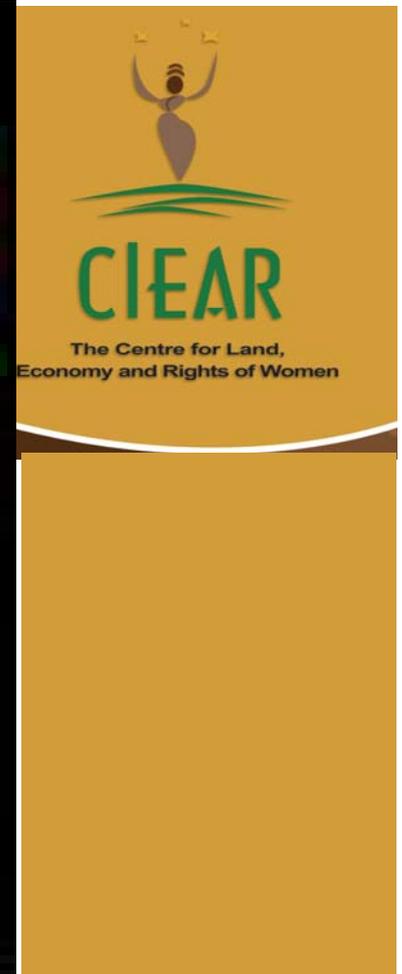


# CLEAR Newsletter

Volume 2 Issue 4



## *Special points of interest: -*

*Although human rights may be universal and inherent in every human being, their practical realization tends to be dependent on the prevailing ruling class.. In the areas worst hit by the HIV/AIDS pandemic, the nexus between the scourge and women's economic disempowerment is clear; the less economically empowered a woman is, the more vulnerable she is to infection by HIV.*

*The most common interventions against HIV/AIDS urge people to follow the ABCs of protection; 'Abstain, Be faithful to your partner or use a Condom.' The reality on the ground has however shown that for women it is not that simple to prevent infection.. For women to whom land ownership equals freedom over their personal destiny, the ABC approach does not work because without title to land they are powerless to dictate the conditions upon which they will have sex.*

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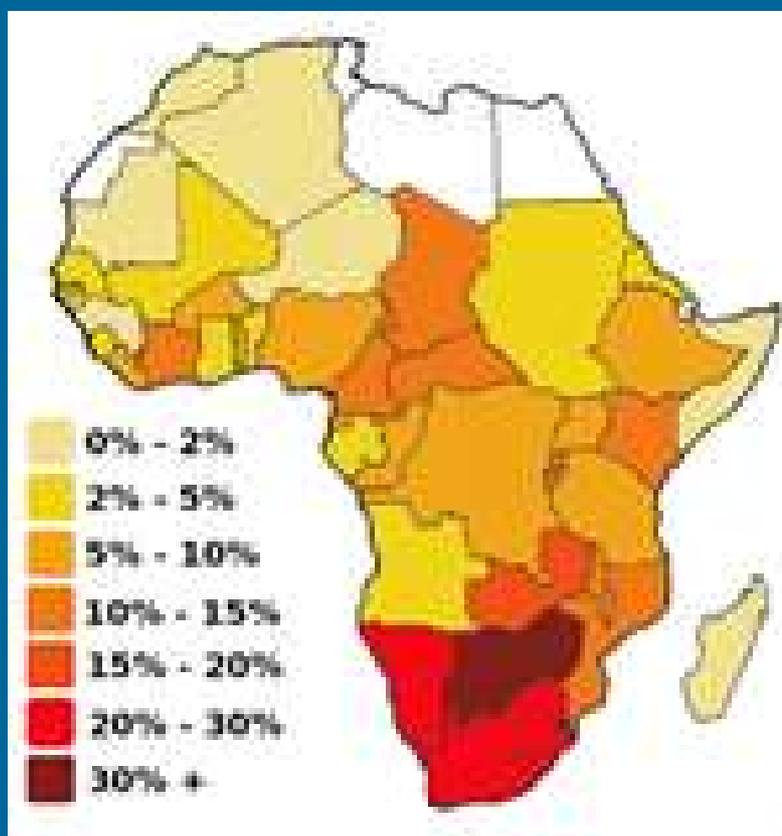
## Effects of HIV/AIDS on Land

### *Addressing Impact of HIV/AIDS Pandemic on Land and Rural Livelihoods*

CLEAR participated at Interactive Consultative meetings hosted by Commission on HIV/AIDS and Governance in Africa (CHGA). The United Nations (UN) Secretary-General announced the establishment of the Commission on HIV/AIDS and Governance in Africa (CHGA). The work of the Commission is focusing on three interrelated areas: (a) assessing the implications of sustained human capacity losses for the maintenance of state structures and economic development; (b) determining the viability (technical, fiscal and structural) of utilizing anti-retroviral (ARV) medication as an instrument of mitigation; and (c) in partnership with the UN and other partner organizations and agencies, synthesizing best practices in HIV/AIDS and governance in key development areas with a view to formulating policy recommendations.

At National Level, CLEAR in collaboration with EASSI (Eastern Africa Sub regional Support Initiative for the Advancement of Women) organized a workshop in Kenya (15<sup>th</sup> December, 2004), for civil society organizations working on issues of land rights, National AIDS Committees, gender advocacy groups, officials from the Ministry of lands, planning and Finance, Ministry of Gender, UN-

Habitat, UNIFEM, People Living with HIV/AIDS (PLA) among others. The objectives of the workshop were to: Bring to the national arena the relationship between HIV/AIDS, Women, Land and livelihoods; and Identify areas that will inform interventions for security of tenure for those affected/infected by the HIV/AIDS pandemic.



## CLEAR Reaching Southern Sudan

### *Land Tenure Systems in Southern Sudan.*

CLEAR was involved in a Land Tenure Study in Southern Sudan.

*The Secretariat for Agriculture and Animal Resources (SAAR) of the Sudan Peoples Liberation Movement (SPLM) with support from the Norwegian People's Aid (NPA) involved CLEAR in conducting a land tenure study in Southern Sudan as a first step in developing a land policy. This study was critical at this point in time when peace accord for Southern had been signed. The peace is expected to open great opportunities for the exploitation of the land and resources of Southern Sudan for the benefit of the region's long-suffering population. At the same time, it is expected that the country will face challenges involving equitable and sustainable management of land and natural resources e.g., large number of returnees expected to come back from neighbouring countries and beyond, investors, prospectors and other adventurers looking forward to having access to this vast resource base.*

This study was looking at the following: Existing customary land tenure systems in Southern Sudan a basis which can be used to develop a land policy and legal frameworks; How the different stakeholders perceive their land rights, and how to secure them; and Key traditional institutions for the sustainable management of land and natural re-

sources, their strengths and weaknesses.

In this study CLEAR provided leadership in building capacity of researchers on action oriented and participatory methodologies.



# LAND IN AFRICA: MARKET ASSET OR LIVELIHOOD SECURITY?

*London, November 8th-9th 2004*

**International Institute for Environment and Development (IEED)**

**Natural Resources Institute (NRI)**

**Royal African Society**

## **Introduction:**

Secure land rights are now recognised by most African governments as critical for peace, stability and economic growth. The African Union also sees better governance of land and natural resources as central to peace and stability across the continent. There are increasing demands for land and tensions stemming from competition for this valuable resource. African governments must take the lead in land policy and tenure reform, since political interests are at stake. A diverse array of approaches to strengthening land rights is now emerging, from which stem valuable lessons to be shared between governments, civil society groups and land professionals. Important questions concern how pan-African and South-South exchanges can strengthen such a learning approach.

## **Points of Consensus:**

### Equitable access to land—at the heart of democracy and sustainable development

There are many ways to secure property rights, whether at individual or collective levels. Blueprint solutions should give way to locally appropriate initiatives and actions.

### Historical change , current context and future prospects

Donor support for the land redistribution process in South Africa has slackened and needs reinvigorating. Given the strong historic responsibility for current inequities in land ownership, there are arguments for some of the cost of land redistribution to be borne by the donor community.

### Promoting economic growth

Securing land and property rights constitutes a core element in generating a favourable investment climate for small and large land users alike.

### Land rights and agricultural “modernisation”

There are multiple benefits associated with smallholder production. In the push for “modernisation” of the agricultural sector, governments need to reflect on the consequences of opting for large scale farm development, at the expense of the smallholder sector. Rich country governments must also urgently address farm policy, export subsidies, and market barriers which are making it ever more difficult for smallholders to access domestic and international markets, from which to gain a livelihood.

### Making government more accountable

It is vital to democratise access to justice and address weak institutional and legal frameworks. Reforms are needed not only at central government but also lower levels such as lower levels such as rural councils , and village committees. Institutional strengthening means developing better checks and balances, to make structures accountable both upwards to central government but also downwards to the people they are meant to be serving. For land, it means establishing open processes, with publicly accessible land registers and information about how and to whom land is being allocated.

### Strengthening public dialogue

The importance of land rights for political stability, economic development and social identity highlights the need to support development of civil society actors and networks with knowledge of land issues– at national, Pan-African and global levels.

### Land, peace and security

The role of land and resource conflict in generating wider insecurity makes it vitally important to find means to resolve disputes early before they an escalate.

Establishing new institutions for managing access to land is key to providing more accountable governance of resources in post-conflict settings.

### Innovation and change in land rights management

Key lessons for equitable and accessible rights management are– make it simple, use local knowledge, and refine it over time. Learning lessons from elsewhere provides ideas and experience from which to build. These mechanisms for shared learning need strengthening . Technical capacity in different skills should be built in-country, through training and networks.

Although opportunities to formalise property rights need to be made more accessible for all, care is needed in interpreting Hernando de Soto's (Peruvian economist) arguments as the only model for securing land rights for the poor. In some settings, his approach may be ideal. Elsewhere, other methods make more sense, especially where existing work shows promise. If unlocking access to credit for poor people is the key objective, then thought could usefully be given to other means to achieve this end, such as building on the growing experience with micro-finance schemes.

### Women's rights are particularly vulnerable

High level political statements in support of women's rights need accompanying by a range of supporting measures, such as ensuring women are represented on land committees, informing local government staff of new legislation regarding women's rights, legal clinics, and encouraging community leaders to take women's rights seriously. It is especially urgent to provide legal protection for women now, since the rising incidence of HIV/AIDS has put widows and orphaned children even more at risk of dispossession of their house and land by their dead husbands.

### Conserving the commons

Some see the disappearance of the commons as an inevitable part of economic progress. But access to the commons is especially important for poorer communities, who rely on such resources for their daily livelihoods, as well as when coping with stress. Management of the commons works well when two factors come together : the establishment of secure legal rights for local communities over the common resources on which they depend; and support to enable those communities to manage these resources on which they depend; and support to enable those communities to manage these resources in an equitable and sustainable

manner.

## **WHAT CAN BE DONE?**

- Recognise that land reform and security of tenure require political support and long term commitment.
- Current donor mechanisms present barriers
- Mainstream land issues into the wider economic development agenda
- Donors can be a valuable source of technical support
- Training and capacity building– essential and new skills
- Build and share models of innovation rooted in locally developed innovation
- Engage in policy dialogue to achieve radical, new solutions to land issues in southern Africa
- Strengthen civil society groups and networks
- Recognise that good governance of land is key to peace and security
- Integrate land with broader trade, agriculture, urban development and governance issues
- The new emphasis on investment in infrastructure

## **SUMMARY:**

Land lies at the heart of social, political and economic life in most of Africa, where agriculture, natural resource and land-based activities are fundamental to livelihoods, food security, incomes and employment. Land also continues to have major historical and spiritual significance for Africa's people. At one time land seemed an almost inexhaustible asset in Africa, but population growth and market development are creating mounting pressure and competition for land resources, especially close to towns and cities, and in productive, high value areas. Customary land management is under pressure, and the coverage of formal land institutions is generally very limited.

As a result, land tenure and shelter are insecure for many ordinary Africans in both urban and rural areas. Property rights are weak or unclear, and this is widely regarded as a major obstacle to African development. Land competition can trigger and exacerbate wider conflicts. In Southern Africa, particularly, the unresolved historical legacy of colonial land alienation underlie the risks of social and political conflict. Bound up with ethnic identity, and political and economic power, and of critical importance for the livelihoods of the poor the management of rights to land is a core issue for African governments today.

In this dynamic and challenging context, a conference entitled Land in Africa: market asset or livelihood security? Organised by the International Institute for Environment and Development, the Natural Resources Institute and Royal African Society in November 2004 brought together a wide range of interest groups including, African policy makers, academics and civil representatives, as well as representatives of the private sector and international agencies to debate the way ahead for land rights and land reforms in Africa. The event addressed two key dimensions of land and property rights in Africa today and their implications for future stability, prosperity and poverty reduction.

Emphasis was placed on sharing experience from a range of African countries and a series of thematic discussions focussed on:

- Formalising and securing land rights: diverse approaches from Africa
- Gender, land rights and inheritance
- Urban and peri-urban land development and land use conflict
- Global and local markets, changing land relations
- Securing collective rights to land and natural resources

*(See 'Land In Africa: Market asset or secure livelihood?' a book published by IIED, NRI and the Royal African Society for detailed information)*



#### Editorial Note

The aim of these Newsletters will be to inform and bring up to date on CLEAR's work and progress. The Newsletters also help us put down our developments and make aware of any events and issues within CLEAR's scope. We will keep it as comprehensive as possible. In future we will reserve this page for any issues relevant to CLEAR's functions, that any organisation or individual would like to publicize or bring to the notice of CLEAR's network. We will accept advertisements, all forms of art and official write ups relevant to CLEAR's objectives. To communicate ideas and comments on the newsletters, please write to us.

The Newsletters will be available on our website too!

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