

Civil society and social movements: Advocacy for land and resource rights in Africa



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and Resource Rights

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Civil society formations in Africa have historically played an important part in the establishment of organising people in the pursuit of common goals. The majority of Africa's people reside in rural areas where they derive their livelihoods from land, and for this majority secure access to land is the foundation of any efforts to alleviate poverty. Land reforms in Africa are at various stages of development in a number of countries, partly in response to pressures for liberalisation and privatisation from the World Bank and other like-minded institutions. Civil society organisations have played an important role in the development of progressive policies in some countries. The lessons learnt from those countries must be applied in continuing advocacy for reforms which increase access among the poor to land and resource rights.

Introduction and context

Although civil society has become an integral part of modern democracies, civic associations did not come to Africa with the advent of colonialism. Neighbourhood groupings and associations for the promotion of common interests existed in pre-colonial Africa. Whether as herders' association or age-set groupings, these associations (by whatever name) provided frameworks for Africans to organise themselves in pursuit of common interests, albeit differently from the fashion and organisational capacity of today's civil society formations. When Africans started mobilising against colonialism, these groupings provided the fledgling foundations for political mobilisation. In this sense, therefore, it can be argued that government and states are creations of civil society formation and not vice versa.

The experiences of many African civil society organisations (CSOs), non-governmental organisations (NGOs) and social movements in advocating for land and resource rights of the poor reflect popular struggles about both process and content of policy. This is a struggle that is being waged all across sub-Saharan Africa, and the issues and challenges confronting civil society with respect to land policy are the same. This is largely because the global political and economic context in which land policy is made and the global imperatives that drive the process of policy formulation is common to all African states.

A shared colonial heritage

The land question is critical for the livelihoods and economic development of African countries. It is also an issue in respect of which most African countries share a common heritage of colonial policy and law. As a result, resource rights advocacy struggles are rooted in the efforts of national popular movements to dislodge the imposed colonial property laws and systems which have severely undermined traditional frameworks for sustainable resource management. Ironically, the undemocratic and exploitative nature of the colonial state continues to inform policy, laws and institutions that mediate

access to, and management of, land and natural resources in independent African states today. Many of these countries adopted the colonial legal system, thus entrenching the structural inequalities of the past.

Land and natural resources define the political history and the social and economic organisation of Africa, hence the politics of land suffuses current discourses of development on the continent. The majority of Africa's people reside in rural areas where they derive their livelihoods from land, and for this majority secure access to land is the foundation of any efforts to alleviate poverty.

In order to address the land question in all its dimensions, many African states are reviewing their legal, policy and development frameworks to ensure access to land for production. Land policy reforms have been undertaken or are in the process of being undertaken in virtually all the countries of sub-Saharan Africa. These reforms, which entail the promulgation of national land laws and policies, are at different stages in Namibia, South Africa, Malawi, Tanzania, Uganda, and Kenya. The reforms are being undertaken in response to a variety of imperatives, the most prominent of which are liberalisation and privatisation (Odhiambo 2004).

Land reforms are not new in Africa. Colonial and post-colonial governments have tried to address the land question in a variety of ways. What is new is the growing influence of multilateral institutions (the World Trade Organization, the World Bank and International Monetary Fund) in determining the direction of reforms. For example, Kenya's land policy formulation process is reported to be heavily underwritten by the World Bank and a host of bilateral donors.

In the past, the absence of a strong, progressive and independent civil society and the dominance of national liberation movements were some of the key internal challenges that accounted for the content and process of reforms in the land sector. Current reforms are being undertaken within a context informed by potentially radical responses emerging from popular movements, grassroots formations and NGOs (Greenberg 2004).

Advocacy issues

Issues for civil society advocacy on land and resource rights vary in nature and emphasis, according to place and politics across the resource spectrum and the African continent. Nevertheless, resource rights issues around which advocacy takes place are either crosscutting in nature, as dictated by global forces to which all the countries are subject, or context-specific, according to history, country and a variety of other circumstances. Given a common colonial history, the land and resource rights advocacy issues of many African countries are centred on some or most of the issues in Box 1.

Box 1: Land and resource rights issues

- ▶ Insecure land tenure for poor people (often found in rural areas).
- ▶ The place of customary land-use systems and institutions.
- ▶ The state and its administration of public land.
- ▶ Land markets and foreign investment.
- ▶ Land-use, planning and environmental sustainability.
- ▶ Democratising land management.
- ▶ Conflict management.

Source: Odhiambo 2004

The governance framework that defines the state-civil society relations of each country determines the involvement of popular movements and NGOs in these issues and the impact of such involvement. State-civil society relations in most African countries are strained and characterised by suspicion at best, and repression and muzzling of criticism at worst. For example, in 2003, the Egyptian Ministry of Social Affairs rejected applications for registration by two human rights and advocacy NGOs – the New Woman Research Centre and the Land Centre for Human Rights – on the grounds that they posed a security threat and did not meet the requirements of the law governing civil society associations and their activities in that country (Tadros 2003).

The realities obtaining in different countries give rise to context-specific land rights advocacy issues. Depending on when they became independent, the pressing political issues and national priorities were different. Different countries have made varying progress in securing land users' rights through reforms. For example, in Tanzania, the national programmes of *Ujamaa* and villagisation defined issues for land advocacy in an environment in which security of pastoralists and land tenure for smallholder farmers emerged as the key challenges.

In Uganda, the absence of a comprehensive national policy framework to support implementation of the land law of 1998 has posed serious challenges. NGOs and government are currently constructively engaged on this matter.

Civil society advocacy

Civil society networking on land policy matters across Africa is a relatively new development. Although sectoral networks have existed for some time, sub-regional and pan-African land and resource rights networks can be traced to the formation of the Pan-African Programme on Land and Resource Rights (PAPLRR) and LandNet Africa. These two African regional networks are fairly young, but nevertheless provide a framework for popular movements and civic society engagement on land and resource policy matters.

LandNet Africa is a regional civic network on land tenure and land policy issues that was established in 2000, with a mission to build an environment for people-centred land policies, laws and structures necessary to reduce poverty and promote sustainable livelihoods in Africa. To date, LandNet Africa has had varying levels of success in land policy engagements in the Horn of Africa, east, west and southern Africa. For example, LandNet West Africa has engaged with land policy issues in Burkina Faso, Togo and Ghana, and LandNet East Africa has initiated a sub-regional pastoral land rights programme to review the current legal, policy and institutional framework for pastoral land management in Uganda, Tanzania and Kenya.

The PAPLRR Network was formed in 2001 and is hosted by four centres located in east, north, west and southern Africa. The objective of PAPLRR is to develop and articulate a pan-African voice on land and resource rights, policies and advocacy, and engage with other stakeholders at regional and international research and policy-making events. PAPLRR recognises that across the continent the land and resource rights of the rural poor are threatened by:

- ▶ inappropriate policies and institutions (including global treaties)
- ▶ unequal social, political and economic relations
- ▶ the actions of powerful vested interests (wealthy national and local elites, international aid organisations, and multi-national corporations)
- ▶ the weakness of grassroots organisations.

PAPLRR is making an impact in articulating and developing a pan-African identity, loyalty and network pool of scholars, activists and development practitioners who are engaging critically but constructively with the above challenges. The Lagos Declaration on Land and Resource Rights in Africa was developed under the auspices of PAPLRR and presented to the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002.

LandNet and PAPLRR have forged a working relationship that is enhanced by the membership of some individuals belonging to and working with both networks, particularly in east and west Africa.

At national and local levels, CSOs and popular movements on land and resource rights issues continue to emerge across the continent. Whilst it may be too early to assess the successes of these formations, the overtures and willingness of the often-radical working class to work with the landless and jobless to forge creative links between urban-based movements and rural ones is a welcome and positive development. This is especially true in South Africa where the Landless People's Movement (LPM) (a popular movement of different class and social forces struggling for access and ownership of land) formed links with the Anti-Privatisation Forum (APF) (an urban-based social movement fighting against water and electricity cut-offs and evictions) to make demands on local government and oppose the WSSD.

From the late 1990s, many African countries have witnessed the formation by NGOs and other CSOs of national land alliances and forums. Examples include Kenya, Malawi, Mozambique, Uganda, Tanzania and Zambia. These alliances engage national governments on land policy reform and law formulation issues. In Egypt, the Land Centre for Human Rights was established in 1996 to defend peasants' rights through legal assistance and the launching of support campaigns for the peasants.

The Uganda Land Alliance (ULA) set out to ensure that the land rights of poor and disadvantaged groups in that country were guaranteed in the land policies and law. ULA remains a major player on Ugandan land issues and enjoys good relations with national government. It now sits on national land policy formulation and implementation committees. As a result of these achievements, the ULA model is being adopted in other countries. Some critics have, however, suggested that the alliance risks being co-opted by the Ugandan government (Bazaara 2000), a criticism the leaders of ULA contend is misplaced. It is clear however, that the independence, role and relevance of ULA need to be safeguarded for the good of Ugandan society in particular, and the civil society movement in general.

The LPM of South Africa was formed in 2001 with the support of the National Land Committee, a national NGO, but has since grown to have its own leadership. The movement is made up of rural committees built in collaboration with land NGOs over the last ten years. In view of the fact that civil society and NGOs are routinely successfully marginalised at United Nations and other international meetings of governments, the LPM intervention at the 2002 WSSD was hailed as a huge success. The movement mobilised thousands of landless people from all over South Africa in a march, under the Social Movements United banner, to attack the global and neo-liberal forces that were gathered at the official WSSD event. The march was significant in uniting militant urban landless formations and other urban-based independent movements with the rural poor and landless masses. Equally important is the fact that the LPM-organised march drew participants from among the international delegates attending the official WSSD (Greenberg 2004).

The Mozambican civil society movement historically evolved as a subjugated arm of the central party state. This saw the National Union of Peasants (UNAC), a rural CSO, emerging as a wing of the ruling party. The civil war of the 1980s fractured and dashed any hopes for a sustained civil society movement in Mozambique. CSOs only gained ground from the early 1990s during the review process of the country's land policy which resulted in the Association for Mutual Assistance (ORAM) and UNAC being appointed by the NGO Forum to represent civil society in the Mozambican Land Commission of 1995 (Lahiff & Scoones 2001).

With the assistance of ORAM, peasants formed associations, land titles were secured, and land conflicts were resolved in 1996. The 1997 land law which followed these events reflected the civil society contributions to securing the land tenure of rural populations. Awareness-raising and information dissemination regarding the new land law, referred to as The Land Campaign, became a central thrust which brought together several NGOs, churches, civic associations and co-operatives (Negrao 2002).

The successes of the ULA, the Land Campaign of Mozambique and the LPM provide useful insights into the land policy advocacy opportunities, challenges and constraints for African CSOs and social movements. The obstacles and repressive legal framework that continue to constrain civil society activities in countries like Egypt and Zimbabwe should not overshadow the successes being achieved elsewhere. However, there remains a need for lesson-sharing and networking among social movements networks and beyond.

Lessons and opportunities

The advocacy experiences of many CSOs reflect a number of lessons, opportunities and constraints for development policy.

Firstly, advocacy is dependent on an effective networking framework which is in turn determined by the political governance and legislative structure of the specific countries where these formations are located. Until recently, many countries in Africa did not (and some still do not) have an organised framework for civil society movements. The need to pool resources, network and share expertise and experiences among civil society formations to impact on government policy cannot be over-emphasised.

Secondly, it is increasingly evident that policy-making is a game of numbers in which mobilising a critical mass of support secures the leverage necessary to secure the attention of the makers of policies and laws.

Thirdly, operating effective networks and securing the necessary funds is a tough challenge. No organisations exist purely for networking, and NGOs and other civil society players hardly have resources to spare for networking. Besides, networks create responsibilities in addition to the programmatic work of NGOs. Because networking is not an end in itself, donors rarely fund networking as a distinct activity. This is, regrettably, the tragedy of the CSOs and popular movements which seek to impact on policy-making.

Fourthly, land remains a sensitive issue in Africa and most governments question the intentions of donors funding civil society activities on such matters, especially where the donors hail from the former colonial power. Zimbabwe, Nigeria and Egypt are examples where donor funding of civic organisations on land is either outlawed or under constant scrutiny and fraught with suspicion from politicians.

Fifthly, civic mobilisations to date reveal the organisational limitations of many NGOs and civil society formations in respect of supporting the emergence of independent and sustainable social movements. NGOs tend to focus on narrow projects and rarely have the capacity to respond to urgent policy issues as and when they arise. Effective social movements should have the ability to capture and hold onto the space which they capture in their land struggles. CSOs should be well-positioned to respond to radical and rapid events, and need to lead, instead of tailing the state. The phenomenon in some countries of *post-hoc* legalisation of civil society actions and land occupations shows that civil society can provide leadership for change.

Sixthly, as Greenberg (2004) argues, there is need for identification and collusion of common interests, between the middle and landless classes, based on the imperative that all those who want and need land and other resources should have access to such resources. The radical middle class should be willing to work directly and consistently with the landless in order to learn, make mistakes and achieve together in a manner that avoids the pitfalls of 'paternalistic vanguardism' and 'romantic idealism' (Mngxitama 2002).

Greenberg (2004) says a voluntary and morally-based activist approach, as opposed to NGO professionalism, is preferable in nurturing and sustaining social movements and CSOs that remain outside the circuits of institutional power and influence, but are driven and directed by mass-based movements. The class character of current states requires CSOs to withstand co-option, attack and opposition from the

state, landowners and capital. Where tactical and strategic possibilities exist, sectoral as well as rural and urban civic movements should forge alliances between their struggles. For a sustained political challenge to the neo-liberal systems being imposed in Africa today, social movements require greater political clarity. This brings the issue of class alignment into sharp focus. Whatever class emerges to provide leadership to the movements should act through the movement to unite the various sections towards ideological and methodological clarity.

Seventhly, the key challenges facing African CSOs and social movements lie in the answers to two questions: 'What form of support is necessary to build and sustain independent social movements and how best can this support be secured?' 'How can the radical middle class engage fully with emerging grassroots movements without imposing its own agenda on the movements?' (Greenberg 2004).

Conclusion

The growing complexities of the global political economy within which the developing world has to operate have huge implications for Africa, because governments are increasingly finding it difficult to serve the interests of their citizenry. The resulting competition of interests, ideals and priorities will see the most well organised formations swaying public opinion and the outcomes of political processes. Influencing public opinion and political processes on specific issues is a full-time engagement that African governments will have to contend with emerging radical popular movements.

The continued existence of CSOs in Africa, albeit weak and fragmented, suggests there is potential to affect the current structural conditions for a new social contract. This is certainly the case with respect to land and resource policy that has a direct bearing on the livelihoods of the poor African majority. Civil society formations have an important role to play in the formulation, implementation, monitoring and evaluation of policy. It is only then that the theoretical land and resource rights of the poor may be realised in practice.

References

- Bazaara, N. 2000. *Civil society struggle for land rights for marginalised groups: The contribution of the Uganda Land Alliance to the Land Act 1998*. Unpublished document.
- Greenberg, S. 2004. National liberation, land reform and civil society in southern Africa, in *Securing land and resource rights in Africa: Pan-African perspectives*, edited by Munyaradzi Saruchera. Cape Town: PLAAS/PAPLRR.
- Lahiff, E & Scoones, I. 2001. *The politics of land reform in southern Africa*. Cape Town: PLAAS. (Sustainable Livelihoods in Southern Africa research briefing.)
- LandNet Africa website. www.ossrea.net/projects/landnet.htm
- Mngxitama, A. 2002. *Supporting people's organisations: The dangers of paternalist vanguardism and romantic idealism*. Unpublished document, March 2002.
- Negrao, J. 2002. *The land campaign in Mozambique*. Unpublished document.
- Odhiambo, MO. 2004. NGO advocacy for land policy reforms in Kenya, Uganda and Tanzania, in *Securing land and resource rights in Africa: Pan-African perspectives*, edited by Munyaradzi Saruchera. Cape Town: PLAAS/PAPLRR.
- Tadros, M. 2003. Proof of the pudding. *Al-Abram Weekly On-line*, 19–25 June. <http://weekly.ahram.org.eg/2003/643/eg6.htm>

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