



partageons les connaissances au profit des communautés rurales  
sharing knowledge, improving rural livelihoods

## **Rural Radio Resource Pack**

**No 01/4**

**LAND RIGHTS**



CTA is funded by the  
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The Technical Centre for Agricultural and Rural Cooperation (CTA) was established in 1983 under the Lomé Convention between the ACP (African, Caribbean and Pacific) Group of States and the European Union Member States. Since 2000, it has operated within the framework of the ACP-EC Cotonou Agreement.

CTA's tasks are to develop and provide services that improve access to information for agricultural and rural development, and to strengthen the capacity of ACP countries to produce, acquire, exchange and utilise information in this area.

#### *Rural radio*

Radio remains, despite all the interest in the new ICTs, one of the most important communication tools in ACP rural communities. CTA began supporting rural radio back in 1991. Every year since then we've produced a set of Rural Radio Resource Packs (RRRPs).

Each pack is on a specific topic – anything from crop storage and cassava to small ruminants and soil fertility. The choice of topics depends on what ACP partners suggest. The number of topics covered has now reached 51. Inside each pack are materials for a radio programme on that topic – interviews on cassette or CD, a transcription and a suggested introduction for each interview, technical information on the topic, advice for how the pack can be used and a questionnaire for users to provide feedback to CTA.

*You can find most of the RRRP material on CTA's Rural Radio website <http://ruralradio.cta.int/>.*

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CTA

*Rural Radio Resource Pack*

2001/4

**Land Rights**

**TECHNICAL INFORMATION**

(and suggestions for using RRRPs in the studio)

**Introduction**

Land rights have become an important and often controversial issue throughout Africa. Land reform is regarded as a priority for different reasons in different places. Some of the issues it raises are:

- Issues of fairness - for example giving land back to people who lost it to colonial settlers; securing the rights of widows to their husbands' property.
- Issues of poverty - people are unlikely to invest in their land and thereby climb out of poverty, unless they feel their right to that land is secure.
- Issues of environmental conservation - people will only be motivated to conserve resources if they have secure rights to those resources in the future

The interviews in this Resource Pack explore the experiences of people who have struggled – and sometimes failed - to keep their rights to their land. There are examples from Cameroon, Malawi, Zimbabwe and The Gambia.

**Land reform programmes**

Not every country has felt the need to have a major land reform policy. In those where governments have implemented land reform programmes, different approaches have been adopted, including the following:

- Restitution - restoring land that was lost, or paying compensation to make up for loss of land.
- Redistribution - the government obtains land (either compensating or not compensating the former owners), to give to those with little or no land of their own.
- Land Tenure reform - legal changes to make people's rights to the land they live on, or depend on, more secure.

But land reform is very difficult to achieve. Existing systems are complicated and the powerful in society can usually manipulate them to their own ends, denying rights to those who are uneducated and poor. Opposition politicians find land tenure issues a fertile ground for winning electoral support but, once elected, discover for a variety of reasons that their promises are difficult to keep.

### **Rights to resources**

When we talk about land rights, we are not only talking about ownership of land. In many traditional systems, being able to use certain resources perhaps at particular times of year, is the more common pattern. For example being able to graze livestock, cut grass or take firewood from an area. Such systems may be complex and are usually informal: they are locally known and respected, but not formalized in a legal document. These traditional rights can be threatened for a variety of reasons and may be in direct conflict with modern, legally formalized land rights. Disputes are inevitable especially as customary land rights were established at a time when there was not the pressure on land that there is today. For example, disputes between cattle herders and settled farmers, the former arguing that they are being denied access to their traditional grazing land, and the latter arguing that herders' livestock destroys their crops, are becoming worse.

People may lose their access to resources on an area of land that is sold to a property development company or logging company. Sometimes this occurs because although those people have been using that land for generations, their right to do so has not been formalized in law. Thus their claim to it does not appear on official maps and is ignored. In coastal areas the same problem can occur in relation to fishing rights. Trying to codify/formalize traditional arrangements is one of the key challenges facing the land reform process in Africa.

There are cases where the creation of a national park has denied people access to the land that they have traditionally depended on, e.g. for grazing, firewood, thatching grass, fruits, bush-meat. This often leads to problems of poaching. Some countries, such as Zimbabwe, have had success in allowing those communities to make their living from the national park - e.g. by setting up tourism activities. This reflects a wider pattern; giving people the responsibility for managing their own forests, watersheds, grazing lands, fisheries etc, as well as the rights to the resources they provide, and it can be a more effective method of environmental protection than distant, centralized management by the state.

### **Expectations**

Better access to mass media, and an understanding of what is happening elsewhere with regard to land reform, raises expectations among those who are disadvantaged. They want change. As women become better educated, they begin to question whether it is right that they should lose the land on which they have supported their children, and much else, if their husband dies. This point is raised in one of the interviews from Cameroon.

### **Land Rights in law**

Sometimes a land reform programme itself can cause damage. Customary rights are very different from the understanding of property ownership held in many developed countries. Trying to impose a 'developed world' system of formalized ownership and titling - i.e. giving someone a title to the land, which allows the owner to exclude other people from it - can result in a loss of rights for the majority. There is an unexpected twist to the tale of land title deeds in the interview from Zimbabwe.

Even if a citizen's land rights are protected by law, seeking redress if those rights are infringed can be impossible, especially if the person who has been wronged is poor. Many countries have passed land reform legislation through parliament but do not have the institutional capacity to bring it into practice.

Legal reform should strengthen the right of citizens to ensure that their land cannot be taken or sold without their consent whether by government, traditional elites, developers or others. They may agree to compensation but, as in the interview '*Urban growth threatens ancestral lands*' some people do not know what 'compensation' actually means because they have never experienced it. The issue of compensation is also raised in the first interview of this Resource Pack.

### **Government control**

There may be situations where the government takes over control of land for its own purposes or 'for the good of the community, or the nation, as a whole' but many people lose their traditional rights to land as a result. An example of this can be found in the interview from The Gambia where there are concerns in one village that they have no reserve land available for development and growth. What will happen when today's children grow up and need land on which to grow crops?

Local or national authorities can move people from land they want to assign for particular types of production, or for housing or road building, for example. How should those people be compensated, and should the authorities be required to gain their consent to move?

### **Using this RRRP in studio**

Any of the topics raised in these interviews could form the basis of a discussion programme. There will be local issues to reflect and people to interview on both sides of any argument. In any debate about land rights, distinction will have to be made between common or communal land and an individual holding.

Questions/topics for discussion could include:

- Should local or national authorities have the right to remove people from the land they hold without paying compensation?
- How can traditional rights be reconciled with civil law? Which should prevail and how should disputes be settled?
- What land rights, if any, should widows and orphans have?
- Many countries are experiencing great pressure on land, especially in some areas. How can the rights of future generations be preserved?
- Should environmental concerns form any part of the debate about land rights?
- What are the relative benefits – for the community as a whole, for individuals within it, and for the environment – between land owned communally and land in private ownership?
- How can consensus be built for achieving a system of settling land disputes? Who needs to be involved? What needs to be done?
- How can those who are vulnerable to abuses of their land rights argue their case effectively when they have neither power nor money?

## CTA

### *Rural Radio Resource Pack*

2001/4

#### Land rights

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<b><i>No rights, no compensation</i></b> Building roads can bring new opportunities to remote and poorly developed areas, but for people whose land they cross, they can be very costly. This report covers a road building project in Cameroon, where farmers reacted angrily to a new road, especially as they were not properly compensated for their losses.	5'11"
<b><i>Urban growth threatens ancestral lands</i></b> As cities expand to cover farmland with roads and buildings, the conflict between traditional land rights, and modern systems of ownership and distribution become very clear. This report comes from Blantyre in Malawi, where city authorities now charge rent on land that was once freely owned.	3'39"
<b><i>Rhodesian land deeds in modern Zimbabwe</i></b> For much of the last century the Fengu people living near Bulawayo in Zimbabwe, have held title deeds to their land. In this report the chief of the Fengu explains how the title deeds have helped them, and how his people are responding to the current land redistribution programme in Zimbabwe.	3'43"
<b><i>The price of development?</i></b> Around ten years ago the government of the Gambia earmarked a strip of land along the Atlantic coast for tourism development. More recently, land in the same area is being used to provide affordable housing for civil servants. The chief of one village affected by these policies describes the problem of land shortage he now faces.	5'09"
<b><i>A national park increases the pressure</i></b> When a national park is created, the people who are forced to leave the area can increase the pressure on the surrounding communities. How can governments balance both the need for foreign exchange and environmental conservation, with the livelihood needs of the local people?	2'11"
<b><i>Land rights for widows?</i></b> If a woman loses her husband, she is also at risk, in many countries, of losing the land and property on which her survival depends. Prisca Ngum, a widow in Cameroon, describes her experience, and questions the tradition that widows should have no rights to their late husband's property.	2'53"
<b><i>An incentive for natural resource management</i></b> Apart from the issue of fairness, there is also considerable evidence that giving people secure rights to their land and natural resources, helps to ensure that land is properly maintained and resources are responsibly exploited. Ruth Meinzen-Dick, a researcher on land and water rights, explains the link.	3'49"



## Land Rights

### *No rights, no compensation*

#### **CUE:**

Building roads can bring not only infrastructure but new opportunities to remote and poorly developed areas. However, while roads may bring benefits to the majority, for the people whose land they cross they can be very costly, as crops, trees and even buildings are bulldozed. And if people do not have well established rights of ownership, they may not even be compensated for their loss. Mike Davison introduces this report from Cameroon, where such a road building project led to violent protests from local farmers.

**IN:** "In Babungo village, in North ...

**OUT:** ... are benefiting from the route.

**DUR'N** 5'11"

#### **BACK ANNOUNCEMENT:**

Tumoh Emmanuel who, because of having no secure right to his land, received no compensation when a new road was built across it.

#### **Transcript**

##### ***Studio***

*In Babungo village, in North West Cameroon, the right to land is held by the village chief. He's known as the fon. When a wealthy cattle ranch owner, Alhadji Baba, wanted to build a road to his ranch, he approached the fon, to ask for permission, since the road would have to cross land under the fon's control. The fon agreed but the road proved to be very controversial, as Martha Chindong found out when she investigated the project. She spoke first to Fuangwe Soweh Christopher. He'd been chosen to manage the road building project.*

**Christopher** The fon authorised me to trace a route. It was not an easy thing. The villagers rebelled against the route, because it was going to destroy their crops, it was going to destroy their trees, in fact it was going to destroy their land. So there was high tension, and many of the villagers carried dangerous weapons, waiting for who will enter his land to trace or dig a route.

**Chindong** *Did you not consult with the people before starting the project, or you just went into their land like that?*

**Christopher** At that time land was not being sold, and the fon is the custodian of all Babungo land, by our tradition. And he had the right to dish out any piece of land, especially for development, to anybody. So it was not necessary to bargain with the people.

- Chindong** *Maybe the people were violent because you did not communicate with them. Those who had crops growing on the land; maybe you did not promise to compensate them in any way.*
- Christopher** It's true. There was no promise for any compensation. And at that time, we never even thought that if we had asked the people to accept compensation they will accept. Because they did not talk of compensation, but they talked of not allowing anybody to tamper with any piece of their land. And we knew that if we stayed at that stage, development would not come to the village. But I think that the Fon who was custodian of the village had some compensation from Alhadji Baba, and that was on behalf of the people. That is a crucial thing in African society, where the big man enjoys for his subjects.
- Chindong** *And today, how are the people benefiting from this road?*
- Christopher** The whole community, including myself are benefiting from this route, because we transport sick ones through the route, we carry crops from farms to our homes through this route, people are building along the route and can easily have electricity connected to their compounds, whereas it was not easy before. It is easy to transport food to distant villages like Belo and Kom, through this route. So I think that the route has been beneficial to every citizen in Babungo.
- Studio** *While the new road has clearly brought advantages to the people of Babungo, some of those whose crops and trees were destroyed are still unhappy that they received no compensation for their losses. Martha spoke to Tumoh Emmanuel about how the building of the road has affected his livelihood.*
- Emmanuel** The road is passing through my plot, so I lost many mango trees, pear trees, palm trees etc.
- Chindong** *Now tell me when they started the route, before they started the project, did they tell you that this is what is happening, and this is how it is going to affect you?*
- Emmanuel** No. I had no idea of the development, I had no idea. They did not inform us. So we only found that tractors were sent to bulldoze every place.
- Chindong** *What were your reactions?*
- Emmanuel** We went out to stop caterpillars. So we had information from the workers, that all that was being done had already been compensated, so we would get our compensation after the construction of the road, which has never come until now.
- Chindong** *Are you regretting that the road cut across your plot?*

**Emmanuel** Yes I am regretting, because the crops that were destroyed, were those crops that we were living through.

**Chindong** *Have you ever benefited anything from this project?*

**Emmanuel** If I can say that I have benefited something from there it is just because gravel was sprayed on the road, so now travelling during rainy season, we have not mud on the way.

**Chindong** *What of selling some items to tourists who pass through this route to Elba ranch?*

**Emmanuel** Some other people who come from other quarters they do sell, but we around the road now, whose trees were destroyed, we have nothing now to sell, so we are just empty. But different people are benefiting from the route. *End of tape.*

## Land Rights

### *Urban growth threatens ancestral lands*

#### **Cue:**

As cities expand to cover farmland with roads and buildings, the conflict between traditional land rights, and modern systems of ownership and distribution, become particularly clear. In some cases, people living close to cities voluntarily give up their traditional rights by selling their land. Alternatively, traditional rights may be ignored by city authorities, who are under pressure to find new land to house the large numbers of migrants arriving from rural areas. Patrick Mphaka reports from Blantyre in southern Malawi, a country where, as he points out, seizure of ancestral land is nothing new.

**IN:** " It is not a new ..."  
**OUT:** "... little land he may own. "  
**DUR'N** 3'39"

#### **BACK ANNOUNCEMENT:**

Patrick Mphaka reporting from Blantyre, Malawi, where the urban growth is putting greater pressure on traditional land holding.

#### **Transcript**

##### **Mphaka**

*It is not a new phenomenon in Malawi. People have over the years been shifted from their ancestral land left, right and centre. During the pre-colonial days, tribal conflicts forced some tribes off their land. However, things were not as bad then since there was plenty of land to use and spare. The colonial period saw another era of land dispossession. This was mainly done in the districts of Mulanje and Thyolo where Tea Plantations were introduced.*

*In the post-colonial era, many people in the Central region of the country were moved up and down for two main reasons – the establishment of the new capital city – Lilongwe and the introduction of tobacco estates. Some of these uprooted people have been compensated while others do not even know what the term ‘compensation’ means.*

*The sad scenario continues even today in many parts of the country. This time round, money rules. If you have money, you can buy as much land as you want. Lady Chief Kameza, one of the many chiefs in Blantyre city urban who has suffered numerous ancestral land seizures has a sorrowful story to narrate.*

##### **Kameza**

[Vernac.] There is nothing which I can offer. As I have said earlier on, most indigenous people are the ones who are selling off their land, places where they cultivate, due to poverty.

**Mphaka** *In other instances, local authorities have been in the forefront of snatching away land rights from the people. Lady Chief Chilembwe of Blantyre explains her story:*

**Chilembwe** [Vernac] In the beginning, we were just staying and enjoying the fruits of our land. Later, we saw some people surveying the land, our land. We asked them what they were up to. They told us that they had been sent by the authorities to survey the land since in the future, they would demarcate plots for other people to come and settle. This was news to us because we had never heard about plots before. When time came for them to distribute plots to some people, they told us that as indigenous people, they would give us plots for free after paying five Malawi Kwacha.

Later, they re-allocated us to plots. Afterwards we saw so many people from different places coming to take up the plots. We hear that these plots were being sold to these new comers. But strangely, we were told that together with the new comers, even us, had to be paying land rates to the Malawi Housing Corporation. We did not complain much because the rent was not that high. After some years, we saw some people coming to tell us that Malawi Housing Corporation had handed over the authority of the area to the City Assembly. The land rates, which the city introduced, were too high.

**Mphaka** *For this problem, there seems to be a solution in sight although chief Chilembwe is still worried about future generations:*

**Chilembwe** [Vernac.] However, a Task Force has been formed by the indigenous people. It has pressurised the city authorities to some form of compromise. The city has agreed to put a waiver on the city rates for indigenous people. Still, this does not solve the problem, as our future generations will have no plots to live on, let alone to cultivate.

**Mphaka** *Land in Malawi will soon become a very scarce commodity. Present indications show that if one has money, one can have access to land, if one is poor, one will end up selling even the little land he may own. End of tape.*

## Land Rights

### *Rhodesian land deeds in modern Zimbabwe*

#### **Cue:**

For much of the last century the Fengu people living north west of Bulawayo had an unusual advantage over most Africans in Zimbabwe; they held title deeds for their land. These deeds were recognised by successive white settler governments, and helped the Fengu to keep their land when other people were forced to move, in making way for settler farms. How they obtained those deeds is a story that involves one of the most famous settlers of all, Cecil John Rhodes. Busani Bafana spoke to Michael Ndondo, the current chief of the Fengu, and asked him about their unusual possession of title deeds, and how it was affecting his people during the modern period of land resettlement.

**IN:** “ Well it has been a long ...”

**OUT:** “ ... the government is going to do.”

**DUR'N** 3'43”

#### **BACK ANNOUNCEMENT:**

Chief Michael Ndondo on his hopes for the Fengu people in Zimbabwe.

#### **Transcript**

**Ndondo** Well it has been a long and bitter battle for the Xhosa people in Zimbabwe. From as early as 1927 the then government of Rhodesia wanted the Xhosa people in Mbembesi to be moved. It was at a time when most African people were being removed from the fertile areas of the country, which were also in the highveld, moved to low lying areas, with low productivity, and the Xhosa people were asked to leave, but then they resisted. Then they claimed that they had been given this land by Cecil John Rhodes, and what they were claiming was rightfully theirs, because they had been made to leave their own land, to which they had property rights, in the Cape Colony in South Africa. The government then decided to give them plots equal to those which they had left in South Africa. It was then that 177 ten acre plots were demarcated for them.

**Bafana** *We understand the Xhosa people are some of the few in Zimbabwe who have access to title deeds. Could you fill us in on how they came about acquiring these title deeds?*

**Ndondo** Well, in 1938 there was what was known as the Bullock Commission, which carried out a survey on the property rights of the Xhosa people in Zimbabwe. And they claimed the land that they had originally held in the Cape Colony in South Africa. It was then that the Fengu Location Land Distribution Act was put in place, offering 177 plots to

those who were entitled to them, and it is the same act by which we still hold those title deeds.

**Bafana** *And how has your ownership of the title deeds benefited you in the way that you are actually using your land today?*

**Ndondo** Well in the first place the ownership of the title deeds has been the cornerstone of our resistance to being moved by successive white settler governments. Because having title to the land, it was legally impossible for them to remove us.

**Bafana** *Today, there is a very big debate about land redistribution, and in fact the government of Zimbabwe has introduced what is called the Fast Track System. How has this affected your people if at all?*

**Ndondo** Well some of the descendants of the title holders, decided to go for resettlement, because there was better land. The rest remained, but the land holding in Mbembesi is communal. People are not necessarily doing their farming activities on those plots to which they claim titles. It has always been a communal set-up.

**Bafana** *And so how do many of them actually use the land?*

**Ndondo** We use the land for both tillage and pastoral farming.

**Bafana** *And looking into the future, what do you hope will actually happen as far as the issue of land management in this area, given that some of the people have moved from their original lands?*

**Ndondo** Well the current land use plan is for a communal type of land use, and we have made a request to government to extinguish those title deeds, so that we live together in a communal set-up.

**Bafana** *And do you think that will happen?*

**Ndondo** Yes I'm positive that is what the government is going to do. *End of tape.*

## Land Rights

### *The price of development?*

#### **Cue:**

There is a saying that you can't make an omelette without breaking eggs. Sometimes the implementation of development policies can also have unfortunate, but unavoidable side-effects. Ten years ago the Gambian government took from the traditional land holders, a half mile deep strip of land on the Atlantic coastline. The land was set aside for the development of tourist facilities, in an attempt to boost the tourist sector and the Gambian economy. More recently, the government has taken more land in the area, in order to provide accommodation for low paid civil servants. Ismaila Senghore went to Kerr Sereign Njaga, a village 35 km west of The Gambia's capital Banjul. He spoke to the alkalo, or chief of the village, Omar Bittaye, about the problem of land shortage which he now faces.

**IN:** " I learnt that almost ten ..."

**OUT:** " ... and God bless you."

**DUR'N** 5'06"

#### **BACK ANNOUNCEMENT:**

Ismaila Senghore talking to Omar Bittaye about the policies which have given his village a serious shortage of land.

#### **Transcript**

**Senghore** *I learnt that almost ten years ago the previous government took all land in the kombos and called them government land. That means that all land in the kombo belongs to the government and not to the traditional owners. Now how has that affected your rights as owners of land?*

**Bittaye** [Vernac] That's true, the former government actually did intervene and came over and took our greater part of our land and that has really affected us as farmers. In fact in the whole of the coastline, a little way from here just near the sea and our land which we used to grow crops on, about half a mile of that area has been you know taken over by the government. And even in the east of the village where my predecessor, the former alkalo has given part of that land to a lot of people and now we have this problem of having places where we can cultivate our crops. So this is a serious problem we are having now, we have no reserve land for any future development that we may undertake in the future.

**Senghore** *I understand the question of land here is very complex, you don't know who is wrong, sometimes, and who is right. Particular incidents have happened where government intervene in such drastic manners as demolishing people's properties. Now, I want to know how have they*



*been affected by the whole issue of land, emotionally, mentally and socially and even economically?*

**Bittaye** [Vernac] Actually we honestly do not have such problems, government demolishing people's properties here which are somehow illegally built. We don't have that problem here. Our problem is actually having land, reserve land where we can build schools, nursery schools, health centres for people. In fact this morning a white man came here, who is ready to sponsor, to help us have a nursery school and the problem now is having to have a place. The guy is ready to help us and sponsor our children, build a nursery school for our children provided we have a place. And that's my headache at the moment, we really don't have a place you know where we can build this school for our children.

**Senghore** *So being the case Alkalo Omar Bittaye, you have no more land to expand or to build structures, amenities for your village and especially you have no more land to farm. Now how do you see the new settlements by government that are aimed at providing settlements for low income government workers? How does that affect the local people who are traditional owners of land?*

**Bittaye** [Vernac] Yes that's true, government came in to help civil servants have places, compounds. Yes in that way it's a big favour for those people it is a great assistance to them. But if you look at the traditional owners of the land it's a loss to them because those are the places where they used to farm, where they used to you know do everything. Now if that is taken away from them naturally it will affect them. Maybe what the government can do is perhaps to just also give them the chance to still control part of that area. Maybe develop them and then perhaps you know give them out on rent so that at least they are still getting something from the places otherwise it would just be a loss to them and that would definitely affect them as farmers and as traditional owners of land.

**Senghore** *Well thank you very much Mr Omar Bittaye, alkalo of Kerr Sereign Njaga unless you have a final word of advice to give to everybody listening to you.*

**Bittaye** [Vernac] My advice for the government is to in a way also try and look into the affairs of the landowners, the traditional owners of the land. In as much as they want to help civil servants have places where they can stay with their families, they should also try and at least spare some part of the land for the traditional owners so that those people too can still continue using the area for their survival. I also have some advice for the alkalos, the village heads like myself especially for alkalos who still have land for their villages, that they should try and exercise patience and exercise some caution. Let them not give out all the land that they have, it's important for them to also reserve some for future development. And that's the advice I have for the government and for the alkalos.

**Senghore**      *Thank you very much Alkalo Omar Bittaye, of Kerr Sereign Njaga, and may God bless you and your village.*

**Bittaye**      [Vernac] I'm equally very grateful for your coming here to talk to me about the land which is so important in our lives. I'm very happy and God bless you. *End of tape.*

## Land Rights

### *A national park increases the pressure*

#### **Cue:**

The Nyika National Park in northern Malawi, is a high grassy plateau, home to zebra, eland, and even leopards. As well as having environmental importance, it also attracts tourists, and much needed foreign currency. However, when national parks such as Nyika are created, governments are faced with the problem of how to compensate and resettle the inhabitants of the area. Some of those living on the Nyika plateau moved to a nearby village, Chakaka, where they were given places to live and land to farm. However, this naturally put more pressure on the people of Chakaka, as Excello Zidana discovered, when he talked to the village chief.

**IN:** “These people who were removed ...”

**OUT:** “...place to do our farming.”

**DUR'N** 2'11”

#### **BACK ANNOUNCEMENT:**

Chief Chakaka, explaining why he has asked the government of Malawi to give his village some land from the Nyika National Park.

#### **Transcript**

**Chakaka** [Vernac.] These people who were removed from the park came here, and they said that they would be proceeding to the other areas. But unfortunately, they are still with us here at Chakaka. Now we are finding it tough to have land for cultivation, because these people are in our midst. And we are therefore asking the government to consider our problem, to at least give us a small portion of land for us to cultivate. Even if it could be two kilometres, that would be enough.

**Zidana** *These people who were removed from the park, were they given anything as a token, or as a compensation?*

**Chakaka** [Vernac.] Those people who had some goods like trees, coffee plants, they were given a small compensation, but they were not compensated for being removed from the park.

**Zidana** *This national park plays an important role in our country. It helps in bringing in foreign exchange, that is when people come to see the beautiful animals like zebra and eland. Why should people around this park request the government to give them a piece of land from the same national park which plays the major role in bringing in the foreign exchange?*

**Chakaka** [Vernac.] Indeed we know that the national park is really helping us, and we are also engaged in telling the people from our villages not to

kill any animals from the national park, not to cut down trees. But at the same time, we are also aware that God gave us this land for us to stay on it, to use it. The government should consider our problem. We really need a place to do our farming. *End of tape.*

## Land Rights

### *Land rights for widows?*

**CUE:**

Life for widows is rarely easy. The loss of a husband is a hard blow for anyone to bear, and in many traditions, a woman who becomes a widow loses not only her partner, but also her livelihood. Prisca Ngum, from Cameroon, lost her husband in a road accident; she herself was also nearly killed. While still recovering, she found her late husband's relatives taking over the land that she had been farming on, and she also came under pressure to marry her brother-in-law. Prisca is typical of the many widows who have questioned the tradition that widows should have no right to the land and property that they shared with their husband. Martha Chindong asked Prisca about her experience of being a widow in Cameroon.

**IN:** "The death of my husband ...  
**OUT:** ... people should rather help her"  
**DUR'N** 2'53''

**BACK ANNOUNCEMENT:**

Martha Chindong speaking to Prisca Ngum about the importance of land and property rights for widows.

**Transcript**

**Ngum** The death of my husband was as a result of an accident involving the two of us. I was so badly injured I was bed-ridden for months, and mostly cared for by my parents. And when I could walk around a bit and do a few things, my in-laws never helped me. All they did was struggling to take the property, and they did everything to take the property. So I have been surviving with the children all on our own.

**Chindong** *What type of landed property did your husband leave behind and how have they tampered with it?*

**Ngum** Well he had a portion of land, that was willed to him by his father, on which I myself, when I had just got married, I had planted things, some of which are already giving fruits now. Well they just started using it and they don't want me to have anything to do with it.

**Chindong** *Is this a common phenomenon in your own community, or people single-handedly try to victimise widows?*

**Ngum** Well I have not taken any statistics. I know my own case seems to be peculiar. But there are a few people that do that, but some have sympathetic relatives who try to support, who try to even advise, and even if they have nothing to give you, they console you in one way or another.

- Chindong** *My question was to find out whether there is no way that the community, the traditional chief can protect the rights of a widow.*
- Ngum** Yes, sometimes you don't know where to report your case, and everybody will always say that according to tradition you are supposed to automatically just transfer your love to a brother-in-law, which is not possible.
- Chindong** *From the experience which you have lived, do you think that it is really necessary for widows and orphans to own landed property?*
- Ngum** Of course it is very important. Like I am keeping animals and I'm doing some gardening, and all the like, planting so many things, we will eat and sell some. I even teach other people around to see the agriculture and learn something out of it.
- Chindong** *If you were given a chance to make a suggestion, say to brothers and parents in law, what would you say concerning widows rights and their husband's property?*
- Ngum** Well I would say, if somebody is getting married to a young man, they are both young people and they are making property together, and they are growing up together, if at a certain stage, one gets gone by nature's prescription, I don't see why somebody should just from no-where encroach into their own lives. The woman should just continue to live the way she has been living with her husband. She will find life hard yes, but let nobody touch her own property. Because at the time they were acquiring this property nobody helped, nobody cared. Now she is alone, people should rather help her. *End of tape.*

## Land Rights

### *An incentive for natural resource management*

#### **Cue:**

Erosion and deforestation are two problems that tend to be more serious when people do not have secure rights to their land and their forests. It's easy to understand why. If you know that your access to those resources in the future is not safe, there is a strong temptation to earn as much as you can from them as quickly as possible. In addition, farmers who are worried about whether they will still be farming their land after a few years are unlikely to invest in long-term projects to increase, or even maintain the productivity of their fields. Ruth Meinzen-Dick has done extensive research on people's rights to land and water. She spoke to Mike Davison about the important role that land rights can have in protecting the environment and preserving natural resources.

**IN:** " A huge issue is the incentives ..."  
**OUT:** " ... maintain their natural resource base."  
**DUR'N** 3'49''

#### **BACK ANNOUNCEMENT:**

Ruth Meinzen-Dick on the importance of protecting people's rights to their natural resources.

#### **Transcript**

**Meinzen-Dick** A huge issue is the incentives for long term investment. And this becomes especially important as we are talking about natural resource management, we are not just cultivating the field for today but maintaining its productivity for tomorrow and next year and even for the children. Now if you don't have tenure security you generally find that people have a shorter time horizon and so may not be as willing to make long term investments.

**Davison** *So it's a bit like when we rent a house as opposed to when we own a house. When we rent it we tend not to spend a lot on decorating it because we know when we leave we won't have any of those benefits. And the same thing applies to land, why bother to invest a lot in making your land more fertile or putting in terracing or irrigation systems if you don't know that you're going to be able to keep that land?*

**Meinzen-Dick** Exactly. Also if you don't have security of tenure he may not be even allowed to make investments in that land. For example, to plant a tree may be prohibited for people who are tenants on the land because doing so is seeing that they are staking too strong a claim on that land. If you want to put in a terrace or you want to dig a channel the landlord may say 'No you can't do that'. So that's why

land rights are important, not only for today's production but for tomorrow's sustainable systems.

**Davison** *Where do you see the answer to solving this problem coming from?*

**Meinzen-Dick** Well one key area is actually in the case of community rights to land. It's not just at the individual level. Communities may have common property rights to say a forest area, wood lots or to a grazing land surrounding their village and this may be based on customary tenure. Now if governments then see that there are no formal plot allocations here therefore it's empty land and we can allocate this land to whoever we want, or worse yet if they then let influential loggers or others come in to that area, then it really deprives the community of something that's a really critical source of livelihood, especially for the landless or for the poor in the community.

**Davison** *So governments need to give a proper legal basis for those community rights?*

**Meinzen-Dick** Yes I think for governments to recognise the community rights is very important both on the books but also in enforcement because if the community catches somebody logging, will the government actually punish that person or will they let them go? In The Philippines we've heard this problem being reported where fishermen were trying to build an artificial reef to restore the breeding grounds for fish because they were being over-harvested. And outside fishing trawlers, big trawlers would come in at night and if the fishermen managed to catch these guys, in the one municipality the police would just let them go and so then it wasn't worth policing it, there wasn't any point in trying to enforce it. But in another municipality where the police force really backed up the community then it worked much better. People had much more incentive to maintain their natural resource base. *End of tape.*