

The context of land and resource rights struggles in Africa

Munyaradzi Saruchera

Africa's poor are heavily dependent on land and natural resources for livelihood, but some governments continue to resist transferring full resource management rights to them. This risks the loss or degradation of these resources, or their transfer into private hands. The continent's development challenges are compounded by many factors, including unequal social, economic and political relations, the legacy of colonialism, globalisation, and collusive neo-liberal policy which favours capital and powerful elites. In addition, the voice of Africans in the debates which shape important processes at global, continental and national levels are seldom heard. The Pan-African Programme on Land and Resource Rights (PAPLRR) is a civil society initiative which sets out to address these issues.

Introduction

Africa is endowed with rich biological diversity and mineral wealth and the majority of people are rural-bound and poor. Many conflicts on the continent are primarily about access to land, natural resources and agricultural commodities (Lind 2002). This makes life particularly difficult for the landless poor, who rely heavily on natural common property resources for wood, fuel, fruits, grazing their livestock, thatching grass, other products and income opportunities.

Securing land and resource rights is critical in the struggle against poverty, exploitation and oppression in Africa. Strong capacity among African people to analyse and understand these challenges is a prerequisite for their ability to effectively participate in and influence international policy making for the better. The role of civil society actors in capacity building, conflict management, policy making, networking, information and experience-sharing amongst Africans is central to meeting the development challenge.

Rationale for PAPLRR

The Pan-African Programme on Land and Resource Rights is a civil society initiative established in 2001 to develop and articulate an African voice on land and resource rights, policies and advocacy, and to engage with regional and international players in research, advocacy and policy-making events on the continent.

Across the African continent rural people's land and resource rights are threatened by inappropriate local and global policies and institutions; unequal social, political and economic relations; weak grassroots organisations; and actions of powerful vested interests, often wealthy national or local elites, international aid organisations and multinational corporations.

Many governments devolve certain responsibilities for management of natural resources to their lower-level structures, but resist transferring full management rights to the poor communities that depend on the resources. These governments do not formally recognise 'local communities' as legal entities and yet there is increasing encroachment on the natural resources. This brings with it the growing risk of loss, degradation or privatisation of common property resources.

Policy making is largely an undemocratic and non-consultative process in many countries, and the resultant policies are formulated with little regard to land and resource use implications. PAPLRR attempts to get African scholars, activists, researchers and practitioners together and provide them with the opportunity to contribute to policy debates on the continent.

Poor people's land and resource rights are insecure and inadequately recognised in law, especially the rights of women, youths and minority groups. The sharp divide between customary and statutory law further exacerbates inequity and vulnerability.

Because of colonialism, Africa shares a history of exploitation, a history of struggle against exploitation and for liberation. This connects many Africans who share a continuing struggle for certain basic rights and, through these commonalities, they continue to seek unity and solidarity in PAPLRR, the African Union and the New Partnership for African Development (Nepad). PAPLRR provides a forum for engaging with policy frameworks like Nepad. It has criticised Nepad for marginalising civil society and being silent on enabling frameworks, institutions and processes for realising the land and resource rights of the poor.

Globalisation has had huge implications on the land and resource rights of the poor. Collusion of national and local elites with powerful international actors is a major threat for natural resources, especially common property resources. The proliferation of global treaties, especially over the last two decades, has potentially adverse impacts on the use and governance of Africa's resources.

Key issues for advocacy

PAPLRR identifies a set of key areas of engagement in the struggle for realising land and resource rights for the African poor.

Experience of international policy debates in such areas as trade, agricultural commodities, land and natural resources reveals that African contributions are marginalised. Africans find they are often not taken seriously by powerful global players. Part of the reason for this position may be that the African voice, particularly on trade, markets and land and resource rights, is rather weak.

The strength of African capacity to interpret, analyse and respond is tested at international policy making events, such as those surrounding the World Bank's Policy Research Report, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Biological Diversity (CBD), the UN Convention to Combat Desertification (UNCCD), and in arenas such as the World Trade Organization (WTO) (Kameri-Mbote 2004). The challenge is to link decisions taken at macro levels to the micro context where ordinary people live.

Given the critical role of land and natural resources for rural African livelihoods, it is essential to promote inclusive debates on policy and institutional options that offer prospects for sustainable and equitable management of such resources, for wider social and

environmental benefits. This requires capacity for critical but constructive analysis and engagement of national and international policies. Understanding the changing trends as well as actively engaging actors in different settings and networks is important.

Comprehensive and inclusive tenure reforms are necessary in order to secure the land and resource rights of the rural poor (Lind 2002). Clarifying tenure is essential for preventing and managing conflicts that arise from unfair or inequitable rights of access, use and ownership of land and other natural resources. Linked with this is the need to clearly distinguish between customary and statutory tenure, and to identify an optimal role for customary tenure in land and resource tenure reform. Customary tenure was subjected to many colonial distortions and yet remains a potential solution to landlessness and guarantor of land rights in Africa. At the same time customary tenure protects poor people from market forces. For example, the Ugandan Land Act of 1998 recognises customary tenure as a measure to keep landlessness in check (Bazaara 2002).

In Niger, land reform aimed at facilitating a smooth transition from customary tenure to a modern property regime was launched in the 1990s without provoking much conflict. Tenure commissions were established to control the use of natural resources and to record families' rights over resources. Most members of the tenure commissions were elected from local administrative agents, traditional land chiefs and peasant associations (Alinon 2003).

Institutional arrangements for claiming and maintaining land and resource rights for the poor generally do not promote downward accountability to, and representation of, the poor. Experience with different forms of institutions (traditional and modern) for managing land and natural resources, and their effectiveness in achieving sustainability and equity goals, demonstrates growing inequality. Policies and institutions serve powerful local elites. It is therefore important to determine *who* decides *what* rights for *whom*. The state has a critical role to play in formulating rules and mediating tenure arrangements.

Challenges

Uneven access to land and resource rights are strong causes of conflicts such as those in Sudan, Zimbabwe, Nigeria and the Great Lakes region. Given the central role of land and resource rights in the conflicts plaguing Africa, there is an opportunity to frame and build peace by securing natural resources. Continental institutional frameworks and policy initiatives like the African Union and Nepal should push for mechanisms that incorporate land and resource rights issues into Africa's peace and security initiatives.

The participation of civil society organisations (CSOs) and grassroots movements is equally critical for the success of such policies. However, the efforts of such independent organisations in developing countries are perpetually constrained by organisational shortcomings and a lack of funding. Although NGOs and other donor conduits are currently providing valuable assistance in nurturing and maintaining the movements, they have their own limitations, particularly in the face of growing NGO professionalism and neo-liberal ideological pressure for individual advancement.

Activists and lobbyists should find creative ways to facilitate the engagement of the radical middle class with emerging social movements in a way that does not subvert the grassroots agenda of those movements. Given that the masses of Africa's people live in rural areas, there is a need to tap the co-operation potential between rural and urban grassroots movements in a tactical and practical way to claim land and resource rights for the poor (Greenberg 2002).

Advocating for real and stronger land and resource rights for the rural poor is important, but securing such rights is not adequate, in and of itself, to prevent conflict. Correcting the imbalances in land and resource access, use and ownership rights remains an integral

part of the land struggles of the rural poor. Agrarian reform that changes the fundamental structural social and economic relations in Africa is therefore imperative.

In many African countries, the legal and institutional rules governing access to land are characterised by legal pluralism – the co-existence of modern and customary laws that may be in conflict with one another. Given that customary law is widely practised, accepted and has historically protected the poor from market forces, it has potential to play a constructive role in land reform.

Conclusion

Underprivileged groups need to be included in decision-making processes that affect access, use and ownership of resources. It is necessary to institute popularly elected authorities that are accountable and protect vulnerable minority ethnic groups, women and youths.

Taking into account all the local tenure systems, subsidiarity or a patrimonial approach offers a possible way of resolving tenure problems in sub-Saharan Africa. This is a new perspective for decentralised management of property rights with wide stakeholder support. However, this requires political will from the state to transfer decision making and financial powers to local institutions.

Claiming a pan-African civil voice on land and resource rights matters is as important a call as it is challenging. A coalition of civic networks and other movements is necessary for promoting the land and resource rights struggle for sustainable development.

Mass-driven land initiatives that fully engage the relevant civil society structures, the state and poor people are imperative across the African continent. In addition, strategies must be developed to ensure that global and continental policies support the development of land and resource rights for the poor.

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Programme for Land and Agrarian Studies

School of Government, University of the Western Cape
Private Bag X17, Bellville 7535, Cape Town, South Africa
Tel: +27 21 959 3733; Fax: +27 21 959 3732
E-mail: plaas@uwc.ac.za
Website: www.uwc.ac.za/plaas

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