

REPORT ON A REGIONAL CONSULTATION ON LAND REFORM
Kopanong Hotel and Conference Centre
Benoni, Johannesburg
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1. BACKGROUND

Despite the Zimbabwe land crisis, which came to a head in March 2000, there is very little evidence of renewed progress with land reform in the region. There is an unbridgeable gap between the recent public statements of politicians about land reform and the ability of governments to deliver. International donors want to help with funding but agreements have been slow in forthcoming. The ability of the public sector to manage development assistance constructively is declining. At the same time, civil society organisations, which have been working with governments on land reform over the last decade, are losing morale and staff for lack of funding. This applies to university departments, private-sector service providers and NGOs. Across the region, there is likely to be an increasing need for assistance in the coming years.¹

The situation in **Zimbabwe** is well known. What seemed to be promising land policy developments in 1998 evaporated in the pre-election violence and land occupations of 2000. If the UNDP offer of assistance to resettle the targeted 5.0 million hectares were to be accepted, then there would be major requirement for external assistance in a short period of time and a work programme larger in geographical scope than anything previously undertaken in the region.

In the period 1995-99 in **South Africa**, progress was being made, but over the two years there have been serious setbacks. While land restitution may have picked up, work on land redistribution and land tenure reform has undoubtedly slumped. Donors have little to show for their attempts to reach agreement with government on future assistance to land reform.

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

In **Mozambique**, where the 1997 Land Law is seen as a positive step towards devolution of authority and autonomy to local holders of rights, there are practical problems of implementation due to lack of capacity at provincial level, especially at the district level. External assistance continues to be needed but it is difficult for donors to find worthwhile government projects to support.

¹ These conclusions were underlined by papers by delegates from these countries presented to the SARP conference on Land Reform and Poverty Alleviation in Southern Africa held at the Human Sciences Research Council (HSRC) Pretoria 4-5 June 2001.

Swaziland embarked on a land policy process in 1996, which progressed fitfully until the beginning of 2001 when the land debate was enlivened by high profile evictions by traditional leaders. This was followed by a land conference in February when civil society organisations reviewed the draft Swaziland Land Policy and began to grapple with the issues. Constitutional changes, spurred by the feudal land tenure arrangements, could result in demands for urgent assistance for tenure reform on Swazi Nation Land.

The land policy process in **Lesotho** has had a chequered history. It was restarted recently with a Land Policy Review Commission appointed by the Prime Minister, which reported in September 2000. The Commission's report is currently being reviewed and revised and is expected to appear as a draft white paper later in 2001. The initiative could result in a serious attempt to tackle the country's intractable land tenure problems. If it so, land tenure reform in both urban and rural areas will require external assistance for several years.

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

Unlike other sectors (e.g. education, health, water supply), assistance to land reform presents problems arising from its volatile, cyclical and politically sensitive nature. Assistance is likely to be always needed, but the nature and intensity of support varies from time to time. It is difficult to predict. Donors can't walk away when things turn sour. They must lie low, tread carefully and maintain a base flow of support.

Land reform is a long-term iterative process, needing feedback, learning and involvement of many stakeholders. It is also a highly contested one, particularly in the unequal societies of the region. As everybody now knows, unequal ownership of the land is an increasing threat to political stability in the region.

A good understanding of the emerging situation in the countries of the region is important if donors are to respond promptly to requests for assistance. Civil society organisations are a major source of knowledge. Strengthening civil society during periods of government inaction is of value for what follows. The history of land reform supports the theory that civil society can be vitally important in giving a kick-start to a new government initiative – just as in South Africa in 1994.

2. PURPOSE OF THE MEETING

The purpose of the Regional Consultation was to review progress with land reform in the southern African region and what donors might do to address the current lack of progress. An effort was made to identify the principles and elements of a joint strategy for development aid for land reform in the region and options for donor co-operation.

The event was organised by colleagues from different organisations concerned about the lack of progress with land reform and the need to find constructive ways of working with both governments and civil society for that purpose.

Invitations were extended to donor organisations that had been actively involved in addressing the issue in the region over the last few years and who expected to continue grappling with the problems. Colleagues drawn from civil society organisations involved in land reform also attended the meeting.

3. PARTICIPANTS

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4. PROBLEM ANALYSIS

Following brief welcoming remarks by Martin Adams and introductions, Ben Cousins facilitated a process of land reform “mapping” which covered Zimbabwe, South Africa, Namibia, Lesotho, and Swaziland. Neither Malawi nor Mozambique was included as the participants who had undertaken to report on these countries had to drop out at the last minute.²

Using the matrix (Table 1), the elements of each national land reform programme were briefly analysed and their current status assessed. For each element, the role played by development aid was examined. The output was summarised on wall charts, which provided the basis for the two subsequent sessions.

² Kaori Izumi (FAO) and Simon Norfolk (DFID-Mozambique)

Table 1. Matrix for analysis of national land reform programmes

Legislative Framework	CURRENT POLICIES & PROGRAMMES			Political dimensions
	Redistribution	Restitution	Tenure reform	
Complementary programmes				State capacity
				Civil society roles

5. ANALYSIS OF DONOR SUPPORT

Drawing on the country case studies, an attempt was made to catalogue the strengths and weakness of donor assistance to land reform across the region.

Although positive in many respects, donor assistance was found to have weaknesses (Table 2). Some problems were those associated with development aid generally (e.g. lack of sustainability, poor donor co-ordination, inappropriate use of foreign consultants). Other problems arose from the politically sensitive nature of land reform and the sometimes tense relations which existed between governments, donors and NGOs.

The most positive elements were found to be the assistance provided to civil society organisations to work with governments in support of national land reform programmes. The provision of expertise to foster the exchange of experience and lesson learning across the region was found to be particularly fruitful.

Table 2 Aspects of donor assistance to land reform in the region

Positive aspects	Weaknesses
Substantial funds have been disbursed for project-related and multi-donor programme support.	Donors: lack strategic vision; are reluctant to get involved in the 'micro-management' of aid to land reform and funds have been misused, wasted or remained unused by government agencies; lack ability or the will to co-ordinate their support with that of other agencies; are reluctant to support national redistribution programmes and are not interested in assisting with land acquisition; see assistance to land reform in the region is seen as troublesome

<p>The contribution made to land policy development and legal reform; to the strengthening of government expertise in research and training, M&E; to the commissioning of realistic evaluations/appraisals.</p>	<p>Donors: place too much faith in land reform policies and laws which were not viable; undermine national ownership; tend to misread the political economy of land reform and lack expertise to evaluate requests for funding; provide support which is often unsustainable - problems occur when money is withdrawn; fear getting involved with sensitive issues and adopt a 'wait-and-see' attitude; and so-called independent evaluations can be off the mark.</p>
<p>Donors have provided assistance to NGOs, universities, private firms, etc. and have enhanced performance through core funding as well as project-related assistance; to the funding of advocacy, legal assistance; and the funding of piloting has contributed to breakthroughs.</p>	<p>Donors: do not balance funding to governments with the funding of civil society organisations; are reluctant to dispense funds to civil society without reference to national governments; are too arbitrary in their response to funding requests; can complicate multi-stakeholder arenas; do not provide clear criteria as to what they will fund; have a propensity to work with whites, which creates animosity and undermines their credibility; tend to bring in service providers from outside the country who lack the required experience.</p>
<p>Donors have facilitated the exchange of experience across the region through study visits, workshops and networking.</p>	<p>(none to report)</p>
<p>Donors have helped to depoliticise land reform and by coming out in support of it they have facilitated dialogue (bridge-building between 'old' and 'new')</p>	<p>Donors have been accused of interfering in domestic politics.</p>

6. RATIONALE AND PRINCIPLES OF REGIONAL SUPPORT FOR LAND REFORM

Drawing on the country case studies and foregoing analysis, an attempt was made to catalogue the opportunities for a successful programme of assistance to land reform in the region.

The rationale for proposing a regional approach was that land reform is a regional issue – progress in one country can lead to progress elsewhere; a land crisis can have knock-on effects in others. There were found to be good opportunities for lesson learning across the region.

Further, donors were interested in supporting a regional programme of assistance to land reform that would:

- facilitate donor co-ordination for land reform and at the same time allow donors to take a step back from the political complexities of direct bilateral support to national land reform agencies;
- make a positive contribution to land redistribution and tenure security in the region and hence contribute to food security and poverty alleviation;
- achieve congruence of land reform objectives and pro-poor rural development linked to market access, support services, etc and change the vision from land reform *per se* to land reform for rural development;
- integrate land reform into other initiatives;
- provide an effective mechanism for channelling resources to civil society organisations wishing to engage with and support national land reform programmes in the region.

Other opportunities, which were identified by participants, were as follows:

- improvement in communication between governments, donors and civil society and a better debate on land reform and alternative approaches;
- build the regional capacity to deal with land issues;
- learn from ‘what works well’ and influence decisions;
- develop criteria for productive redistribution, plus simple disbursement and reporting procedures will encourage vigorous partnerships.

7. PROPOSAL FOR A REGIONAL LAND REFORM FUND

A substantial, multi-donor ‘Land Reform Fund’ should be made available for the medium to long term and respond flexibly to changing circumstances.

- Either on their own initiative or at the request of national governments, civil society organisations (e.g. private firms, universities, NGOs, legal assistance organisations) from within the southern Africa region would apply for funding in order to promote and assist the process of land reform.
- Assisted activities would include: applied research; advocacy, training (formal and non-formal); capacity building; implementation of local-level land reform projects involving small-scale producers; community facilitation, mediation and conciliation; legal advice and assistance; ad hoc technical assistance for land reform including technical assistance to governments for policy analysis of pro-poor strategies to inform the debate as well as implementation.
- Explore the feasibility of linking (incorporating) the Land Reform Fund with the *SADC Food Security and Rural Development Hub* (Appendix 1).

8. PROPOSED FOLLOW UP

It was decided to:

- (a) Make contact with the Regional Co-ordinator of the Hub and have exploratory talks with possible donors;
- (b) Reach in principle agreement of how the fund would be established and operate;
- (c) Hold a follow-up meeting in early September with the group to report back and work out the proposed guidelines and *modus operandi*.
- (d) If necessary obtain sponsorship for this initial consultation process.

Martin Adams
06 June 2001

Appendix 1

The SADC Food Security and Rural Development Hub

Challenges of growth and poverty reduction

The rural sector is crucial in SADC's broad strategy to reduce poverty and improve the living standards of its citizens. About 70 percent of the region's population live in rural areas, where agricultural production and agro-related enterprises are the main sources of household incomes, export earnings and employment. Rural based enterprises also provide the industrial raw material for the larger economy.

Despite huge potential, the SADC region faces significant rural development challenges. Rural poverty is on the increase in many areas; agricultural productivity is declining and there is increasingly greater stress on marginal lands, further undermining future food security. The HIV/AIDS pandemic is threatening both the quantity and the quality of the rural labour force needed to sustain production and the viability of the rural economy. The region is also prone to periodic droughts (and floods) which also affect food production and erode the foundations of development laid over previous years. With increasing globalization, the rural sector is now facing a rapidly changing external environment to which it needs to urgently adjust. These problems are exacerbated by weak regional and national institutional capacities and technological constraints.

In order to spur growth and reduce poverty, the SADC region must adopt bold and innovative measures to respond to these complex development problems. It must also strengthen existing partnerships and forge new ones to ensure sustained commitment to its development goals. Priority attention must therefore be placed on increasing agricultural productivity through the adoption of new technologies and practices; expanding linkages to markets, both regional and external; and building regional and national capacity. Regional and national decision-makers must also have access to sound and timely policy information.

An Innovative Framework

The Hub is a *Special Project* located within the SADC Food Agriculture and Natural Resources Sector Development Unit (FANR SDU) based in Harare. [Zimbabwe coordinates the food, agriculture and natural resources sector on behalf of SADC]. Its primary goal is to assist SADC and its member states in meeting these rural development challenges. It is a partnership between SADC, donor partners and the private sector to provide a more cohesive and coordinated support to rural development. The Hub consists of a critical mass of donor and SADC experts to help build capacity in the FANR sector and respond to specific development needs of the member states.

Guiding principles

The hub is designed around the following guiding principles:

- **Partnership** bringing new ideas, technology and resources to SADC's rural development problems. The Hub Partnership includes SADC and its member states, donor partners, the private sector and regional institutions, including universities.
- **Capacity building** The Hub is a vehicle for tapping new synergies in support of capacity building, through strategic partnerships with various institutions such as the PACT. The Hub's key role is to accelerate the process of capacity building by supporting programs of member states and the region; leveraging resources; assisting in implementing capacity building programs; and disseminating best practices.

- **Value-added/catalytic** Focusing on priority activities which bring added value and avoiding "business as usual" approach. The Hub also plays a catalytic role in leveraging new ideas, innovations and practices in support of SADC rural development agenda.
- **Complementary/Selectivity** The programs of the Hub complement rather than duplicate existing programs. Hub is selective in focusing on the key development priorities identified by the member states and SADC, whose solution can lead to multiplier effects in other sectors.

Governance arrangements

The Hub operates within SADC's governance structure and institutional arrangements, i.e. FANR National Contact Points, Senior FANR officials, the Committee of Ministers of FANR, etc. The Hub is an instrument for the implementation of the decisions of FANR ministers and Council in the area of rural development. It is the primary vehicle for the FANR SDU to achieve its expanded mandate of rural development policy and strategy formulation, capacity building, training and information dissemination. FANR sector officials, representatives of donor institutions and the private sector constitute the Hub Steering Committee.

Work Program Development

Work programs of the Hub are developed through a participatory process involving all stakeholders. The process begins with the FANR Contact Points, sector officials, private sector and donor representatives in the member state, culminating in an annual work programme and budget (AWPB) for the Hub. The Work program basically covers the following areas:

- **Regional initiatives** Cross-cutting issues of a regional nature or which affect a number of member states, i.e. regional integration and trade, SPS/TBT, capacity building, etc.
- **Country Programs** Support to member states, for example, in project preparation, implementation and monitoring and evaluation, as well as other rural development priority areas identified by them.
- **Economic and Sector Studies (ESS)** The consist of studies to enrich the policy deliberations of the FANR Ministers and/or private sector clients. Such studies are implemented in collaboration with regional institutions, universities, think tanks, etc. Information generated is disseminated in the forms of Policy Briefs, Technical Bulletins and Discussion Papers.
- **Training and Capacity Building** This is a core function of the Hub, to build regional and national capacity through "learning by doing" utilization of the existing capacity, and contributing to the development of a future pipeline of SADC professionals by supporting young people through direct attachments and internship programmes. These programs are implemented in partnerships with the private sector.

SADC-Donor Partnership; an expanding relationship

Donor partners in the SADC Hun Initiative are the EU, FAO, GTZ, IFAD, JICA, UNDP, USAID and the World Bank. Donors support the Hub through various ways: (I) direct financial support and use of Trust Funds (ii) secondment of donor experts; (iii) provision of resources to undertake specialized studies using regional experts; and (iv) support for special initiatives such as training and capacity building.

Information and contact for more information on the SADC Multi-donor Hub and its programs, please contact:

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Source: SADC HUB Flier (made available by Victoria Sekitoleko)