosphere of positive engagement with the government without losing its right to criticise and complain where necessary was said to be worthy of emulation.

Day Two: Session Five

Session chaired by Julian Quan

The second day commenced with panel presentations on emerging issues by country and region. Each country was represented by a panel comprising an NGO representative and a government representative. The regional panel was comprised of people working at the regional level.

Each panel was asked to identify practical issues that organizations and countries would be keen to network and collaborate with others on, as well as the specific organizations that would be able to take a lead in specific thematic issues both nationally and at the regional level. The Table below sets out the issues identified by the respective panels.

Table 1: Identification of Priority Issues

Country	Priority Issues	Benefits of Networking	Institution
Rwanda	<ul style="list-style-type: none"> developing a national land policy and law creating partnership between NGOs and government for policy development identification of other actors and partners with whom to link up 	<ul style="list-style-type: none"> information and experience sharing across the region capacity building for land management empirical research to inform the policy development process financial support for activities to boost networking at the national level 	Rwanda Initiative for Sustainable Development (RISD) to coordinate the process. Other players to be identified
Tanzania	<ul style="list-style-type: none"> Implementation of the new land laws Land rights of women Sensitization on the new land laws 	<ul style="list-style-type: none"> Sharing information and experiences across the region Capacity building 	Faculty of Law University of Dar es Salaam; HAKIARDHI, GLTF (TAWLA)
Uganda	<ul style="list-style-type: none"> Implementation of the Land Act Land rights of women Research on unintended negative impacts of the Land Act Development of a land policy Dispute resolution within a decentralized framework 	<ul style="list-style-type: none"> Sharing information and experiences in post legislation work Capacity building for institutions to implement the law 	Uganda Land Alliance, Centre for Basic Research (CBR), Makerere Institute for Social Research (MISR)
Kenya	<ul style="list-style-type: none"> Institutionalization of a strong civil society lobby on land Development of a national land policy Dispute resolution Land markets 	<ul style="list-style-type: none"> Sharing information, skills and experiences across the region Capacity building Creating sustainable and functional partnerships between government and civil society 	KLA, Pamoja Trust, KPF, FAN, KFWG, AWN, KHRC OSIENALA

Sessions Six and Seven: Country Groups and Report Back

At this stage of the proceedings, participants broke into country groups. Each group was asked to discuss the way forward and to design a work-plan that would enable them to carry forward the process of LANDNET within the respective countries. Each group addressed the following questions in its discussion:

- ◆ Identify the issues/issues of immediate concern for land tenure networking in your country
- ◆ Prioritize these issues in terms of what can be done immediately, in 6 months and in 12 months
- ◆ Identify the institution/institutions within your country that can take the lead in the addressing the issue/issues prioritized above
- ◆ Suggest a work-plan for the way forward

- ◆ How shall the in-country process be linked to the networking process in East Africa?

The reports from the country groups are represented in the Table below

Table 2: Country Workplans

Country	Issues of Priority	Workplan	Institution	Linkages with EA process
Rwanda	<ul style="list-style-type: none"> ◆ Form and launch LANDNET Rwanda ◆ Conduct research on land policy issues for Rwanda ◆ Present findings in stakeholder workshop ◆ Formulation of draft national land policy, discussion in a workshop, and approval by government 	<ul style="list-style-type: none"> ◆ September 2000 ◆ September to November 2000 ◆ December 2000 to March 2001 	<ul style="list-style-type: none"> RISD and the Ministry of Lands Settlement and Environmental Protection Other institutions to be identified 	Constant linkages with the sub-regional coordinator throughout these processes
Uganda	<ul style="list-style-type: none"> ◆ Development of a national land policy ◆ Implementation of Land Act ◆ Gender and land rights 	<ul style="list-style-type: none"> ◆ Explore experiences of policy development from other countries through networking and study visits ◆ Form a national land forum within four months ◆ Awareness raising on gender and land rights 	<ul style="list-style-type: none"> ◆ ULA and Land Act Implementation Unit ◆ ULA to take the lead ◆ UWONET 	<ul style="list-style-type: none"> Support to obtain documentation from other countries; Regular meetings to share information and experiences
Tanzania	<ul style="list-style-type: none"> ◆ Establish local chapter of LANDNET ◆ Document the land reform process to incorporate both civil society and government experiences ◆ Raise public awareness on the new land laws and translate relevant provisions into Kiswahili 	<ul style="list-style-type: none"> ◆ Host a national workshop on land tenure networking 	<ul style="list-style-type: none"> ◆ GLTF to coordinate generally ◆ HAKIARDHI to coordinate documentation ◆ WAT to work with GLTF in sensitization 	Annual meetings to be organized at which experiences may be shared
Kenya	<ul style="list-style-type: none"> ◆ Institutionalize networking and bring aboard women's organizations ◆ Natural resource conflicts, esp. with respect to pastoral resources ◆ Development of a national land policy ◆ Management, administration of land 	<ul style="list-style-type: none"> ◆ Strategic planning workshop by September ◆ Three-year time frame ◆ Two years for policy work ◆ One to three years for issues of management and administration of land 	<ul style="list-style-type: none"> KLA to coordinate, and to identify relevant member organizations to link up with 	Ongoing consultations with the regional coordinator in these processes

Apart from the national groups agreeing on the priority issues for each country and formulating a work plan for carrying the process forward, they also discussed and made recommendations for the framework at the sub-regional level for carrying the LANDNET process forward. At the conclusion of those discussions and upon exchange of ideas in plenary, the workshop resolved:

- ◆ That more preparatory work needed to be done to develop a longer term formal structure, to include sustainable arrangements for a secretariat and communications. In the meantime, LANDNET East Africa shall be administered by a Steering Committee comprising of national network coordinators and government representatives from each of the four countries. The government representatives shall initially be on the steering committee in their personal capacity and informally, pending consultations with relevant government officials and departments in the region. The members of the Steering Committee from each country would be agreed through national level consultative processes that would follow upon the workshop. Once identified, the Steering Committee members would meet once quarterly.
- ◆ That RECONCILE would continue to provide secretariat services for the sub-regional network. It would liaise with national organizations and with OSSREA about the establishment of a LANDNET homepage to provide a gateway to MWENGO's Landweb and other relevant sites. It would also explore the possibility of raising funds to develop the ICT capacity of members to ensure the optimal use of websites and ICT for networking within the sub-region.
- ◆ That the focal points for the sub-regional network in each of the countries shall be: RISD, ULA, KLA and GLTF.
- ◆ That a planning meeting involving RECONCILE, the representatives of the country coordinating institutions, Julian Quan for DFID, Azeze for OSSREA and the representatives from Southern and West Africa would be held at the close of the workshop to chart out the programme of work and budget for the period immediately following the workshop.

Thematic Activities

The workshop looked into thematic areas of concern that the network could work on, and sought to allocate specific responsibility by country for such themes. It was concluded after discussion that a lot more work would need to be done in this area in order to agree on specific thematic activities to be led by each country. This matter would be pursued in the national consultations that would follow upon the workshop.

In the meantime, each country prioritized the need to document and exchange information, experiences and lessons from the land policy and law development processes from the point of view of both civil society and governments, with a view to identifying the best practice of land policy development. Such documentation should also be accompanied by the creation of public awareness on the policies and legal instruments that are the products of these processes.

Because Uganda and Tanzania have had a lead in this area with regard to gender and land rights, it was agreed that the two countries would document their experiences in advocating for gender land rights, and they would work out proposals for initiatives to secure women's land rights in the

light of customary practice and formal law. The two countries would then share the outcomes of these processes with the members of the sub-regional network.

RECONCILE was mandated to compile an inventory of recent and current research into pastoralist land rights and summarise implications for land policy development in the region. On the basis of this work, RECONCILE shall organize a regional pastoralist land rights workshop involving governments and pastoralist organizations in approximately 12 months. RECONCILE shall undertake this activity within the framework of its ongoing collaboration with IIED and would involve OSSREA in order to bring aboard pastoralist issues in the Horn of Africa.

The working group on Common Property Resources proposed that:

- ◆ Research be conducted on the experiences of Tanzania and Uganda with respect to their legislative provisions for collective titling and the formation of communal land associations for the management of village common property resources;
- ◆ Discussions be held with IUCN-EARO on the possibility of developing a programme of capacity building for decentralized village common property management directed at local government and CBOs;
- ◆ Policy options for management arrangements as well as legal instruments to secure public and state lands be developed in order to promote arrangements for community access to land and curb the inordinate privatisation of public collective goods;
- ◆ Rwanda to approach IUCN-EARO for technical assistance on the sustainable utilization, management and agricultural development of wetland resources.

In a wrap up speech to mark the end of the working session, Julian Quan noted with appreciation that a lot of work had been done during the two days of the workshop. That there was a need for LANDNET Africa was no longer a matter for debate. The discussion had moved from what and why to how. In this connection, he noted that much more would have to be done to follow up on the workshop in order to firmly establish the network and put in place a sustainable secretariat for it. In order for this to happen the process would have to cascade downwards to the national levels. The process at the national levels would have to include civil society as well as government institutions.

He also suggested that thematic issues would have to be further crystallised through the national processes, because for now the only emerging issue was that of common property resources on which RECONCILE was prepared to work over the coming year.

He was happy with the decision that RECONCILE continues to play a coordination role, and promised that DFID would support this interim coordination process. The coordination should lead to another sub-regional gathering in a period of six months, at which it is expected that a clear work plan and organizational structure for LANDNET would emerge. At that point, it is also expected that clear thematic issues will be confirmed and lead roles allocated. He hoped that the next gathering would be the product and climax of national processes and would bring together a broader representation of stakeholders.

Michael Ochieng Odhiambo expressed his appreciation to everyone for the sterling job, and thanked the participants for entrusting RECONCILE with continued coordination of the

sub-regional network. He asserted that the period of six months to the next meeting was deemed to be adequate to allow national processes to take shape, and for a regional framework to emerge. He ended by extending an invitation to the participants to a banquet at the Panafric Hotel in town, at which the Deputy British High Commissioner to Kenya would conduct the closing ceremony.

Grand Finale: Closing Ceremony and Banquet

The workshop came to a grand conclusion by way of a closing ceremony and banquet that was held at the Panafric Hotel. After two gruelling days of discussions at KCCT, the new venue at the city centre was a welcome change for the participants.

The closing ceremony started with closing remarks by the representatives of DFID, OSSREA, West and Southern Africa, as well as the of country delegations. Each of them congratulated RECONCILE for a successful workshop, and hoped that the process that had started during the workshop would blossom into a full-fledged network for the sub-region with linkages to the regional network at OSSREA.

Prof. Okoth-Ogendo then welcomed Mr. Paul Harvey, the Deputy British High Commissioner to Kenya to formally close the workshop. He outlined to Mr. Harvey the process that had taken place to date, and highlighted the challenges that the network faced in terms of the critical issues for land policy development in the sub-region.

Closing Speech: Mr. Paul Harvey¹⁶

In his speech, Mr. Harvey noted with satisfaction that this was the third in a series of workshops on land tenure and sustainable development in Africa supported by DFID. He noted that the exchange of information fostered in these meetings was useful in promoting policies on land tenure that will secure the livelihoods of African peoples, and which in turn would promote sustainable use and management of land and natural resources.

He noted that in Kenya it is clear that land will be one of the key issues in the years ahead. More than 70% of Kenyans depend on access to it for livelihood. Competition is intensifying as population and climatic pressures step up, as is clearly demonstrated by the presence of Maasai cattle in residential areas of Nairobi. This competition is exacerbated by the allocation/registration system, which is widely recognised to be seriously flawed. He noted that these problems were not unique to Kenya, and what was important was that all stakeholders look to address the issue seriously and in ways that seek to avoid confrontation or conflict.

In discussing the role of the UK government, he noted that no real assessment of the land problem in Kenya can take place "without looking at our shared past". With hindsight, it was now clear that the independence government in Kenya inherited from the colonial government a system that was not perfect. Yet the UK did initiate land settlement schemes before 1963, and supported them after independence, to facilitate the transfer of land to African ownership. This was an effective and successful approach, though it has long since ceased.

He stated that his government welcomed the process of reform that was now underway in Kenya. It had noted with satisfaction the July 1999 directive suspending allocations of government land

¹⁶ The complete notes on which Mr. Harvey based his speech are available at RECONCILE

and the establishment of a Land Commission. While looking forward to the report of the Commission, he noted that it would be important for the Commission to address substance, and make clear and timely recommendations. It was also vital that it engages stakeholders and experts in the sector.

He noted that the British government was supporting the work of the Land Commission and had sent its Vice Chairman to the UK to study the British land system and make useful contacts for future work. He hoped that the Kenya Land Alliance and others represented at the workshop would communicate the findings of the workshop to the Commission.

With respect to the future role of the British government in this enterprise, Mr. Harvey asserted that there was a clear link between poor natural resource management and poverty. The British government was strongly committed to support initiatives that target this problem, throughout Africa. He welcome efforts by groups such as RECONCILE to promote discussion and awareness of these issues, and urged others to engage the government in a positive manner to promote inclusive process of policy development.

He emphasised the need to take forward the process at the national level in each country of the region. Those processes would in turn inform the work at the regional level. In this connection, it was important that workshops are not just about talking and setting up structures for talking. They must seek to make a real difference on the real issues that affect people's daily lives.

He was pleased to confirm DFID's continued commitment and support for the process of land tenure networking in the sub-region and in Sub-Saharan Africa. This was in line with DFID's objective, which is the elimination of poverty.

The challenge was for all stakeholders – governments, NGOs, researchers – to work for democratic and accountable structures for policy decisions on land and natural resources. LANDNET as a forum for information exchange was an important contribution to that process. Remarkable progress had been made in 18 months. What remained was to maintain, and accelerate progress in the direction already established.

He proceeded to declare the workshop officially closed.

APPENDIX ONE

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APPENDIX TWO: PROGRAMME

DAY 1: TUESDAY 15th AUGUST 2000

7.00 p.m. Registration of participants

8.00 p.m. Dinner Reception

DAY 2: WEDNESDAY 16th AUGUST, 2000

8.00 a.m. Registration of participants continues

SESSION ONE: OPENING CEREMONY

9.00 a.m. to 10.30 a.m.

Chair: Dr. Patricia Kameri-Mbote

9.00 a.m. Introductions

9.45 a.m. Welcome Remarks

- Michael Ochieng Odhiambo, RECONCILE
- Julian Quan, NRI/DFID

10.00 a.m. Opening Speech

- Prof. Shem Migot-Adholla, *Permanent Secretary, Ministry of Agriculture and Rural Development, Kenya*

Vote of Thanks

10.30 a.m. Break

SESSION TWO: KEYNOTE AND THEMATIC PRESENTATIONS

11.00 a.m. to 1.00 p.m.

Chair: Rwanda

11.00 a.m. Keynote Address

Networking for Land Policy Development

Prof. H. W. O. Okoth-Ogendo, Professor of Public Law, University of Nairobi

11.45 a.m. Thematic Presentation 1:

Networking on Women's Land Rights in Eastern Africa

Ms. Elizabeth Akinyi-Nzioki, Principal Researcher, Action Research on Women's Land Rights Project, EASSI

12.00 noon Thematic Presentation 2:

Common Property Networking at the Global Level: IASCP

Dr. Patricia Kameri-Mbote, Senior Researcher, ACTS

12.15 p.m. Thematic Presentation 3:

Issues for Land Tenure Networking in Rwanda

Mr. James Kimonyo, Director of Settlement, Ministry of Lands

- 12.30 p.m. Discussions and Questions
1.00 p.m. Lunch

SESSION 3: LANDNET AFRICA UPDATES

2.30 p.m. to 4.00 p.m.

Chair: Uganda

- 2.30 p.m. **Secretariat and the Horn of Africa: Alemayehu Azeze, OSSREA**
West Africa: Kasim Kassanga
Southern Africa: Sue Mbaya, Independent Consultant
East Africa: Michael Ochieng Odhiambo, RECONCILE
- 3.30 p.m. Discussions
- 4.00 p.m. Tea Break

SESSION FOUR: COUNTRY LAND TENURE NETWORKING UPDATES

4.30 p.m. to 5.30 p.m.

Chair: Tanzania

- 4.30 p.m. **Land Tenure Networking in East African Countries**
Ethiopia - Alemayehu Azeze, OSSREA
Rwanda – Annie Kairaba, RISD
Uganda – Rose Mwebaza, ULA
Tanzania – Tumaini Silaa, Gender Land Task Force
Kenya - Odenda Lumumba, KHRC
- 5.30 p.m. Discussions
Announcements
End of Day Two

DAY 3: THURSDAY 17TH AUGUST, 2000
SESSION: FIVE: ISSUES IDENTIFICATION

9.00 a.m. to 10.30 a.m.

Chair: Julian Quan

- 9.00 a.m. Identification of Common Issues, by Country and region
Panel Rwanda (James Kimonyo, Annie Kairaba)
Tanzania (Fidelis Mutakyamilwa, Tumaini Silaa)
Uganda (Dathan Kiwanuka, Rose Mwebaza)
Kenya (Cyrus Wambugu, Lumumba Odenda)
Regional (Frank Muhereza, Alemayehu Azeze, Michael Ochieng Odhiambo)
- 10.30 a.m. Break

SESSION SIX: COUNTRY GROUPS PART ONE

11.00 a.m. to 1.00 p.m.

- 11.00 a.m. Country Groups and the Regional Group Discuss the Way Forward on:
- ◆ Issues
 - ◆ Process
 - ◆ Funding Mechanisms
- 1.00 p.m. Lunch

SESSION SEVEN: COUNTRY GROUPS REPORT BACK

2.15 p.m. to 3.30 p.m.

- 2.15 p.m. Country Groups report back to plenary
Rwanda
Uganda
Tanzania
Kenya
East Africa Regional WG

SESSION EIGHT: COUNTRY GROUPS AND REGIONAL GROUP PROPOSALS ON WAY FORWARD

3.30 pm to 4.30 pm

- 4.30 pm Reports to plenary on the way forward, by country and regionally
Rwanda
Uganda
Tanzania
Kenya
East Africa Regional WG

Wrap up

SESSION NINE: CLOSING CEREMONY AND BANQUET
7.30 p.m. Onwards

7.30 p.m. Closing Remarks

- **NRI/DFID**
 - **OSSREA**
 - **Rwanda**
 - **Tanzania**
 - **Uganda**
 - **Kenya**
-
- **Official Closing Speech, Paul Harvey, *Deputy British High Commissioner to Kenya***

Dinner and Entertainment