

LEARNING LESSONS FROM LAND REFORM IN AFRICA

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Introduction

Just about every government in Africa today is engaged in some form of land reform. New land laws have been passed recently in Tanzania and Uganda; Zimbabwe has entered a new phase of its land reform and resettlement programme; Malawi's presidential land commission has just submitted its report; Mozambican NGOs are trying to help communities assert their historical rights to land established in a new law; and South Africa has entered a period of evaluating its first 5 years of land reform under a majority rule government. Here in Rwanda you have embarked on a policy of villagisation, or *Imidugudu*. It seems appropriate in the context of this workshop for me to attempt to show what relevant lessons might be learnt from the (very varied) experiences of other countries. Inevitably, this will be highly selective.

Lessons from Uganda

- That NGOs can succeed in persuading governments (and donors) to change course.
- That timely and strategic support from a donor (in this case British DFID) can help to open up debates and promote consultation.
- That governments should not pass laws (however good) which they don't have the capacity or resources to implement.
- That trying to create a whole set of new institutions is problematic.
- That new land laws need to be costed and budgeted for.
- That having constitutional deadlines by which to pass land laws can concentrate the mind.
- That legislating between landlord and tenant is always difficult and controversial.
- That women's groups need to monitor parliamentary debates closely to avoid 'lost amendments' occurring.
- That the implementation stage is crucial.

Lessons from Tanzania

- That it can take a decade to move from a Presidential enquiry to new legislation.
- That it makes sense to have a National Land Policy before moving to legislation.
- That it is in their long term interest for governments to consult people widely on a National Land Policy.
- That there is a need to integrate government planning on land, rather than have a series of different (and sometimes conflicting) initiatives running concurrently.
- That villagisation can bequeath a tangled, messy legal situation.
- That NGOs often face a difficult dilemma of whether to engage with governments or to shout from the sidelines.
- That there are dubious foreign investors anxious to get hold of land for tourism whose actions can often impact negatively on local communities.
- That pastoralists very often get a bad deal.
- That the implementation stage is crucial.
- That a Ministry of Lands may find it much easier to draft an implementation strategy than to implement it.

Lessons from Kenya

- That a peaceful, donor-funded transfer of land from whites to blacks is possible.
- That there can be a pronounced tendency for many new black owners to become landlords rather than farmers.
- That after independence the sons of white farmers do not stay on the land.
- That attempts to abolish 'indigenous' or 'customary' tenure and replace it by law with individual tenure may not succeed because indigenous tenure can be very resilient.
- That keeping title registers accurate and up to date has generally proved impossible.
- That registers always fail to reflect the complexity of land use.
- That 'land clashes' can occur when politicians play politics with land; that this can totally undermine the security of tenure which individual title was supposed to provide.

- That land can play a key element in the politics of corruption.
- That colonial history can come back to haunt you.
- That those who fought for 'land and freedom' from the British went unrewarded.
- That pastoralists nearly always get a bad deal.

Lessons from South Africa

- That lesson learning is difficult; you may have to make your own mistakes.
- That few countries get land reform right the first time round.
- That an unexpected change of Minister can complicate things.
- That there are severe limits to what even a relatively well endowed Land Affairs Department can do at the local level.
- That there are fundamental problems in the so-called 'demand led' approach to land reform.
- That the 'demand led' approach has limited capacity for providing sustainable rural livelihoods for poor people.
- That poor people are often vulnerable in the face of dishonest sellers, valuers and lawyers.
- That political will for land reform can soon dissipate.
- That systems designed to be flexible, decentralised, responsive and beneficiary-friendly can easily become rigid, highly centralised, and unresponsive.
- That existing power relations on the land are not easily dismantled.
- That measures designed to protect labour tenants and farm workers can backfire.
- That land reform may best be conceived as part of an integrated rural development strategy.
- That the unique land acquisition grant of R15,000 to individuals can result in a 'rent-a-crowd' approach in which people with no past common history come together to buy (expensive) land which they can't afford as individuals.
- That when government is known to be interested in the purchase of land, this will tend to drive up land prices.

- That there is a danger of passing so many new land laws that you don't have the capacity or the energy to implement them all.
- That joint venture schemes involving commercial farmers and beneficiaries, while not unproblematic, can offer economic opportunities and livelihoods.
- That historical political compromises (e.g. over the role of traditional rulers and protecting existing white property rights) can seriously constrain future options.
- That the past (real or imagined) can be a key factor in people's perceptions about land reform and their rights to restitution.
- That most countries have great regional diversity and planning should take account of this.
- That it is difficult for poor, rural people to make their voices heard.
- That NGOs find it difficult to operate when they are broadly supportive of government; but they do not easily become implementors of land reform.
- That 5 years is far too short a timeframe in which to measure success or failure of a land reform programme.
- That there is a need to establish good monitoring and evaluation systems at the outset to gauge subsequent impact effectively.

Lessons from Zimbabwe

- That a highly visible situation in which a small number of white farmers (whose predecessors took the land by conquest) continue to own a large part of a country's most productive agricultural land will never be accepted at a fundamental level by the majority.
- That opponents of land reform are often strong, well organised, politically well connected, and highly effective lobbyists for their cause.
- That neglecting to confront tenure issues in communal areas does not make them go away.
- That unpopular political leaders who use the land issue to try to win votes can do untold damage to their countries.
- That ruling elites ('week-end farmers') often acquire land for prestige or investment, rather than for production.
- That a relatively successful resettlement programme may not be seen as such either at home or abroad.

- That the poor do eventually benefit from resettlement.
- That in a complex and polarised situation it may be good to draw up a National Land Policy before 19 years have elapsed!

Lessons from Ethiopia

- That for a densely populated country with a turbulent land history and relatively little urbanisation, radical (and non-agricultural) solutions may be required.
- That while some people forcibly resettled under villagisation may remain, the majority are likely to return home.
- That equal access to land can have unintended negative consequences.
- That periodic state redistributions of land to the next generation are likely to create great insecurity and undermine incentives to invest in land.

Lessons from Mozambique

- That apparently hopeless situations can be redressed by strong action from civil society.
- That overlapping foreign claims to land can arise where governments are weak and officials easily corrupted.
- That governments should beware of plausible foreign investors seeking to grab hold of coastlines, game parks, or forests.
- That the settlement of white South African farmers in foreign countries is not a good idea and will not deliver the promised benefits.

Lessons from West Africa

- That relative absence of colonial white settlers bequeaths fewer land conflicts than elsewhere.
- That Anglophone and Francophone countries tackle land issues differently because of their different histories (the Anglophones giving more authority to traditional rulers).
- That the land frontier eventually runs out and when it does traditional coping mechanisms may fail and conflicts arise (e.g. farmers v. pastoralists, insiders v. outsiders).
- That despite much rhetoric about decentralisation, few Francophone countries are in practice willing to abandon state ownership and delegate land management to local structures.

Lessons from Malawi

- That poor countries with very dense populations, with few off-farm opportunities, and a history of dictators exacerbating internal divisions, face the most acute land problems of all.
- That radical solutions may be inescapable; that people can reverse past history (e.g. by moving to Mozambique).
- That the British colonial tradition, when confronting a difficult issue, of setting up a commission to look into the issue for as long as possible and eventually emerge with anodyne proposals, is alive and well.

Lessons from Namibia

- That neglecting to confront tenure issues in communal areas does not make them go away.
- That it is difficult to prevent the rich and powerful from fencing off grazing areas to which people previously had common access.
- That implementing land reform at a very slow pace will provide political ammunition for critics of government.

Lessons from Botswana

- That it is possible to establish relatively democratic Land Boards to manage things effectively at a local level.
- That 'remote area dwellers' (i.e. hunter-gatherers) tend to lose out even more than pastoralists.

Lessons from Zambia

- That giving sweeping powers to chiefs to alienate land without consulting their people can result in whole communities becoming landless.
- That NGOs need to keep a close eye on governments to avoid being caught out by land laws being introduced in secret.

Conclusions

That concludes this survey of selective lessons from elsewhere which may be of interest and use to those engaged in land questions in Rwanda. Rather than attempt the impossible task of trying to synthesise these lessons, I would like to end with a brief summary of my own beliefs.

- I believe that governments are mistaken in trying to control everything about land; and that, within certain agreed parameters, they are better advised creating an enabling environment in which people can manage their own affairs.
- I believe in the principle of subsidiarity, i.e. that decisions should be taken at the lowest levels possible. This also makes economic sense, since many governments now find themselves in a position where they can't afford to implement the new laws they have passed.
- I believe in the principle and practice of consultation and participation. Governments which seek to do both are more likely to legislate in ways that will command respect and support (but this has been very rare in practice).
- I believe that imaginative ways need to be found of *establishing* women's rights to land; there is much lip service paid to this but in practice a general retreat in the face of 'tradition'.
- I believe that donor dependency on land issues is an issue that needs to be thought through.
- I believe that in some extreme situations radical solutions, including villagisation, may be necessary; and that debate should then turn to drawing lessons from past mistakes along the lines of Christy Lorgen's Oxfam GB paper, *The Experience of Villagisation: Lessons from Ethiopia, Mozambique, and Tanzania* (January 1999).