Promoting Land Rights in Africa:

How do NGOs make a difference?

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Acronyms and abbreviations

ATAP	Association of Agricultural and Livestock Technicians
CBOs	Community Based Organisations
DC	District Commissioner
DFID	Department for International Development
DINAGECA	National Directorate of Geography and Cadastre
GD	Dynamizing Group
GDP	Gross Domestic Product
GoK	Government of Kenya
KLA	Kenya Land Alliance
Kituo	Kituo Cha Sheria
KPF	Kenya Pastoral Forum
IIED	International Institute for Environment and Development
ITDG	Intermediate Technology Development Group
LTC	Land Tenure Centre of Wisconsin-Madison University
MPIDO	Mainyoito Pastoralist Integrated Development Organisation
Muungano	Muungano wa Wanavijiji
NCC	Nairobi City Council
NET	Land Studies Nucleus (Eduardo Mondlane University)
NISCC	Nairobi Informal Settlements Coordination Committee
NPCTN	Nampula Provincial Centre for the Land Campaign
NGOs	Non-Governmental Organisations
ORAM	Rural Association for Mutual Support
Pamoja	Pamoja Trust
RECONCILE	The Resource Conflict Institute
Renamo	Mozambican National Resistance
SSA	Sub-Saharan Africa
Shelter	Shelter Forum
SPGC	Provincial Geographic and Cadastral Services
ST	CIT's Technical Secretariat
TOLs	Temporary Occupation Licenses
UNAC	National Peasants' Union (Mozambique)
UNCHS	United Nations Centre for Human Settlements (Habitat)
USAID	United States Agency for International Development

Executive summary

Over the last 20 years, growing numbers of non-governmental organisations (NGOs) have diversified from service provision into policy advocacy. They are being credited with considerable impacts on global processes ranging from economic development to democracy. But are these impacts actually occurring, and if so, how are they being achieved?

This report investigates the effectiveness of NGOs' strategies and methods to influence land policy reform. It is based on a study of seven NGOs promoting land reform and land rights in Mozambique and Kenya. Through collaborative research in both countries we explored a number of key questions:

- Do NGOs influence policy or are structural, institutional and political constraints too great?
- Should NGOs maximise their own advocacy roles or focus on building the advocacy capacity of less powerful groups?
- Do NGOs have the skills for advocacy work or should they focus on innovation in development interventions at the community level – showing by doing?
- Can NGOs engage with government without compromising their independence?
- Do donors facilitate or constrain the work of NGOs?
- Is it possible to assess the effectiveness of advocacy work?

Methods

There is no doubt that assessing advocacy impact is important to ensure that activities are best aimed at improving the lives of poor and marginalised groups. It is particularly important that NGOs do take the time to reflect, particularly in organisations where a culture values action over reflection.

However, assessment too often has a patronising 'checking-up' feel about it, is too closely tied to funding and project cycles, is often portrayed as a complex technical process and assessment criteria can obscure what is really important. As a result of this research, we suggest a framework for assessment based on four main areas of impact, each of which can be measured using short and long term indicators:

- Strengthened civil society organisations
- Consultative government procedures and practice
- Pro-poor changes in policy, regulations and legislation
- Direct benefits to and improvements in living conditions of poor groups

We mainly used semi-structured interviews and in-depth individual and group discussions with staff in the selected NGOs, and interviewed key informants in other NGOs, government and donor agencies in each country. We carried out limited fieldwork in communities where the case study NGOs were active, to assess local relations with and perceptions of these organisations.

Main Findings

While the NGOs selected for this study have had significant impacts on land policy processes, the study clearly demonstrates the shortcomings of linear models which separate policy making processes from implementation. Both case studies show that legislation and regulations can be modified, reinterpreted or simply ignored when it comes to implementation, when local level power relations become critical. There are two direct implications of this finding. Firstly, building the capacity of community groups to take informed action is not only important as an end in itself but is also critical to long-term and sustainable pro-poor policy influence. Secondly, many aspects of laws and policies are actually made during implementation, with specific situations determining the practice of a law or policy. Monitoring this process is therefore a key role for NGOs. Despite current shifts 'upstream' from service provision to engagement with policy, the NGOs in the study all feel they need to engage directly with communities and with their immediate concerns and needs if they are to gain legitimacy for advocacy and monitoring.

Other key lessons for practice include:

- NGOs which can provide well-researched arguments to support pro-poor land rights will increase their policy influence.
- Good NGO leadership and relationships with power holders are important for policy influence. However, the way in which leaders engage with their staff and the relationship between organisational culture and policy influencing work require further research.
- NGOs will have greater longer term impact by building the advocacy capacity of representative organisations of less powerful groups.
- The basis and terms of engagement between NGOs and government need to be made clear in each individual case.
- NGOs need to increase efforts to address gender, class, ethnicity and age inequalities in both internal structures and decision-making, and in their work with communities.
- Donor support for NGOs to work on policy development should include support to NGOs' important role in building sustainable policy influence from the grassroots.
- Donor funding for advocacy work should have longer time frames and expectations of what can be achieved should be realistic and context-specific.
- Donors should consider funding NGO core staffing and administration to decrease staff stress and facilitate reflection and learning.
- Qualitative assessments of advocacy work, using simple frameworks and informed by local political realities, should supplement more quantitative output-oriented assessment.
- Assessments funded by donors should maximise learning and not be directly tied to funding cycles.

1. Introduction

1.1 Background

Over the last 20 years, growing numbers of non-governmental organisations (NGOs) have diversified from service provision into policy arenas and processes from which they were previously excluded. Although NGOs are by no means a new phenomenon, there has been a rapid and sustained growth in their numbers across the globe and considerable claims are being made that they are having significant impacts on global processes ranging from economic development to democracy (Lewis, 1999). Their growth is related to a shift in thinking of international agencies which sees a less central role for the state in development and the growing importance of non-state actors. In sub-Saharan Africa (SSA), much of which is very aid-dependent, the influence of external agencies is particularly powerful.

Does reality justify the new found emphasis on NGOs by donors, governments and citizens, and the claims made for their capabilities? Many analysts and researchers on the subject point out that, with the possible exception of South Africa, the NGO sector in Africa is weak and completely dependent on support from international agencies (Bratton, 1989; Edwards, 1999). Certainly African NGOs do not have Latin America's history of rights advocacy organisations with their record of support to progressive popular movements against military dictatorship. Neither do they have the collaboration and institutional linkages that NGOs in South Asia have with government in a range of sectors. It has been argued that African NGOs have gained a positive reputation by default – as a response to shortcomings of state intervention – rather than by any systematic review of accomplishments (Bratton, 1989; Fowler, 1992). Others (e.g. Tripp, 1994) argue that the accommodation between citizen organisations and governments is on the rise throughout Africa and governmental actors are now taking NGOs' role in policy processes seriously.

Policy processes comprise both policy development and implementation and NGOs have multiple roles including advocacy, monitoring, innovation and service provision. The following key questions prompted this research:
- Do NGOs influence policy or are structural, institutional and political constraints too great?
- Should NGOs maximise their own advocacy roles or focus on building the advocacy capacity of less powerful groups?
- Do NGOs have the skills for advocacy work or should they focus on innovation in development interventions at the community level – showing by doing?
- Can NGOs engage with government without compromising their independence?
- Do donors facilitate or constrain the work of NGOs?
- Is it possible to assess the effectiveness of advocacy work?

We selected NGOs for this study which had the promotion of land rights or pro-poor land reform as one of their goals, because:
- Land is essential for the livelihoods of many of the poorest groups in SSA and it has enormous economic, social and spiritual significance.

- Extensive land policy reform is taking place in both Mozambique and Kenya.
- Since land is such a valuable asset, land policy reflects issues of power and social relations, bringing governance and state-society relations sharply into focus.

Initially (in 1999), we chose Kenya and Zimbabwe for this study. They have much in common historically, there are significant pressures on land and NGOs operate in relatively hostile policy environments in both countries. However, with the deterioration of the political situation in Zimbabwe, we chose Mozambique instead since a new land law was passed there in 1997, with substantial NGO participation in its development and implementation. Although Mozambique and Kenya currently have very different forms of land legislation, colonialism imposed, as in so many other countries in SSA, alien legal systems on customary rules for managing land. In Kenya, this has resulted in a range of institutions responsible for land allocation with little coordination between them and significant abuses of power. In Mozambique, the 1997 land legislation has been held up as an example, at international level, of an innovative law which seeks to reconcile customary rights and procedures with contemporary needs and demands for external investment and for development. However, its implementation has by no means been straightforward since, as Wily (2000) points out, tenure reforms embody significant shifts in the balance of state-people property relations. There was therefore much to be shared between the Mozambicans and Kenyans on the difficulties of the actual exercise of land rights by less powerful groups in both societies.

1.2 Objectives and Methodology

The main objective of the research was to investigate the effectiveness of NGOs' strategies and methods to influence land policy reform in Mozambique and Kenya. We recognise policy to be a process – a dialogue between competing and converging interests by various actors and interests in society (Wuyts et al, 1992). There is considerable evidence to show that a linear model of policy making, characterised by an objective analysis of options and a separation of policy from implementation, is inadequate (Sutton, 1999; Long, 2001). In this research we therefore explore both policy development (choosing from alternatives, deciding on approaches and priorities) and policy implementation (converting statements and intent into action with policy often reformulated during implementation) as part of the policy process.

The research was carried out by one key researcher in each country, working closely with the IIED researcher. Four NGOs in Kenya were involved; three organisations working primarily on urban land issues and one working exclusively on pastoral land rights. In Mozambique, three organisations were involved, all of which took part in the dissemination and implementation of the new land legislation.

Our main research methods were semi-structured interviews and in-depth individual and group discussions, with the occasional use of visual tools such as time lines and institutional mapping. Although the focus was interaction with staff in the selected NGOs, we also reviewed relevant literature and interviewed key informants in other NGOs, government and donor agencies in each country. We also carried out limited fieldwork in communities where the case study NGOs were active, to assess local relations with and perceptions of these organisations. In addition, the process of consultation and debate leading to the 1997 Mozambique land law was documented through key informant interviews (Appendix 2).

A second, equally important, objective of the project was to encourage critical reflection on advocacy and policy influence by the participating NGOs. Thus, we engaged in an iterative process with NGO staff over a period of 18 months, providing opportunities for the NGOs to reflect and comment on preliminary findings, in written form and through workshops. We held a final workshop in October 2001 in Maputo which brought together the participating NGOs as well as representatives of LandNet, a recently formed network working on land issues in Africa. This final workshop discussed the findings of the project and allowed Kenyans and Mozambicans to interact and learn directly from each others' experience.

Box 1a: Profiles of participating NGOs – Kenya	
Kituo Cha Sheria	A legal association set up in Nairobi in 1973 to provide free legal advice to poor people. It registered as an NGO after the NGO regulations came into effect in 1992. Initially, Kituo focused on ensuring access to the justice system for individuals, but the changing climate in Kenya and Kituo's experience has resulted in a recent programme of advocacy. The focus is now on urban land rights: providing legal advice and selective representation to informal settlement residents; raising awareness of human rights; training paralegal workers; and forging strategic networks to promote land rights. Kituo is managed by a board of directors and has a staff of 30, including five interns and two volunteers.
Pamoja Trust	Pamoja Trust was set up in 2000 by an ex-member of staff of Kituo. It is registered as a non-profit trust. It aims to facilitate advocacy and lobbying for the rights of the poor, including the right to own and occupy urban land. Pamoja supports communities to put in place structures and systems which empowers them and facilitates their involvement in development programmes and activities. It has three full time staff and four volunteers.
Shelter Forum	A coalition (umbrella organisation) of NGOs and individuals founded in 1990 to facilitate sustainable access to affordable and decent shelter for all, particularly for vulnerable groups. The forum has a membership of about 600 organisations, drawn from professionals in public and private sectors, from development workers, self-help and community based groups. Shelter Forum has a board of directors which works with task forces and committees to coordinate the implementation of activities in various areas: fund-raising and marketing, policy, advocacy, research, technical enquiries, human resource development and legal affairs. At the secretariat level three full-time staff and two volunteers manage the activities with the support of an international NGO (Intermediate Technology Development Group, ITDG).
Kenya Pastoral Forum (KPF)	A network founded in 1991 by NGOs working with pastoral communities. International NGOs played a key role in its establishment. KPF acts as a catalyst in promoting and protecting the interests of pastoralists. It is run by a steering committee composed of both local and international NGOs, government and Community Based Organisations (CBOs). Its focus is information and communication, advocacy and campaigning work. KPF was undergoing administrative and financial difficulties during the research period with a reduced staff of a coordinator and one consultant.

The final objective was to generate a simple framework for assessing the effectiveness and impact of advocacy, based on the findings of the study. The framework was also discussed in the final workshop.

1.3 Selection of Organisations

In this report we use the term 'NGO' to describe intermediary non-governmental organisations and networks of NGOs, and the term 'community-based organisations' (CBOs) to describe location-specific membership organisations.[1] We selected participating NGOs on the basis of their work on land issues, their experience in advocacy and policy influence as well as their willingness to commit time to the process. Key informants helped choose NGOs that were effective interveners in policy processes and that belong to the minority of NGOs in both countries which purport to take a rights-based approach. Given the small scale of this study, only national or local NGOs were selected, rather than international NGOs such as Oxfam or Action Aid, which have very different constituencies and resources. Advocacy

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[1] The term 'intermediary NGOs' is widely used to distinguish between CBOs and NGOs which provide links between CBOs and other institutions – government, donor agencies and the private sector (see for example, the Commonwealth Foundation Guidelines on NGOs [Ball and Dunn, 1995]).

Box 1b: Profiles of participating NGOs – Mozambique	
ORAM (Rural Association for Mutual Help)	A non-profit organisation created in 1992 by members of the Mozambican Christian Council. It seeks to support rural communities, in particular smallholder peasants, with the legalisation of their agricultural land, management of natural resources and other rural enterprises. It has a director, assisted by a board of executive directors. ORAM started with three employees but now has over 200 staff with activities in seven of 10 provinces.
UNAC[2] (National Union of Peasants)	A national peasants' association which grew out of local co-operatives and associations. With the support of the General Union of Co-operatives, UNAC was developed and legally established in 1994. It aims to defend the economic, social and cultural interests of its members, promote the cooperative movement and the rational and sustainable use of natural resources. It has a director, about 50,000 members in 1000 associations and co-operatives and 30 staff in its headquarters in Maputo. Annual general assemblies are held.
The Nampula Provincial Centre for the Land Campaign - NPCTN	The centre was formed in 1998 to coordinate the dissemination of the Land Law 19/97 in Nampula province. The NPCTN includes a number of NGOs and employs a coordinator. Its president is the representative of the Swiss bilateral aid agency, which is the main donor. It has continued to work on land law implementation after the formal end of the campaign.

Note: Staffing levels apply for 2001.

efforts of national NGOs have been even less researched than those of international NGOs.

Advocacy can be defined in broad terms as "*the use of information to improve the lot of intended beneficiaries*" (Davies, 2001:12) or more specifically as "*the strategic use of information to democratise unequal power relations and to improve the conditions of those living in poverty or who are otherwise discriminated against*" (Roche, 1999:192).[3] The second more specific definition is closer to the aspirations of the NGOs involved in this study, which tend not to use the term 'policy influence'.

A brief description of each case study organisation (four in Kenya and three in Mozambique) is provided in Boxes 1a and 1b.

1.4 Report Structure

This section has set out the background, objectives and methods of this study. Section 2 provides an overview of the country contexts, the NGO sectors and the current state of land policy in Kenya and Mozambique, with a discussion of the influence of NGOs in policy processes prior to the research period. Section 3 analyses the participation of NGOs in the policy process more generally, focusing on roles and relationships which influence land policy processes. Section 4 examines the impact of NGOs in Kenya and Mozambique on the promotion of land rights. It also describes a simple general framework to discuss advocacy impact and discusses the potentials and risks of promoting assessment. Section 5 draws out the key findings and lessons from this study. Three appendices provide land rights case studies from both countries. Contact details for NGOs involved in this study, plus other useful addresses, are provided in Appendix 4.

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[2] UNAC, as an organisation of peasants' associations with a central office in Maputo, is neither an intermediary NGO nor a CBO. The term NGO is used for convenience but UNAC's differences with the other NGOs in the study are discussed at various points in the report. Although this study focuses on intermediary organisations, UNAC's important role in promoting land rights led to its inclusion.
[3] See also IIED (2002). *PLA Notes Special Issue on Advocacy and Citizen Participation* which discusses meanings of advocacy and contains short case studies.

2. Country contexts: NGO sectors and land policy reform

2.1 Overview of NGO Sectors in Mozambique and Kenya

NGOs are but a small part of organised civil society, which encompasses a wide range of organisations including trade unions, organisations of producers, church groups, professional associations and different kinds of community organisations.

This report will not attempt to discuss the definitional complexities and usefulness of the term 'civil society', particularly in non-Western contexts.[4] However, it is important to point out that civil society is a contested concept invested with different meanings (Chandoke, 2000) and is "*neither hero nor hooligan*", but a terrain of associational life where social forces compete to create or gain power (Sogge, 1997:41). It is therefore a matter of empirical enquiry to assess how effective different kinds of organisations are in promoting rights and reducing poverty and exclusion.

In Mozambique, the history of NGOs is a short one, given the dominance of the centralised state until the late 1980s and the war which devastated so much of the country until the peace agreement in 1992. Both the colonial and post-colonial states imposed restrictions on associational life. The colonial rulers tried to arrange civil society along the lines of the Portuguese metropole, with the forms of representation of business, labour, farm and other group interests designated by the state. The state used non-governmental bodies to gain adherence to its policies; in return, members of those bodies received state protection and patronage (Sogge, 1997). In the post-colonial period, the ruling party Frelimo preserved some of these patterns of supervision, although the ideology was different. Single organisations of youth, women, wage earners, teachers and journalists were created, ostensibly based on membership, but subjected to state control. All over the country, 'dynamising groups' were set up at places of work and residence to promote state policies and to promote conflict resolution at the local level. Although 'popular participation' was one of the principles reiterated in official discourse, the party/state determined the limits and the levels of this participation. Attempts to establish a unified post-colonial government and to create a sense of national unity among the diverse peoples of Mozambique helped create a political environment where difference of opinion was perceived as dangerous. This tendency was exacerbated as the opposition movement to Frelimo, South African-backed Renamo, gained strength in the 1980s.

Religious groups and mutual aid kinship organisations form the largest category of 'organised' civil society in Mozambique. The space for political action in civil society remained limited until the early 1990s, when multi-partyism was introduced, economic liberalisation policies gained momentum and the relationships between the state, the private sector and civil society began to change significantly. Until 1990, there were only three notable Mozambican service organisations

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4 See Lewis, 2001 for a useful discussion. Rejecting the view that the concept has little meaning outside its Western origins, he argues that local meanings are being created around the concept, as part of the universal negotiation between citizens, states and markets. Using examples to make his case, he concludes that the concept can have both analytical value as well as inspirational power.

with social welfare roles.[5] Since then the number of Mozambican NGOs has grown enormously and includes women's organisations, trade and professional associations. According to the Link Forum of NGOs in Maputo, there are no reliable figures but they do have about 700 NGOs on their database, which includes community based organisations.

As Sogge's 1997 study shows, a number of internal and external factors favoured and continue to favour the emergence of NGOs. Internally, the factors include the taking up of welfare and developmental tasks by religious groupings or movements, the search for alternative employment by professionals, and the wish of parties and politicians to attract resources and to direct them towards constituents. Externally, the most direct factor stems from aid agencies' increased support to NGOs.

As a recent study of the NGO sector points out, Kenya has one of the oldest, largest and strongest NGO communities in Africa (IDR, 2000). Although there is some confusion over terminology, as in the case of Mozambique, it is clear that associational life is extremely rich and varied, with figures ranging from 40,000 to 80,000 organisations. The vast majority are CBOs, including *harambee* or self-help groups, women's and youth associations and a wide variety of cultural, sports and ethnic organisations. It is estimated that over half of CBOs are women's groups or associations. Intermediary NGOs and networks, which are the focus of this study, number about 1,800 at the present time although it is estimated that only about half of these registered NGOs[6] are actually operational (Kanyinga and Mitullah, 2001).

Until the 1980s, national and international NGOs[7] tended to focus on charity and relief activities, welfare and service provision. Through the 1990s, beginning with the re-introduction of multi-partyism in 1992, the Kenyan state lost its dominant role in social and economic development, and its control of political life weakened. At the same time, Kenyan NGOs increased their participation in the delivery of a wide range of development services and, with the pro-democracy movement of the early 1990s, took a more activist approach to promoting democracy. This shift was closely linked to the reduced development assistance given by international donors to the government, due to its inability or unwillingness to affect economic and political reform (IDR, 2000). Instead, donors began providing significant resources to NGOs for civic education, policy advocacy and the promotion of human rights. These internally and externally driven shifts in aims and activities are reflected in the long established NGOs in this study, as well as in the focus of those established more recently.

2.2 Land Policy Reform in Kenya and Mozambique

This section does not aim to reflect the full complexity and diversity of land issues in Kenya and Mozambique – rather it aims to set out some of the common issues in sub-Saharan Africa (SSA), and then provides a brief overview of the current situation in both countries.[8]

The present wave of land reforms in SSA follows a general failure of conversion of customary tenure to individualised freehold rights. Individual land registration and titling dominated prescriptions of the International Financial Institutions during the structural adjustment period of the 1980s and early 1990s. In some countries, it merely reinforced existing strategies, whereas in others it replaced post-independence 'socialist' approaches where all land belonged to the state and could not be bought and

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5 The Christian Council of Mozambique (CCM) founded in 1948; Caritas Mozambique founded in 1977 and the Mozambican Red Cross (CVM) founded in 1981 as a Frelimo initiative.

6 Many CBOs do not seek registration. Some 350 NGO applications, which had been on hold during 1997 and 1998, were reviewed and approved by the NGO board, established under the *NGO Coordination Act*, in September 1999.

7 Since the 1960s, there have been hundreds of international NGOs working in the country, but in the past decade many have begun relinquishing their role of direct service provision to communities. Most continue to act as intermediaries between Kenyan NGOs and bi- and multi-lateral donors. About 25% of the Kenyan NGO sector is composed of international NGOs.

8 Comprehensive overviews and case studies of land issues in sub-Saharan Africa are provided by Toulmin and Quan, 2000, as well as by Bush and Stefzel (2000) and Puplampu and Tettey (2000) in a special issue of *ROAPE - the Review of African Political Economy*, vol 27, no. 84.

sold outright. During the 1990s, there has been mounting evidence of the pitfalls of individual titling, which has had high economic and social costs and negative consequences for the poor (Toulmin and Quan, 2000).

Exploring the history of colonialism in SSA is important for understanding the current situation. Colonialism and the imposition of alien legal systems on pre-existing customary rules has resulted in plural systems of law, giving rise to land claims with conflicting sources of legitimacy. In both Kenya and Mozambique, colonial law (English and Portuguese respectively) created the legal base for alienation of land (usually the most fertile and valuable) to settlers.

In most countries in SSA, nationalisation in the early years was followed by a set of policies to grant private title and redistribute land. Post-independence governments tended to take absolute authority to acquire land for development purposes and to ensure access for all. However, land has provided a source of political power and patronage essential for holding together the various interest groups on which the state depended. Post-independence changes tended to establish a situation of conflicting and overlapping jurisdictions, within which local officials could benefit from rents gained from interpreting the law in favour of wealthy and more powerful claimants.

2.2.1 Land policy in Kenya

The land question remains one of the most political issues in Kenya. In the colonial era, issues surrounding land were shaped by three distinct but related processes: alienation and acquisition of land by the colonial state; use of English property law and celebration of title in the alienated areas; and introduction of individualised tenure reforms in African areas or 'native reserves' (Kanyinga, 2000).[9] The plan to individualise tenure security amongst Kikuyu farmers was meant to stimulate farm investment, agricultural growth and the emergence of a land market. The colonial government hoped to create a new class of farmers, to counter insurgency and promote political stability (Quan, 2000:37). These actions of the colonial state gave rise to squatters without title to land or land rights. They also contributed to the ethnicisation and politicisation of the land question (Kanyinga, 2000).

The immediate concern at independence in 1963 was the Africanisation of land ownership to ensure large-scale participation of Africans in food production and income generation through production of high value crops. Under this scheme, over one million acres of mixed farms were transferred to Africans through land purchase and development loans. However, the scheme integrated only five per cent of Kenyans, thereby creating a new elite (Mitullah, 2001). The skewed transfer of land intensified conflict over land which continues today.

Many institutions are mandated by law, decree or otherwise to allocate land, but allocations have been carried out without following established procedures and without consultation between institutions. Land grabbing and misappropriation of land has taken place, particularly in the 1980s and early 1990s, not only in areas of high economic potential, but also within arid pastoral areas. Most of Kenya's arid lands belong to the state and are held in trust by local county councils, governed by the *Trust Land Act*. The Act recognises the rights of tribes, groups, families and individuals to occupy and use trust land, but does not grant long-term security of tenure and fails to recognise customary arrangements for land and resource access. County councils are prone to allocate trust lands to private interests. Once land is adjudicated and registered to an individual or group of no more than five persons under the *Registered Land Act* and *Land Adjudication Act*, all prior rights over that land are extinguished. This is demonstrated by the case of Iloodo-Ariak, documented later in this study (Appendix 1). Pastoral land has also been gazetted for wildlife conservation and military training. Box

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9 However, Thompson (1997) argues that there is evidence of autonomous privatisation of land rights since the beginning of the 20th Century in Kenya and other SSA countries, influenced by population pressure and the degree of integration into commercial agriculture.

Box 2: Land titling and land rights in Kenya

The sub-division of holdings and customary patterns of land allocation and inheritance have persisted, despite registration. The expected free market in land has not materialised, the availability of agricultural credit has not significantly increased and registers are becoming outdated as heirs or lessees fail to renew registration. In addition, land registration has been accompanied by:
- Increased concentration of land ownership, especially in the hands of the recipients of former settled land and those influential enough to manipulate the registration process in their own interests
- The weakening of customary rights, within households and between different social groups. In particular, registration has increased insecurity among women, especially widows, those without off-farm incomes and those with no male heirs
- Rising rural unemployment, caused by reduced opportunities for share-cropping and tenancy opportunities
- Diminished food security and increased vulnerability to drought among groups whose access to land has been diminished by the titling process
- Increased levels of disputes resulting from individual rights being imposed on pre-existing systems of multiple rights
The inability of poorer farmers to acquire title since the costs are often greater than the benefits

Source: extracted from Quan's summary (2000:37)

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2 summarises the impacts of land titling in Kenya, with a focus on rural areas.

In urban areas, informal settlements have long been a concern, due to high density levels, acute poverty and poor service provision. These settlements are located on both public and private land. A landmark survey in 1993 by a development consultancy firm (Matrix) specialising in urban development, revealed that 55% of low-income Nairobi residents resided on only five per cent of the city's land area (Matrix, 1993). As Wanjala (2001:6) puts it, "*It is in the towns, both small and large, that the problem of shelter has reached crisis proportions*".

The government holds public land in trust for residents of urban areas. Regulations indicate that public land should not be allocated without following statutory procedures, which include the sale of land by public auction (Section 12 *Government Lands Act*). This regulation requires that the time and place of the sale be announced in advance in the *Kenya Gazette*, and that the land be sold to the highest bidder. According to Kenyan legal provisions, it is only the President (who can also delegate responsibility to the Commissioner of Lands) who can allocate public land. Such allocation should be aimed at addressing social imbalances. However, in most urban areas procedures are not followed and government officers often abuse the system of public land allocation, and assist others to whom they are well connected to do the same (Mitullah, 2001).

The other area of concern is the eviction of those living on public land. Regulations indicate that residents should not be evicted from land unless the Commissioner of Lands first gets a court order for vacant possession. This rarely takes place – instead, provincial administrators, the ruling party youth wing and others often evict residents without notice. Settlements may even be set on fire by those who have bought land without following due procedures, and who are unable to develop their plots due to occupation by squatters.

The Nairobi Informal Settlement Coordination Committee (NISCC), formed in 1996, is the first coordinated body aimed at addressing the problems of informal settlements. The committee is chaired by the Provincial Commissioner and is composed of members of the Nairobi City Council (NCC), representatives of community based organisations (CBOs), NGOs, the private sector and government departments. Its formation was due in large part to the initiatives of non-governmental actors working with individuals in the City Council and in particular, with the then Nairobi Provincial Commissioner who was sympathetic to the situation of low income residents. A large number of national and international NGOs, as well as members of UNHCS-HABITAT, worked together to inform and lobby government, following the wave of evictions and demolitions of informal settlements in Nairobi in 1994 and 1995. The study carried out by Matrix in 1993 was used extensively to argue for a moratorium on evictions and demolitions and for a more coordinated approach to assisting informal settlement

residents. The study had noted that a large number of NGOs (both national and international) worked in the settlements with no support from government and little coordination amongst themselves. It recommended that government play an enabling and coordinating role, promoting an overall strategy through the NISCC. Matrix was given a lead role in the process of developing a strategy (NISCC, 1996). The resulting strategic plan, which was officially adopted, covered land, shelter, physical infrastructure, income generation and skills development, environment and health, education and training and cross-cutting issues such as gender and poverty.

All three organisations working on urban land issues (Pamoja, Kituo and Shelter Forum) are members of the Nairobi Informal Settlements Coordinating Committee.

The major achievement of the NISCC is seen to be the granting of a moratorium on demolitions as well as evictions and a pledge to stop any more allocations of settled land for the time being, including the issuing of Temporary Occupation Licenses (TOLs). Although there is evidence of continued evictions and granting of TOLs,[10] the successful process of setting up the NISCC was due to the broad alliances that were formed and key positive personal relationships (between government officials and NGO leaders) which served to open previously closed doors. Key informants in the study also pointed out the importance of donor funding which facilitated essential activities. Timing was important – initiatives taken by NGOs only a year earlier, before the elections, were largely unsuccessful.

In November 1999, a Presidential Commission (the Njonjo Land Commission) was appointed to review the national system of land policy and law, with the intention of recommending a new legislative and institutional framework, including the incorporation of customary tenure into statute law (Okoth-Ogendo, 2000). Some analysts and NGOs argued strongly and successfully for the inclusion of land in the ongoing constitutional review process (Wanjala, 2001), since there is some scepticism about whether the Njonjo Commission will significantly change the status quo on land. The final report of the Commission is due at the end of 2002, but there are no public indications of its content at the present time.

2.2.2 Land policy in Mozambique

Mozambique achieved independence from Portugal in 1975 and under the leadership of Frelimo, established a 'socialist' regime with a single political party and a centrally planned economy. After independence, the constitution stipulated that land and natural resources were state property, which was reaffirmed in the first *Land Act* of 1979. Land was nationalised but not redistributed in any large scale way. Large private agricultural farms from colonial times (many of which were abandoned as settlers returned to Portugal) were transformed into state companies. Rural populations were encouraged to live in 'communal villages' to make it easier to provide state-funded basic services and to provide labour for state enterprises. Although peasants were encouraged to engage in agricultural cooperative development, less than one per cent of state investment in agriculture went to cooperatives, while over 90% went to state farms (Castel-Branco, 1994). However, war between Frelimo and South African-backed Renamo dominated most of the 1980s and millions of people were displaced from their land and their homes.

The introduction of the Economic Readjustment Programme in the second half of the 1980s marked the abandonment of 'socialism' and the move towards economic and political liberalisation. It gave rise to the privatisation process of state-owned companies and to the opening up of the economy to foreign investment. The 1987 Land Regulations permitted concessions for private land use rights to be awarded by the state and established that a title constituted the only legal evidence of the transfer of rights from the state to any national or foreign citizen (Negrão, 1998). The war had created more

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[10] The director of the independent Mazingira Institute, which promoted the 'Operation Firimbi' campaign, argued that the moratorium on evictions has no legal status, evictions have not stopped in practice and that attending NISCC meetings is of little value since it includes powerful provincial state structures which are the very source of many problems for informal settlement residents.

Box 3: Key points in the Mozambique land law: 1997

- Land remains the property of the state; communities, individuals and companies only gain use rights (leases)
- Use rights can be transferred, but not sold or mortgaged
- Use rights are gained by occupancy or by state concession for a period of up to 100 years
- Titles showing the right to use and develop land can be issued, not just to individuals and companies, but also to communities and groups
- Communities or individuals occupying land for more than 10 years acquire permanent rights to use that land and do not require registration documents
- Courts must accept verbal evidence from community members about occupancy. (Verbal testimony was restricted under the previous law, which gave absolute preference to paper titles – this clearly worked against peasants)
- Titles for use rights cannot be issued on land already occupied by others
- Titles for use rights are only issued if there is a development plan; they are issued provisionally for two years and made permanent (for up to 100 years) only if the projected development is being carried out.

Source: J. Hanlon, Peace Process Bulletin, Issue 19, September 1997.

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competition for land in irrigated areas and areas around the cities and main routes, leading to the emergence of land markets (O'Laughlin, 1995). At the end of the 1980s, the prospects for peace between Frelimo and the opposition Renamo resulted in even greater demand for land and in significant concessions of prime land to foreigners, particularly white farmers from South Africa and Zimbabwe. The need to resettle people who had been displaced by the war added urgency to the situation and in early 1990, an ad hoc commission was created to reform land legislation to match new realities. The reformed constitution of 1990 still considered land and natural resources to be the property of the state.[11] However, land became more attractive to foreigners in neighbouring countries as white settlers fled from South Africa with the fall of the apartheid regime and tensions worsened between white farmers and the Zimbabwean government.

Access to land in rural areas is crucial in Mozambique, where 65% of the population and 80% of the poor live in rural areas. Entitlement to natural resource use, in which land is critical, represents the main source of livelihood for the majority of the population. Smallholder agriculture as a whole employs 63% of men and 92% of women in the labour force and represents more than 80% of agricultural production value, contributing 25% to GDP (Braathen and Palmero, 2001).

In 1992, the Land Studies Unit (NET) was set up at the university of Eduardo Mondlane in Maputo to work with the Land Tenure Center (LTC) of Wisconsin, USA which had been contracted by the United States Agency for International Development (USAID) to examine land tenure issues. The early debate on land legislation was promoted by USAID and the LTC, arguing that privatisation should be considered since land markets already existed and should be regulated. The process leading up to the new land law in 1997 (Law no. 19/97) which rejected privatisation, was complex and there were different positions taken by individual international agencies and by different figures in government. The work done by the Land Studies Unit, international organisations such as the Food and Agricultural Organisation (FAO), NGOs such as ORAM and church based groups was important in promoting the idea of community rights to land. Sociological analysis of past and existing practice guided the drafting of the new legislation at every step. A comprehensive discussion of the development of the land law is provided by Tanner (2001). A short account, based on key informants and the experience of the Mozambican researcher in this study (as a member of the Land Studies Unit), is provided in Appendix 2.

The key points of the 1997 land law are summarised in Box 3.

Regulations dealing with rural land were promulgated in 1998 and a Technical Annex to these regulations was passed in 1999.[12] The new legislation is internationally recognised for its innovations to

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[11] As this research documented, as early as 1987, peasants who belonged to the General Union of Agricultural Cooperatives in Maputo put their concerns about possible privatisation and loss of their security of tenure to the Prime Minister (Braga, 2001).
[12] Although the law applies to all land, the regulations for urban land are still being developed.

Box 4: Critical factors in the development of the new Land Law in Mozambique

1. Political liberalisation, increasing freedom of speech and of the press allowed NGOs to influence land policy. It was possible to criticise draft versions of the land law in public without fear of reprisals. Freedom of the press allowed opposing voices to be heard and citizens to be informed of different arguments.

2. In the process of formulation, discussion and approval of the new land law and its regulations, the broad alliance between sections of government, parliament, religious institutions, NGOs, academics and donors was a critical factor in its success.

3. The churches were important and active in this process, promoting dialogue between Frelimo and Renamo, establishing the Diocesan Lands Committees, and supporting the creation of the NGO ORAM to defend the rights and interests of communities.

4. The Latin American experience of agrarian reform positively influenced the Mozambican land reform process. Some individuals - religious persons, academics, and representatives of development agencies and consultants of the United Nations system - were from Latin America and had particular knowledge of and sensitivity to land issues.

5. The fact that individual academics and leaders of non-governmental organisations were respected and recognised for being honest was vital to the success of their advocacy. These leaders were able to engage with different interest groups while maintaining their commitment to promoting land rights for the majority. They were not members of either of the main political parties.

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protect the rights of rural smallholders and pilot cases using the new legal framework show that the model can work (Tanner, 2001:34). However, the law does try to promote greater security of tenure for the smallholder sector while also offering secure conditions for new private investment in rural areas, resulting in considerable tension and conflicts of interests. While the law recognises community rights to participate in the management of natural resources, in conflict resolution and in 'delimitation' (formal setting of the boundaries and registration of community land), the law and its set of regulations are sometimes ambiguous and can be deliberately misinterpreted. To take just one example, Article 27 of the Regulations states that a minimum of three and a maximum of nine people will represent the community[13] (Decree 66/98, Bulletin of the Republic, 8-12-1998, I series). When it comes to consulting communities on investment in community land or neighbouring land, it would be relatively simple for investors to find three people to agree to their requests for land registration. Such problems have already been documented, particularly in Zambezia province (Waterhouse and Braga, 2000:34-36; Norfolk and Soberano, 2000:53-55). Further difficulties in implementing the new law and the current debate in Mozambique on land privatisation will be discussed later in this report.

The key point to be made here is that non-governmental organisations were involved for the first time in legal reforms – in the development of the land law and the two-year dissemination campaign (Campanha Terra – see Appendix 2). Indeed the 1996 National Land Conference to discuss the draft law, involving 200 participants from government, private sector, aid agencies, academics, international and national NGOs has been called "…an exercise in democratic participation hard to equal.. anywhere, north or south' (Tanner, 2001:20).

Some of the factors which contributed to the successful development of the law are summarised in Box 4.

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[13] The Technical Annex is more specific, stating that the work should be done "…with men and women and diverse socio-economic and age groups of local communities" [Article 5, Paragraph 2]. However, this is only in relation to the delimitation of community lands and not, for example, for consultation before concessions are made to investors.

3. NGOs in the policy process: Roles and relationships

This section will focus on the main roles NGOs can play in the policy process and the broad strategies which they use. NGO relations with other actors will be discussed, drawing out differences between NGOs and some key lessons.

3.1 NGO Roles and Activities

Najam (1999) provides a simple and useful categorisation of NGOs' roles in the policy process:
• Monitors – keeping policy 'honest', monitoring implementation and keeping track of events which shape new policies
• Advocates – lobbying (direct contact with politicians and government officials), building strategic coalitions and public support, representing views of particular groups and using information strategically to democratise unequal power relations/improve living conditions of less powerful groups
• Innovators – developing and demonstrating ways of doing things differently and highlighting policy value being missed
• Service providers – direct action to fulfil service needs, especially to marginalised and under-served groups

   All the NGOs which participated in the study carry out activities which fulfil all these roles and functions. Interestingly, even the umbrella organisations, such as Shelter Forum in Kenya or the NPCTN in Mozambique, directly engage at community level, although their primary activities may be coordination, training, networking and dissemination. Although the networks involved in this study felt that this kind of functional specialisation would be necessary in the future, in practice they responded to what they felt were pressing needs, and argued that there were not yet enough organisations working on land issues to warrant such specialisation. Despite current shifts 'upstream' from service provision to engagement with policy, the NGOs in the study all feel they need to engage directly with communities and with their immediate concerns and needs if they are to gain legitimacy for advocacy and monitoring.

   Nevertheless, as we illustrate below, the nature of the services provided by these NGOs has changed from more welfarist service delivery to helping communities promote their own interests and meet their own needs. However, this shift is by no means representative of the majority of NGOs in either country, which continue to be oriented towards service provision rather than rights advocacy.

   Box 5 summarises the activities which NGOs fulfil in each of the roles. Many activities serve more than one role or function but there is a useful distinction to be made between activities which are primarily directed at advocacy or monitoring and those oriented towards innovation, capacity building and service provision.

Box 5: Roles and activities	
Roles in policy process	Activities
Monitoring and advocacy	• Direct lobbying (informal and formal contacts) • Building strategic coalitions (different levels from community to international) • Mobilising public support (use of media, audio-visual methods, demonstrations) • Research/collecting information as a basis for monitoring and advocacy
Innovation, capacity building and service provision	• Housing and credit programmes (Kenya) • Resettlement of urban residents (Kenya) • Conflict resolution methods • Participatory methods • 'Delimitation' of community land (Mozambique) • Group formation/leadership training • Channelling requests for support from communities • Information and training on land and housing issues

3.1.1. NGO activities to promote land rights in Mozambique

Innovation, capacity building and service provision
In Mozambique, all three case study organisations continue to disseminate the new land legislation. ORAM and NPCTN hold training courses for state employees, such as district administrators, other NGOs and sometimes the private sector. The land campaign (1997-99) was directed at civil society groups; in many locations they were better informed about the new land law than local level government officials, who are therefore in need of training. ORAM and UNAC continue to carry out dissemination work at community level. In the case of NPCTN, it is their affiliated organisations which carry out this work, using materials produced by the land campaign and producing their own in local languages.

Both UNAC and ORAM promote the formation of peasants' associations (which are community based organisations). UNAC has developed leadership courses for its members. Although the associations have wider functions in relation to the productive use of a range of natural resources, they have also served as organised channels to voice community concerns in the case of land conflicts.

During the formulation of the land law regulations and 'technical annexes', the 'delimitation', or setting of boundaries and registration of community land was much discussed (Braga, 2001). Some argued that it did not make sense, having struggled for occupation rights to be recognised, to then opt for a process which leads to the issue of formal titles. However, delimitation is considered by many to be important to ensure community rights to land and donor agencies currently finance a range of these projects, implemented by NGOs.

Although they take different approaches to the problem, the organisations in this study all participate in efforts to resolve land conflicts. ORAM and NPCTN tend to directly contract researchers and lawyers to defend community rights, while UNAC tends to provide information and organisational contacts to its members. ORAM is studying the possibility of carrying out a nationwide training plan for paralegals, to support community members in defending their land rights.

3.1.2 Advocacy and monitoring

NGOs lobby using informal contacts with government and politicians, but also use the media to voice opinions on land issues. This is seen as being an effective strategy which has only become possible since the increase in freedom of the press in Mozambique in the second half of the 1990s. However, com-

municating through the media has its problems. The daily national newspaper, *Notícias*, is mainly controlled by the ruling party, while the independent newspapers, distributed daily by fax or email, are accessible only to a minority of the population. There is no guarantee that the media will report accurately – or at all – the activities and opinions of NGOs, particularly when they disagree with central government views. For example, when UNAC disagreed with some aspects of the land bill drafted by the Cabinet, it had to pay for space in the newspaper to draw attention to its objections.

The NGOs involved in this study have an important role in monitoring and exposing violations of the land law, particularly the usurpation of community land. Both UNAC and ORAM responded to community complaints about the establishment of Zimbabwean farmers in large areas in the province of Manica. Leaders of UNAC visited the area to verify if the farmers had established themselves in areas previously occupied by communities. They contacted the regional and provincial directors of agriculture, who had no knowledge of the subject because *"everything had been decided at central level"*. ORAM also went out to verify the situation on the ground but then commissioned a study. ORAM's legal advisor had a dialogue with the Minister of Agriculture and the news was published in the media. Although both organisations intervened, the availability of human and financial resources are very different for the two organisations, with ORAM commanding greater resources as a professional, intermediary organisation. However, in this case, the interventions of both NGOs were unsuccessful in halting the settlement of Zimbabwean farmers.

3.1.3 NGO activities to promote land rights in Kenya

Innovation, capacity building and service provision
Of the four organisations which participated in the study, Pamoja Trust focuses most on work at the community level in order to build capacity for policy influence. Pamoja promotes credit and savings groups to bring informal settlement residents together and to build community structures capable of addressing land and housing issues. This strategy was a response to expressed needs for income to tackle land and housing problems. Through these interactions, Pamoja provides communities with support in lobbying skills, policy influence, coalition building, and research aimed at identifying community resources. It encourages community exchange visits as a means of capacity building.

Pamoja has worked to nurture Muungano wa Wanavijiji, a coalition of informal settlement dwellers in Nairobi. Muungano emerged in the period when communities were extensively affected by evictions (1993-95). Individuals from different communities came together to form the nucleus of what is now Muungano. Muungano also works closely with Operation Firimbi (Firimbi is the Kiswahili word for whistle), a campaigning network coordinated by the independent Mazingira Institute, which mobilises people to raise the alarm whenever public land is grabbed or interfered with in any way.

Kituo trains paralegal workers within informal settlements and creates awareness through workshops on legal rights, especially those relating to land and labour. Kituo also assists communities to resist eviction, undertakes litigation when necessary and if this fails, pursues the option of resettlement. This organisation also supports the development of community structures, and has worked closely with Muungano wa Wanavijiji and civil servants who work with informal settlement residents.

At community level, Shelter Forum uses community based training workshops to inform residents about shelter improvement. It also organises land security clinics and facilitates CBO links with other NGOs and the media. Shelter Forum has helped women in two informal settlements, Mathare 3B and Redeemed Church, to produce a video, *"Telling our Story"*, aimed at telling policy makers about the problems facing women in informal settlements. Shelter Forum also organises exchange visits and supports communities through partner CBOs in physical planning and housing design.

The Kenya Pastoral Forum does not work directly at the community level but supports its

members' work, for example through information and advice. A good example is its support to the Mainyoito Pastoralists Integrated Development Organisation (MPIDO), which has been struggling to retain community land tenure and regain pastoral land which the community lost in 1978 (see Appendix 1).

3.1.4 Advocacy and monitoring

At the national level, Shelter Forum has engaged in research and information dissemination; at international level it was the regional focal point for the African caucus in the Preparation Committee for the Habitat +5 conference. Shelter Forum is currently transforming itself from Shelter Forum, Kenya (national), to Shelter Forum, East Africa (regional). The organisation is in the process of building up an advisory communication network through its website. Shelter has carried out research on alternative forms of land tenure and housing standards, packaging information for different groups, including policy makers, practitioners and citizens. This has involved producing three 'kits', including one on land. Shelter has had a key role in bringing together different stakeholders' views, leading to the revision of the Building Codes in 1995 and to a new draft housing policy (1999).

At city level, Pamoja and Kituo facilitate the exchange of ideas among professionals, NGOs and other development actors who have skills on land issues, by organising forums, networking and exchanging experiences in the area of urban land and housing at city, national and international levels. The city level networking is done in close collaboration with provincial government administrators.

The Kenya Pastoral Forum lobbies and participates in national committees, supports direct community protests, provides information tailored to different groups of policy makers and aims to strengthen cooperation among members. The organisation also networks with various international organisations working on issues affecting pastoral communities. The Pastoral Forum, in collaboration with MPIDO, influenced the drafting of the Land Adjudication Amendment Bill of May 1999, to nullify the adjudication of community land, by engaging researchers and advisors to make recommendations.

During the last two years two new NGOs addressing land issues have been established: The Resource Conflict Institute (RECONCILE) and the Kenya Land Alliance (KLA). RECONCILE focuses on four sectors which hinge on land: forestry, agriculture, fisheries and pastoralism. Its key concern is to come up with policies which reconcile competing natural resource needs. It focuses on existing capacities within resource-dependent communities as well as building new capacities in response to emerging conflict over natural resources. The Kenya Land Alliance is an umbrella organisation that harnesses the efforts of member organisations and individuals to advocate for a national land policy in Kenya.

3.2 NGO Relationships in the Policy Process

3.2.1 NGO relationships in Mozambique

Relations with government

At the central level, both UNAC and ORAM interact regularly with government, for example, by participating in the inter-ministerial Land Commission as 'permanent invited members'. At provincial levels, all three organisations engage in dialogue with district administrators, the police and the Provincial Geographic and Cadastral Services (SPGCs) usually on specific issues of community land registration and land conflict.

The training which ORAM and NPTCN has carried out for government officials has served to cultivate positive relationships, sometimes facilitating later interactions on land issues and speeding up bureaucratic procedures. Nevertheless, all the NGOs which participated in this study complained

that SPGCs present obstacles to the promotion of land rights for peasants and this is corroborated by a detailed study in Zambezia province (Norfolk and Soberano, 2000). SPGCs tend to lack the means to carry out their work effectively and are sometimes unfamiliar with and even hostile to the new law, tending to neglect questions of community consultation.[14]

Despite the new law, government officials have continued to use their position to usurp community land and/or ignored the stipulation to consult communities, to promote their own interests. It would require a different kind of research project to analyse the extent of these practices, but NGOs which participated in this study had many examples of such abuse. The Zambezia study (Norfolk and Soberano, 2000) documents considerable resistance to the implementation of the land law by district level authorities. UNAC and ORAM in particular, have taken positions on behalf of communities and contested the decisions of government officials, sometimes at the highest levels of a province. Some of these NGO interventions have been clearly successful while for others the situation remains confused and communities have had to give up land, as illustrated by the case of Mafavuka (Appendix 3).

Government, on the other hand, is unsurprisingly ambivalent about the growing roles of national NGOs. Some officials interviewed view intermediary NGOs with a degree of suspicion, questioning the extent to which staff want to support development processes and the extent to which NGOs have become a vehicle for individuals to gain access to employment and resources.

Government is not a monolithic entity and NGOs do have good relationships with individuals in many parts of government. Although NGOs have gained the space to participate in policy processes, there is still a feeling on the part of some NGOs and government that this is a privilege which can be withdrawn, rather than a right.

Relationships with donors
It is impossible to generalise about the relationships between NGOs and donors. In the land campaign, for example, some aid agencies were part of the National Committee (see Appendix 2) and were felt by NGOs to have had an active role which went beyond funding activities. But relations were also strained in some cases. For example, ORAM received such volumes of funding to implement training and de-limitation projects on community land that it has had to grow extremely quickly, generating a series of capacity problems. The fact that donors tend to require competent organisations to implement projects, combined with a certain incapacity and/or lack of time on the part of NGOs to adequately analyse pro-posals, can undermine the effectiveness of good NGOs. In addition, national NGOs have lost staff to in-ternational NGOs which offer better wages and conditions than they are able to provide.

UNAC has started to be a vehicle for some donors interested in funding agricultural development projects. According to a UNAC leader, some members are therefore beginning to perceive the UNAC headquarters in Maputo, not as its own central structure, but as an institution for funding support.

The relationship of NGOs with donors is therefore problematic. NGOs involved in the study felt that their dependence on aid agencies for funds was a constraint and that the different policies and procedures of different agencies were difficult to handle. However, they felt that, in general, donor involvement functioned positively to put pressure on government for pro-poor land reform.

Relationships with other NGOs
The land law dissemination campaign was an exemplary form of positive coordination for a common objective, with different kinds of organisations pooling their efforts. Contact between NGOs is less fre-quent now that the two-year campaign is over, but relations continue to be positive. Nevertheless, NGOs did indicate that there was some competition for funding and for areas of activity.

All the NGOs in this study have expanded their networks at regional and international levels and

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[14] A study in Zambezia, however, found that ORAM staff did not always follow land registration procedures and the shortcuts they took were then used by SPGC as an excuse for not respecting community rights (Waterhouse and Braga, 2000).

some relationships were seen to be particularly positive and productive, for example that between UNAC and the Via Campesina in Brazil. NPTCN, being a provincial level organisation, feels more isolated and is interested in expanding its own international linkages.

Relationships with communities

The three case study NGOs have different relationships at community level, linked to their very different structures. Since NPCTN is an umbrella organisation, it does not focus its own work at community level although its staff do intervene directly in land conflicts. Most rural people do not possess identity documents and therefore fear approaching government officials with land-related complaints in case they are arrested for not having these documents. NPTCN argues that its member NGOs should approach government on their behalf to avoid this risk.

ORAM is an intermediary organisation, but cultivates strong links with communities through the promotion of associations and through the work of its provincial staff. One of the reasons that associations are encouraged is to facilitate the registration of their land through the delimitation process.

UNAC is not an intermediary NGO, but an organisation of members (peasants associations – CBOs) with a national structure based in Maputo. The central coordinating office of UNAC emphasises that peasants themselves should defend their rights and interests and participate directly in policy processes and encourages interchange between associations across the country.

All the organisations see themselves as representing the interests of communities and are aware that it is this claim that allows their participation in many policy processes. Issues of accountability to communities themselves are perhaps not reflected upon or addressed enough, except perhaps by UNAC, which struggles not to be treated as an intermediary NGO.

To assess community opinions of NGOs for this study, the Mozambican researcher carried out fieldwork in Nampula province. Besides interviews with key informants in Nampula city, seven focus group discussions (women, men, community leaders and association leaders separately) and three individual interviews were carried out in the localities of Namialo and Rapale.[15]

The fieldwork revealed considerable confidence and trust in NGOs, in particular, as a vehicle of communication between local people and governmental authorities. This is at least partly due to the way in which communities perceive the working methods of government employees. As some poor community members in Nampula put it: "*The government just gives orders, this is their way of working... they say ... this year we want this, that and the other...*". Members of one peasant association in Nampula were positive about NGO support through literacy courses, basic management courses and on the new land law but negative about government employees who "*only know how to sign documents*". The fieldwork in Nampula also revealed abuses of power by government employees in relation to the expropriation of agricultural produce, without any payment whatsoever.

Communities' positive perceptions of NGOs relate, at least in part, to the absolute control that the post-colonial state (as well as the colonial state) exercised until fairly recently. In other words, more consultative approaches were much appreciated, even if NGOs use these to varying degrees. More critical views of NGOs were also expressed during the fieldwork, with elected members of a forum of 104 peasants associations stating that some NGOs did not 'teach' them enough; that is, they did not show communities how to go about solving problems themselves and who to go to in positions of power, making them very dependent on NGOs.

Group discussions with community members in both the north and south of the country indicated that NGOs only tended to engage in dialogue with leaders and that women and young men were usually not represented at these meetings.

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15 In addition, a visit was carried out to Mafavuka, in the district of Namaacha, Maputo provice to investigate a land conflict in which UNAC had intervened (see Appendix 3). In Mafavuka, two key informant interviews and three focus groups were carried out (older women, men and community leaders).

3.2.2 NGO relationships in Kenya

Relationships with government

Of the four case study NGOs, Shelter Forum works most closely with government, perceiving it as a key working partner. It is sympathetic to government's lack of resources and sees good professionals in government becoming subject to overwhelming political forces, particularly when it comes to land issues. Shelter focuses on consensus building as the key approach to policy influence and will not use confrontational approaches which would jeopardise its good relations with government. Some members of Shelter are critical of this stance and feel that the organisation is too close to government, compromising its effectiveness.

Kituo and Pamoja keep a lower profile in joint fora with government. Their primary dealings with government tend to be on behalf of poor communities faced with land conflicts and eviction. But it is often provincial level government officers who are involved with misappropriation of land (as acknowledged by reports such as UNCHS/GoK, 2001). Kituo has filed legal cases against government and Pamoja supports communities to resist eviction, making their relations with government somewhat strained. Nevertheless, both Kituo and Pamoja try to foster good working relationships with departments and individuals that are sympathetic to their objectives. The Kenya Pastoral Forum feels that its relationship with government cannot be generalised, it works well with some departments while others are hostile.

Although wider moves for democratisation have led to greater involvement of NGOs in policy processes, there is little doubt that many parts of government tend to view NGOs which are firmly and vocally on the side of poor communities, as a threat. An interview with a director of an independent institute which has been active on land issues described the situation in the following way: more 'activist' NGOs have, through direct action, opened up political space which is then co-opted by middle-of- the-road, 'professional' NGOs. In this view, NGO autonomy and independence from the state is critical, since the state is a major cause of the problems facing less powerful groups. Pressure 'from without' is seen to be more effective in the longer term than close relationships with government.

Relationships with donors

In general, the NGOs involved in the study have good relations with donors, who are seen to have had an important role, as in the Mozambican case, in supporting their work. However, the NGOs were concerned about some donors' views of advocacy work, which is treated in the same way as service delivery programmes which can show quantifiable results in a short space of time. NGOs felt there was insufficient recognition by donors of the difficult, long-term nature of advocacy which cannot be assessed using conventional impact indicators.

Most NGOs do not have access to long-term funding, and the majority of donors are unwilling to fund core costs or secretariats. Yet such donors still require a well-run organisation able to keep good records and ensure good financial management. KPF has recently had a strained working relationship with donors, although as our research ended the director noted that the situation had improved. KPF pointed out that the donors' emphasis on accounting and transparency without providing an adequate budget for this work is problematic. Short-term funding leads to much time spent in pursuit of funds, leaving inadequate time for planning and reflection. KPF illustrated the pressure exerted by donors by noting that "proposals run an NGO's life" and while proposals take a long time to develop, they often result only in short-term funding.

Relationships with other NGOs

Existing collaboration and relationships between the NGOs working on urban land issues are good. The three case study NGOs have common but distinct activities to promote land rights, each organisation with a distinct focus. Pamoja facilitates workshops among various stakeholder groups and works to

build community structures, while Shelter Forum concentrates on networking, documentation, promotion of infrastructure and related issues. Kituo concentrates on providing legal aid, including legal representation, to informal settlement dwellers. Following our research, urban NGOs have come together further and presented, for the first time, a joint position in their engagement with the Government of Kenya and UNCHS-Habitat Collaborative Nairobi Slum Upgrading Initiative, arguing that it was necessary to lay down principles and a policy framework which would go beyond one settlement and provide a basis for urban upgrading.[16]

The relationship between local and international NGOs is often akin to that of local NGOs with donors. Many local NGOs rely on international NGOs for funds and in some cases, it was felt that this compromises their independence and focus. On the other hand, international NGOs often choose working partners based on their existing focus, and where they do not find one, they may encourage an individual or a group to establish a new NGO (Mitullah, 2001).

Relationships with communities

Our community-level research in Kenya involved a short questionnaire-based survey covering 106 respondents in Kajiado and in Nairobi, in areas where the case study NGOs were active. However, fieldwork elicited perceptions of a whole range of intermediary NGOs working in these communities, rather than the specific work of the NGOs included in this research.

Most respondents in both Nairobi and Kajiado acknowledged the positive work of NGOs, observing that it was improving the environment and education, increasing awareness and creating self-reliance. However, some respondents did not view NGO activities as important to their development. They indicated that the work of NGOs was poor (nine per cent), and that they were causing divisions within communities (eight per cent), while another six per cent felt that NGOs should consult communities better. A total of 24% of respondents was not satisfied with NGO activities within the two areas covered in the survey, which indicates that NGO relations with communities are not always positive.

The survey also tried to assess whether communities felt that their leaders represented the various groups in the community. Interviews in both Nairobi and Kajiado showed a mixed response. In Nairobi, while 60% of respondents thought their leaders represented their interests, 40% did not. The latter observed that leaders tend to discriminate against certain sections of communities, gave false promises and worked with NGOs to exploit communities. In Kajiado most respondents did not make this assessment, partly due to lack of information on NGO operations but also partly because of the limitations of using a questionnaire administered by research assistants to study such issues.

Turning to the NGOs involved in this study, the work of Pamoja Trust was most rooted in communities living in informal settlements. Their work was specifically mentioned in interviews with both key informants and households within Nairobi. Community mobilisers have supported community members to lobby their chiefs and assistant chiefs about problems affecting their lives, pressuring these officials to take up these issues with higher authorities.

For many years, Kituo cha Sheria concentrated on enabling poor groups to gain access to institutions of justice, without trying to influence government and without involving communities. In its recent shift towards advocacy, the starting point for both Kituo and Pamoja is organising communities to facilitate the emergence of democratic governance structures that enable voices to be heard and collective action to be taken. Considerable awareness was shown by these NGOs of the heterogeneous composition of communities, issues of conflict and the lack of cohesive democratic structures for representing different interest groups at local level.

In Kajiado, community members covered in the survey acknowledged the efforts of the Manyoito

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[16] According to one participant in this research project, formal and informal discussions at our final workshop in October 2001 helped to achieve this more united position, in what participants informally referred to as the 'Maputo declaration' (Personal communication from Odindo Opiata, Kituo Cha Sheria, Nairobi).

Pastoralists Integrated Development Organisation (MPIDO), which is a member organisation of KPF. MPIDO has worked to regain land which had been 'adjudicated' and given to individuals outside the community and community members were still hopeful of getting their land back.

3.3 NGOs' Internal Relationships

Internal organisational structure and functioning were not a key focus of this study. Nevertheless, in interviews and the final workshop, NGOs were asked to identify if and how internal organisational aspects affected their policy influencing work.

This is obviously a particularly sensitive area to discuss in fora where NGO staff and leaders are present. Staff tended to emphasise that 'good' leadership was important. One of the few studies on NGO leadership (Carroll, 1992 cited in Lewis, 2001a) found that NGOs which were good at service delivery and participation were headed by strong, charismatic single leaders or managers with "*extraordinary vision and personal commitment*". NGOs in this study tended to be led by charismatic and committed individuals. However, NGO staff in the present study also emphasised that good leaders value team work, staff participation in decision-making and consensus building. It was also pointed out that "*some leaders take personal credit for the achievements of an organisation*", an attitude which is not going to motivate staff as much as acknowledging the importance of team work. Only one organisation pointed to a lack of women in leadership positions at community and NGO levels as being a problem in advocacy work.

There was general agreement that internal democracy is important to promote organisational objectives of wider democratic processes, and that "*it is important to practice what you preach*". Lewis (2001:155) states that "*a common area of internal NGO weakness is that of governance structure and process, which is rarely discussed in the NGO literature*". If NGOs see themselves as having a key role in challenging class, gender and other inequalities in society, then promoting democratic and participatory approaches are critical in both programming work and internal organisation. In other words, if societal divisions and inequalities are not to be replicated within NGOs, leaders and staff have to actively seek to address these issues internally (see Kanji and Hirvonen, 2000 for a discussion of women's organisations in Mozambique). However, the ways in which internal democracy influences NGO external work requires further in-depth research.

Effective advocacy, at least in the short term, may not be directly linked to organisational structure and process. Fowler's argument that "…*decision-making must be consultative enough for shared ownership of the outcomes and directive enough to be timely*" (Fowler, 1997:61) is particularly relevant for advocacy work where timely action may be critical. In the longer term, however, a leader who builds an organisational culture which values the strengthening of local community groups, rather than the NGO itself, may encourage more 'sustainable' policy influence.[17]

Another internal constraint to good advocacy work raised by NGO staff was insufficient training and staff development. In NGOs like Kituo in Kenya, staff trained as lawyers found themselves ill-equipped to take on wider advocacy work although there was much 'learning by doing'. In Mozambique, staff in all three NGOs voiced the need for training in community work as well as complaining about the lack of time for planning, monitoring and reflecting on the impact of their activities.

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[17] An evaluation study (Edwards, 1999, 77-80) which compared two NGOs in south Asia argued that the more successful one had *a shared organisational culture* that had been built up through long-term education and dialogue about the causes of poverty and the appropriate response to it, which created a high level of commitment, selflessness and a *determination to hand over power at every opportunity* during the course of the NGO's development work with the result that local community groups, rather than the NGO itself, were gradually strengthened through the NGOs work. (our italics)

4. Assessing the impact of NGOs on land policy processes

4.1 Frameworks for Assessment

Current project-focused monitoring and evaluation systems and methods used in development aid are clearly inadequate for assessing the value of advocacy work because the objectives, outputs and time frames are so different. Although it is still an underdeveloped area (Edwards and Hulme, 1995), a particularly useful 'scoping study' has been carried out by Action Aid to document how various NGOs have approached the assessment of advocacy work (Chapman and Wameyo, 2001). The Institute of Development Research (USA) developed a framework which uses five key dimensions (Box 6).

The framework developed with NGOs in this project builds on the IDR framework, and on work by David and Coates (2000) which suggests distinguishing between short and longer term indicators of change. We use slightly different categories and terms and suggest four key areas of impact (Box 7).

As Chapman and Wameyo (2001:21) point out, it is important to assess these areas and indicators separately by gender. We would add that it is also important to look for other dimensions of diversity and/or inequality that may be relevant in each new situation.

The order in which the dimensions are listed does not imply any causal or linear directions; changes can take place in parallel, or in one dimension and not in another. However, there may be trade-offs between NGOs trying to influence policy change and trying to strengthen community groups. As Jane Covey (cited in Chapman and Wameyo, 2001:10) puts it: "It often appears that trade-offs must be made, at least in the short term, between policy gains and strengthening grassroots associations. Lobbying actions can't wait for slower-paced grassroots education and participation efforts". Thus a strong

Box 6: The IDR Framework: Charting Advocacy Impact	
Dimension	Impact
I. POLICY	Change in public policy, program, practice or behaviour
II. PRIVATE SECTOR	Change in policy, program, practice or behaviour
III. CIVIL SOCIETY	Strengthen and expand civil society's capacity, organisation, accountability & clout (power), expand members' skills, capacities, knowledge, attitudes & beliefs; and increase overall social capital reciprocity, trust and tolerance
IV. DEMOCRACY (Political system & culture)	Increase democratic space, expand participation & political legitimacy of civil society, as well as accountability and transparency of public institutions
V. INDIVIDUAL	Improve material situation such as concrete living conditions and opportunities for health, education and work; expand attitudes, beliefs and awareness of self as protagonist and citizen with rights and responsibilities

Box 7: Framework for Assessing NGO Policy Influencing Work		
Area of Impact	Indicators of progress	Indicators of change and longer term impact
1) Strengthened civil society organisations Other NGOs Movements/networks CBOs, trade unions, and others	• Increased knowledge, skills and capacity of individual groups – increased effectiveness • Greater collaboration and trust between organisations/groups	• Independent action of civil society groups, especially CBOs, to influence policy decisions
2) Consultative government procedures and practice	• Greater recognition of role in policy processes of civil society groups • Increase in fora and range of decisions where civil society groups can participate	• Changes in accountability and transparency of public institutions
3) Pro-poor changes in policy, regulations and legislation	• Increased dialogue on issue • Raised profile of issue in media, public debate • Legal test cases	• Changed policy • Changed legislation • Policy/legislation widely implemented
4) Direct benefits to and improvements in living conditions of poor groups	• Greater awareness of rights, and power systems which withhold rights • Resolution of conflicts in favour of poor groups • Exercise of rights on specific issues	• Improved access to basic rights such as land and shelter, income, food, health and education

professional advocacy NGO sector may develop with a weak and disorganised grassroots base. In the longer term, this may not lead to sustained efforts to balance the power of decision-makers in society.

Davies (2001) makes a similar point about international campaigns, where time bound advocacy objectives may have merits in their motivational effects and encouragement to review progress frequently, but where there is a lack of fit between the international campaign and the speed of expected responses of Southern NGOs and governments. A similar dynamic may operate in national level advocacy work between NGOs and local government/local communities. In other words, understanding the differing pace of change at different levels in different contexts is important for setting up realistic objectives and indicators of NGO work.

4.2 The Impact of NGOs in Mozambique

Box 8 summarises the positive impacts of NGO work on policy processes which promote land rights in Mozambique. The areas which could be strengthened are also discussed in this section.

Civil society organisations strengthened
ORAM and UNAC have been involved in considerable community capacity building, supporting the formation of new peasant associations and groups and strengthening them through literacy training, leadership courses and exchanges between associations. ORAM has supported the development of innovative community land councils in the provinces of Zambezia and Sofala. Increasingly, peasant groups actively seek the assistance of NGOs to resolve land conflicts or to make land claims, for example, of areas which were held by companies such as Lomaco in Chokwe, but which were not being put to productive use. This attests to the success of the land law dissemination campaign and ongoing dissemination since then, in which all three NGOs were involved.

Box 8: Areas of NGO Impact in Mozambique	
Area of Impact	Indicators of progress
Civil society organisations strengthened	Formation and strengthening of peasant associations and community level groups
	Information used by community level organisations on the new land legislation
	Formation of community land councils in Zambezia and Sofala provinces
Consultative government procedures and practice	Participation in committees set up by government, particularly the Inter-Ministerial Land Commission
	New institutional partnerships (for example, government, local and international NGOs in Zambezia province)
Pro-poor changes in policy/legislation	1997 land law in Mozambique
Direct benefits to poor/less powerful groups	Resolution of land conflicts in favour of communities
	Delimitation of community land
	Local level development projects

However, NPTCN needs to consider further if its member organisations are actively working to build the capacity of community groups to engage in policy processes on their own behalf. NGOs in Mozambique need to build their own capacity in participatory methodologies for community work. The conscious and active promotion of more democratic and participatory working methods, both internally and externally, may be useful to all the NGOs involved in this study, given the legacy of top-down approaches in Mozambique (see section 3.3 and the discussion earlier in this section on the importance of building grassroots capacity). As one literature review of (urban) NGO work with grassroots organisations pointed out, "*Whilst NGOs ostensibly promise to assist the poor to achieve empowerment, on many occasions they are reluctant to relinquish control*" (Mitlin, 2001:164).

The extent to which NGO work at community level is inclusive of less powerful groups, such as young men and women, has been called into question by this study (see section 3.2). NGOs need to reflect further on how they can support more equitable development at this level. This is closely tied to the point above on more democratic and participatory working methods.

Consultative government procedures and practice
The process surrounding the approval of the 1997 land legislation constituted a significant change in the previous practice of policy making by the Mozambique government. The work of NGOs was critical for achieving broad public debate and consultation with a wide range of civil society organisations. ORAM and UNAC created a precedent for the future by participating in the Technical Secretariat of the Inter-Ministerial Commission. The existence of an institutionalised partnership in Zambézia between ORAM, SPGC, and the international NGO World Vision constitutes a recognition of NGO work and credibility.

However, although the views of these NGOs were heard on other legislation, for example, reservations on the procedures to be followed in granting licences to private sector investors in the new Forestry and Fauna Bill (Norfolk and Soberano, 2000), their views were not necessarily taken into account. Similarly, the settlement of Zimbabwean farmers in Manica province went ahead despite NGOs' views on how this undermined community land rights in that area. Gaining ground for more democratic processes is not a linear process and NGOs have to be vigilant and confront changing balances of power between different political and social forces.

Pro-poor changes in policy/legislation

The new land law, its regulations and technical appendix are without doubt the NGOs' greatest success with respect to legislative reforms. According to one government leader, NGO involvement in this process was fundamental because it allowed broad dissemination of the draft law and wide participation in the formulation of legal instruments. The success can be seen as much in terms of changes in the process of formulating the law as in the actual content of the law.

However, a notable gap in the work of NGOs relates to urban areas. The access of poor groups to land in urban areas has been little studied and the regulations which apply to urban areas are still being developed.

Direct benefits to poor groups

A number of conflicts between community claims to land and companies, government officials and even officials of the armed forces seeking to take over land have been resolved in favour of communities, with the direct and active support of NGOs.

The NGOs involved in this study gave examples of successful cases:

• The attempts of the district administrator in Rapale, Nampula to take over community land were blocked with the assistance of NPTCN.
• UNAC intervened successfully to support communities in retaining land that the company Martins de Azevedo tried to take over in Manhica district, Maputo province. Similarly, a high-ranking official of the armed forces was prevented from taking over land in Manica.
• ORAM was instrumental in resolving land conflicts in favour of communities in Nante, Zambezia province.

However, this study was not designed to assess community benefits from the new land legislation, nor could it capture the cases in which community land has been lost. The case study of Mafavuka in Namaacha district, Maputo province (Appendix 3) shows how important it is to closely monitor situations on the ground. In this case, the district administrator tried to convince local residents to 'share' land with South Africans and Koreans who arrived in the area. UNAC publicised the case using the press and TV. UNAC was informed by government officials that the situation had been resolved, but our fieldwork established that the situation had in fact worsened. Construction of buildings had begun and land had been fenced off.

The difficulties faced by rural communities with a primarily oral tradition in dealing with state bureaucracy cannot be underestimated. Increasing corruption, private sector interests, lack of representative organisations at community level, lack of capacity of the cadastral services and ambiguities in the interpretation of the law all prevent communities from exercising their legal rights to land. What seem to predominate on the ground are the extremely unequal power relations between members of communities and government officials, commercial farmers and private companies.

The delimitation of boundaries and subsequent registration of community land has been carried out in a number of provinces with the assistance of NGOs and where these have been accompanied by local development projects, this has been of direct benefit to the communities involved.[18] There are few resources to pay for delimitation (community or government) and projects are donor funded. Despite the earlier discussion of whether delimitation in fact implies too much focus on registration documents and undermines the spirit of the law which promotes occupation rights, there is a strong argument that this is the best form of defence of community land rights, particularly in areas where private sector concessions have been requested (Norfolk and Liversage, 2002). However, the delimitation of community land should not be viewed as mutually exclusive to the granting of investor concessions, as

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[18] However, there are no clear figures on how many communities have actually completed the delimitation and registration process and managed to obtain titles using the new law.

Box 9: Areas of Impact of NGOs in Kenya	
Area of impact	Indicators of progress
Civil society organisations strengthened	Strengthening of coalitions, such as Muungano and CBOs, to take independent action
	Information and skills built and used on land and shelter issues, including rights related to eviction procedures
Consultative government procedures and practice	Functioning of the Nairobi Informal Settlements Coordinating Committee
	Stakeholder contributions to Draft National Housing Policy
	Formation and functioning of the Pastoral Parliamentary Group to lobby on issues affecting pastoralists
	Revision of Building Codes, 1995
Pro-poor changes in policy/legislation	Legal test cases to promote land rights (in process) (eg Mathare B, Nairobi)
	Land Adjudication Amendment Bill, 1999 (in process)
	'Moratorium' on evictions from informal settlements
Direct benefits to poor/less powerful groups	Pilot projects with revised, more appropriate building codes (Shelter)
	Alternative settlements for residents on eviction
	Successful resistance to eviction

the 'open border' model discussed in the technical annex of the land law permits use rights to external investors within community-delimited areas.

The 1997 land law may yet be replaced or over-ridden; recent statements by the government have reflected growing support for the privatisation of land rights, supported by certain foreign donors (Norfolk and Liversage, 2002). In an interview with the Minister of Agriculture, publicised in the press with the title "*It is time to argue for land privatisation*" (Domingo, 8th July 2001), the Minister said: "*The land law we have today in Mozambique, that protects the peasants, was conceived by consensus. It was thought that it was the best way to protect peasants, but I think that the time has come to start selling land.*" As Norfolk and Liversage argue (2002: 7), wholesale privatisation of existing land concessions in a short time period would lead to a consolidation of land rights of the significantly large number of land speculators, many of whom acquired these rights without following proper procedures, without sufficient capital and with very few economic benefits for rural communities within which the land concessions fall. A study of land markets in both urban and rural areas has just been commissioned by the Minister of Agriculture which may influence current debates on the viability of the new law and regulations.

4.3 The Impact of NGOs in Kenya

Box 9 summarises the positive impacts of NGO work on promoting land rights in Kenya. The areas which could be strengthened are also discussed in this section.

Civil society organisations strengthened

The three organisations working on urban land rights have all been active in building capacity at community level – strengthening community structures, providing information, training and advice. In the case of Shelter, this includes information on new technology and building design; in the case of Kituo, legal advice and building paralegal skills; and for Pamoja, coalition building through credit and savings programmes. The Pastoral Forum supports its members to raise awareness of land rights and to resolve land conflicts.

The heterogeneous nature of urban dwellers and the different interests of owners and tenants in informal settlements make it particularly difficult to build coalitions for action. The formation of Muungaano (the coalition of informal settlement dwellers in Nairobi) is important, but as NGOs in this study pointed out, the building of democratic structures is a long and uneven process. Leaders (particularly chiefs at local level) do not necessarily represent the interests of the majority and there are numerous conflicts. Women, who are active in resisting evictions, are not represented in the leadership at community or city level, including Muungaano.

Kituo and Pamoja, together with the Kenya Land Alliance, have recently (October 2001) supported Muungano to submit a formal memorandum to the Njonjo Land Commission on land allocations, evictions, housing and public utilities.

Consultative government procedures and practice

NGOs in this study have achieved some success in opening government processes to a wider range of actors. The formation of the NISCC and the development of a multi-stakeholder strategy for addressing the problems of informal settlements attest to this. Similarly, the Kenya Pastoral Forum has raised pastoralist issues through government committees and its work has resulted in the formation of the Pastoral Parliamentary Group to lobby for pastoralists' interests.

Shelter Forum contributed greatly to both the revision of the building code and drafting of a National Housing Policy, bringing different stakeholders together and mediating with government departments. Thus the ideas of poor residents were included in Code 1995 revised building standards, currently being piloted in a number of urban centres in Kenya. Shelter has played a similar key role in the development of the Draft National Housing Policy which is still awaiting parliamentary approval.

However, as discussed in section 3.2.2 on NGO relations with government, the more powerful parts of government are still putting up considerable resistance to more consultative methods of working, even though political space for NGOs increased in the 1990s. NGOs were initially excluded from the Constitutional Review and a wide coalition of NGOs working with the church formed its own Ufungamano Faith-led/NGO Constitutional Review forum. Persistent negotiations have, however, resulted in its recent merger with the Parliamentary Constitution Review Commission and land issues will be included in the Review.

Pro-poor changes in policy/legislation

The revised building code (1995) is one change in legislation that has actually been approved, rather than being 'in process'. Changes to housing regulations are less contentious than land legislation, and there have been no recent changes to the latter. Nevertheless, a number of legal test cases are being fought through the courts, instigated (by Kituo) or supported by the NGOs in this study.

The residents of an informal settlement (Mathare 3B), with the support of Kituo, are testing the parameters of a legal tenet known as adverse possession. Under this law, a person who stays on a parcel of land legally belonging to another person without the owner's consent for 12 continuous years may petition the court to have the land registered in her/his name as an adverse possessor (Bodewes and Opiata, 2000). This is the case in Mathare 3B where the land was owned first by colonial settlers,

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Box 10: Land rights for marginalised groups in Kenya

Mountain View village: Prior to relocation, this community was located within a road reserve and on private land on the outskirts of Nairobi. Shell BP bought the private part of the land to construct a petrol station. The resistance of the villagers to eviction resulted in threats, harassment and an attempt to burn the village by people suspected to be in the pay of the land owners. Community leaders decided to consult the district officer, who organised a meeting between the community and Shell BP. During the meeting Shell offered to buy 12 plots of land to resettle the community. The community rejected the offer since it was not enough to settle the 21 families living in the village.

Further threats continued until Muungano wa Wanavijiji consulted Kituo Cha Sheria who negotiated with Shell BP. Shell BP agreed to buy alternative land for the 21 families and the residents agreed to vacate the land within 30 days. They contributed additional money and purchased land in a neighbouring district, Thika. Shell BP provided transport, while Kituo collaborated with Shelter Forum to prepare a resettlement plan for the village. The plan provided for 21 sub-divisions which were to accommodate each of those affected, as well as providing for three public plots to be used as a recreation park, church, nursery and social hall.

Westlands Market traders in Nairobi faced an eviction threat in 1998 and Kituo filed a case seeking to prevent eviction by the purported title holder. In addition to the litigation strategy, Kituo, with the assistance of community organisers, developed several extra-judicial strategies. These included organising demonstrations and night vigils, posting billboards, meeting with Members of Parliament, the mayor, the Provincial Commissioner and political parties as well as mobilising the press to cover the problem. This pressure resulted in negotiations with the Mayor who agreed to rescind the land allocations. Although the vendors remain in the market, the Mayor's decision was revoked and the case lost in court.

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then by Kenya Shell Limited and most recently by a local developer, Kamwe Mathare Developers, but has never been used or developed. The case is in court pending hearing. If the case is won it will provide a legal precedent for similar informal settlements.

The *Land Adjudication Amendment Bill*, which allows a nullification of previous procedurally incorrect individual allocations of community land, was approved by Parliament and published in May 1999 (Kenya Gazette Supplement No. 30 – Bill No.6). In July 1999 the Bill was put to its first reading, but has since been shelved. According to some key informants in this study, the Njonjo Land Commission is being used to hold out against any pro-poor changes in legislation.

Direct benefits to poor groups
Despite the relatively hostile legal and policy environment, NGOs in this study were able to provide a number of case studies which show the direct impact of their work in protecting and promoting the land rights of poor and marginalised groups. Two cases are briefly presented in Box 10.

There are isolated cases of relative 'success' such as the two cases described above. In both cases, success seems to be related to the level of organised resistance by residents, with NGO support, as well as the attitude taken by the individual title holder or land owner. However, many conflicts continue unresolved and action on land rights will become more difficult as opportunities for redistribution are lost and population density increases. The Ilood-Ariak case of pastoral land (Appendix 1) is testimony to the perseverance of community members and the honesty and commitment of individuals and organisations that have provided them with financial and moral support over many years. It also illustrates the very real threats to people's safety when dealing with the valuable asset of land and the extent to which individuals can be 'bought off' in the process.

4.4 The Potentials and Risks of Impact Assessment

There is no doubt that assessing advocacy impact is important to ensure that activities are best aimed at improving the lives of poor and marginalised groups. It is particularly important that NGOs do take the time to reflect, particularly in organisations where a culture that values 'action' rather than 'reflection'

predominates (Fowler, 1997). Taking the time to reflect, outside formal funding-related assessments, was certainly one of the objectives of this project.

However, as Chapman and Wameyo (2001:2) point out, frameworks for assessment can become straitjackets and there are dangers involved in formalising the assessment of advocacy work. The NGOs involved in the study, while agreeing with the value of assessment, identified problems in the way it is currently carried out in response to donor requests. Assessment too often has a patronising 'checking-up' feel about it, is too closely tied to funding and project cycles, is often portrayed as a complex technical process and assessment criteria can obscure what is really important. In sum, the focus has to shift more clearly to learning rather than control.

There are lessons for assessing the impact of advocacy work which emerge from this research project:

• The focus should not be on 'attribution' of impact to single organisations, when positive change from advocacy work is usually a result of collective efforts. Rather, the need is to look at how organisations work together for a common purpose and what each can bring to the table.

• Another challenge is to remain open to outcomes that fall outside the adopted framework.

• There is also a danger that indicators of impact are formulated in a mechanistic way and that the emphasis shifts from learning to quantitatively oriented measures of achievement. Less tangible outcomes such as improved collaboration and the confidence building of actors at different levels are very important.

• Time frames for assessing impact are problematic as much advocacy work is long term; ongoing work to implement and monitor the implementation of policy change is critical.

• Advocacy, which is essentially a social and political rather than technical process, cannot be 'projectised', otherwise the risks are that time frames will be too short and assessment can become expensive and time-consuming.

To understand the relationship between advocacy and pro-poor policy outcomes, Goetz and Lister (2001) suggest that it is important to analyse how the interests of poor groups are represented in three institutional arenas: civil society, political society and the state. NGOs which make this kind of in-depth assessment in a regular (since these are dynamic processes) and systematic way, are more likely to be able to identify entry points and strategies to promote longer term changes in social relations. Donor support to facilitate this kind of reflection, rather than the production of complicated frameworks and indicators for assessment, are perhaps more likely to promote sustainable pro-poor policy reform.

5. Key findings and lessons

This section tries to respond to the questions that prompted this research (see section 1) and draws out key lessons for advocacy and policy influencing work.

5.1 Do NGOs influence policy or are structural, institutional and political constraints too great?

It is difficult to answer this question unequivocally, particularly since land reform is such an intensely political arena, with the potential to substantially change existing patterns of power and wealth. Certainly, NGOs in Mozambique made a significant contribution to the development and dissemination of the new land law. However, its implementation has been fraught with difficulties and some interest groups have renewed the debates about the need for privatisation. NGOs in Kenya continue to struggle for pro-poor land reform, using every opportunity to intervene in policy fora, including the Njonjo Land Commission and the Constitutional Review. NGOs are very diverse and the NGOs in this study, selected for their record and commitment to land rights and democracy, are likely to be amongst the most capable in their strategies to influence policy.

This study clearly demonstrates the shortcomings of linear models which separate policy making processes from implementation. As both case studies show, legislation and regulations can be modified, reinterpreted or simply ignored when it comes to implementation, when local level power relations become critical. As Juma and Clarke (1995:126) put it, "*Policy implementers interact with policy makers by adapting new policies, co-opting the embodied project designs or simply ignoring new policies, hence underscoring the fact that implementers are crucial actors whose actions determine the success or failure of policy initiatives*". There are two direct implications of this finding. Firstly, building the capacity of community groups to take informed action is not only important as an end in itself but is also critical to long-term and sustainable pro-poor policy influence. Secondly, many aspects of laws and policies are actually made during implementation, with specific situations determining the practice of a law or policy. Monitoring this process is therefore a key role for NGOs.

Churches which take a pro-poor position on land reform are important in both countries, lending legitimacy and policy clout to NGOs with such links. NGOs with leverage in productive systems (for example, UNAC which represents peasant associations) or NGOs with links to groups which can cause social disruption (for example, associations of the urban poor in Kenya), also carry more weight. NGOs which can provide well-researched arguments to support pro-poor land rights also increase their standing in the policy arena. Networks and campaigns magnify the efforts made by individual organisations, as witnessed by the new land law process in Mozambique and by Shelter Forum's successes in influencing housing policy and regulations in Kenya. Good NGO leadership and the relationships that leaders forge with power holders are other important ingredients for policy influence.

5.2 Should NGOs Maximise Their Own Advocacy Roles or Focus on Building the Advocacy Capacity of Less Powerful Groups?

Trade-offs may sometimes have to be made between seizing opportunities for advocacy and lobbying in policy fora and slower-paced work with grassroots organisations, but there will be more pro-poor policy gains in the longer term if NGOs promote the advocacy capacity of representative organisations of less powerful groups, as discussed above (section 5.1).

Three of our case study organisations stand out for their concern that community groups should be enabled to do their own advocacy and lobbying. In one case, the organisation is not an intermediary NGO (UNAC) and the other two focus on building federations of community level groupings which can have a stronger voice in policy processes, with the NGOs playing a supporting role.

The findings at community level, particularly in Mozambique where there is a history of top-down approaches to policy and programmes, suggest that NGOs have to consciously adopt more empowering approaches in their community level work and build community capacity to negotiate with wider institutions. Otherwise communities will remain dependent on the NGOs for finding solutions to their problems.

If societal inequalities based on gender, class, ethnicity and age are to be addressed by NGOs, leaders and staff need to actively promote democratic and participatory approaches, in both internal structures and decision-making and in external work with communities. The extent to which gender and other dimensions of inequality in land rights are addressed at community level seems to be highly variable between NGOs, in part because of the complexity of the issues (especially in urban Kenya) and in part because of the lack of orientation and training. This research was unable to address this issue adequately but our fieldwork confirms the common finding that communities are very heterogeneous and that leaders do not necessarily represent the views of more marginalised groups. In any case, most NGOs in this study need to pay much more attention to these issues if they are to promote the rights of less powerful groups. Once again, stimulating debate at the local level, for example, on issues of representation, is critical for longer term, sustainable action.

5.3 Do NGOs have the skills for advocacy work or should they focus on innovation in development interventions at the community level?

Just as policy development and implementation are not as dichotomous as they seem, the division between community level work and policy advocacy may also be artificial. In this study, NGOs tended to combine these roles. Service delivery is often important, not only in itself, but as a way of gaining legitimacy and as an entry point for advocacy. The current shifts in donor support for NGOs to work upstream on policy development risk undermining the legitimacy of NGOs and their important role in building sustainable policy influence from the grassroots. There is, however, room for NGOs to functionally specialise, so that some may devote themselves to service provision, including providing information and resources to other NGOs and to CBOs, as do some of the networks in this study. Certainly it is not being suggested that all NGOs have to claim 'the people' as their constituency, but those that do, need to maintain close links with communities. The importance of activities which promote debate and action for positive change at the local level cannot be underestimated.

5.4 Can NGOs engage with government without compromising their independence?

NGOs in this study have shown that it is possible to engage with government while maintaining an independent view which sometimes comes into conflict with government positions. However, as Davies (2001) points out, influencing is a two-way process and NGOs may also be influenced in their interac-

tions with government. There is a thin line between engagement and cooption and it is important that NGOs more actively debate the most effective strategies at particular points in time.

In both countries there is an element of concession and ambivalence in the attitude of government to the involvement of intermediary NGOs in policy processes. At times there is outright hostility (particularly, but not only, in Kenya) if NGOs are seen to threaten government power and authority (and its misuse), especially when it comes to the distribution of valuable assets like land. This occurs at different levels; the NGOs in this study have shown the importance of seeking allies in both central and local levels of government.

NGOs' lack of clear lines of accountability also affect how they are viewed by government. As Hudson (1995) points out, the private sector is linked to customers through markets and the public sector is linked to users of services through political processes, but for NGOs there is no clear link between the providers of funds (usually donors) and the 'beneficiary' communities. While there is no easy solution to this dilemma, the basis and terms of engagement between NGOs and government need always to be made clear.

5.5 Do Donors Facilitate or Constrain the Work of NGOs?

Just as it is difficult to generalise about all levels and sections of government, it is difficult to respond to this question in terms of all donors, since there are significant differences in their positions on land reform. Some donors in both countries have acted as allies in pressuring for pro-poor land reform, although there are considerable differences in the extent to which individual donors actively promote these reforms in their interactions with government. Some donors had an important influence on the formulation of the land law in Mozambique and on the land dissemination campaign. In this sense, donors provide important support to the work of NGOs without actually funding their activities.

Donor funding for NGOs is more problematic, particularly in SSA where NGOs are so completely dependent on donor funds and raise very little from other sources. However, many donors fund advocacy and lobbying as if they were 'projects'. This can result in inappropriate time frames and unrealistic expectations.

In Mozambique, given the relative paucity of NGOs and their recent origin, many NGOs are being forced to grow too fast and lack the capacity to absorb and manage donor funds. In general, donors expect well-managed and 'professional' organisations; these take time to develop and such internal development may take precedence over or undermine external work to nurture and support community based (or worker/producer-based) organisations.

NGOs have difficulties raising funds for core staffing and administration; this makes staff insecure and less willing to engage in learning processes. If donors were prepared to fund these costs, it would give NGOs a more secure financial base from which to raise funds for projects. Edwards (1999:218) also suggests ring-fencing a portion of grants for learning, analysis and debate.

5.6 Is it possible to assess the effectiveness of advocacy work?

The NGOs in this study acknowledge that assessment is important for learning from experience, identifying good practice and planning for the future. Time to reflect and learn from each other is invaluable and perhaps more important than complex frameworks and indicators of impact. However, current assessment approaches do not maximise these learning experiences. Donor funded assessments are often perceived to focus more on control than on learning. Simple frameworks and qualitative assessments, informed by local political realities, need to be developed and used to supplement more quantitative output-oriented assessment. If such work can be developed with the different groups with which the NGO works, including community based organisations, the process itself can help increase the effec-

tiveness of policy influence.

The key problem in assessing the impact of NGO advocacy activities is that 'success' only partially reflects the quality of the NGO's work. Policy processes are as much political as they are technical or analytical and outcomes depend on complex political, social and institutional processes. Expectations of what NGOs are able to achieve have to be realistic and context-specific, and their limitations recognised. At the same time, it is important that NGOs themselves develop an understanding of their own strengths and weaknesses and take more active positions in setting the terms of engagement with government and donors.

5.7 Key Lessons for Practice

- NGOs which can provide well-researched arguments to support pro-poor land rights will increase their policy influence.
- Good NGO leadership and relationships with power holders are important for policy influence. However, the way in which leaders engage with their staff and the relationship between organisational culture and policy influencing work require further research.
- NGOs will have greater longer term impact by building the advocacy capacity of representative organisations of less powerful groups.
- NGOs have an important role in monitoring the implementation of laws, policies and regulations.
- The basis and terms of engagement between NGOs and government need to be made clear in each individual case.
- NGOs need to increase efforts to address gender, class, ethnicity and age inequalities in both internal structures and decision-making, and in their work with communities.
- Donor support for NGOs to work on policy development should include support to NGOs' important role in building sustainable policy influence from the grassroots.
- Donor funding for advocacy work should have longer time frames and expectations of what can be achieved should be realistic and context-specific.
- Donors should consider funding NGO core staffing and administration to decrease staff stress and facilitate reflection and learning.
- Qualitative assessments of advocacy work, using simple frameworks and informed by local political realities, should supplement more quantitative output-oriented assessment. We developed just such a framework with NGOs in this project (see section 4.1).
- Assessments funded by donors should maximise learning and not be directly tied to funding cycles.

References

ATAP, 2000. *Relatorio sobre o Conflito de Terra no Povoado de Mafavuka-Namaacha, Maputo. Maputo*, mimeo.

Ball, C and Dunn, L. 1995. *Non-Governmental Organisations: Guidelines for good policy and practice.* Commonwealth Foundation, London.

Barraclough, SL. 1999. *Land Reform in Developing Countries: The role of the state and other actors*. UNRISD Discussion Paper, Geneva.

Bodewes and Opiata. 2000. *Mathare 3B Land Case*. Kituo Cha Sheria, Nairobi.

Braathen, E. and Palmero, A. 2001. Towards pro-poor governance? The case of Mozambique. In F. Wilson, N. Kanji and E. Braathen (eds). *Poverty Reduction: What role for the state in today's globalized economy?* Zed Books, London.

Braga, C. 2001. *The Influence of NGOs on Land Policy in Mozambique: How effective and what impact?* Country case study for this collaborative research project, Mimeo.

Bratton, M. 1989. The politics of government-NGO relations in Africa. *World Development* 17(4): 569-587.

Bush, R. and M. Szeftel. 2000. Commentary: the struggle for land. *ROAPE* 84: 173-180.

Castel-Branco, CN. 1994. Moçambique: Perspectivas económicas. University of Eduardo Mondlane, Maputo.

Chandoke, N. 2000. *A Cautionary Note on Civil Society*. Mimeo.

Chapman, J. and Wameyo, A. 2001. *Monitoring and Evaluating Advocacy: A scoping study*. Action Aid, London.

Compete. 2000. *"As Populacoes ficaram muito satisfeitos": Licoes e Experiencias da Campanha Terra em Mocambique. Maputo*. Mimeo.

David, R. and Coates, B. 2000. *Draft Article on Monitoring Advocacy*. Action Aid, London.

Davies, R. 2001. *A Review of NGO Approaches to the Evaluation of Advocacy Work. Part A, Evaluating the Effectiveness of DFID's Influence with Multilaterals*. Draft. June 2001.

Edwards, M. 1999. *Future Positive: International co-operation in the 21st century*. Earthscan, London.

Edwards, M. and Hulme, D. 1995. *NGO Performance and Accountability: Beyond the magic bullet.* Earthscan, London.

Fowler, A. 1992. Non-governmental organizations as agents of democratization: an African perspective. *Journal of International Development* 5(3): 325-339.

Fowler, A .1997. *Striking a Balance: A guide to enhancing the effectiveness of NGOs in international development*. Earthscan, London.

Goetz, AM. and Lister, S. 2001. *The Politics of Civil Society Engagement with the State: A comparative analysis of South Africa and Uganda*. IDS, Brighton, UK.

Hanlon, J. 1997. *Peace Process Bulletin*, Issue 19, September1997.

Hudson, M. 1995. *Managing Without Profit: The art of managing non-profit organisations*. Penguin, Harmondsworth.

IDR. 2000. *Government-NGO Relations in the Greater Horn of Africa: Kenya Country Study*. Institute for Development Research, Boston, USA.

IIED. 2002. *PLA Notes No. 43. Special Issue on Advocacy and Citizen Participation*. IIED, London.

Juma, C. and Clark, N. 1985. Policy research in sub-Saharan Africa: an exploration. *Public Administration and Development* 15(2): 121-137.

Kanji, N. and Hirvonen, S. 2000. *Assessment of the Programme to Support Women's Empowerment*. Report for the Swiss Agency for Development and Cooperation, Mozambique.

Kanyinga, K. 2000. *Into the Land Question in Kenya: Alienation of public land and the intensity of landlessness*. Konrad Adenauer-Foundation and The Catholic University of Eastern Africa.

Kanyinga, K. and Mitullah, WV. 2001. *Draft Report of the Kenyan Component of the John Hopkins Comparative Non-Profit Sector Project*. Institute of Development Studies, University of Nairobi, Kenya.

Lewis, D. 1999. Introduction: the parallel universes of third sector research and the changing context of voluntary action. In: D. Lewis (ed) *International Perspectives on Voluntary Action: Reshaping the Third Sector*. Earthscan, London.

Lewis, D. 2001. Civil society in non-Western contexts: reflections on the 'usefulness' of a concept. *Civil Society Working Paper 13*. London School of Economics, London.

Lewis, D. 2001a. *The Management of Non-Governmental Development Organisations: An introduction*. Routledge, London.

Long, N. 2001. *Development Sociology: Actor Perspectives*. Routledge, London and New York.

Matrix. 1993. *Nairobi's Informal Settlements: An inventory*. Report for USAID/REDSO/ESA. Matrix Development Consultants, Nairobi.

Mitlin, D. 2001. Civil society and urban poverty – examining complexity. *Environment and Urbanization*, 13(2):151-173.

Mitullah, W. 2001. *The Influence of NGOs on Land Policy in Kenya: How effective and what impact?* Country case study for this collaborative research project, Mimeo.

Najam, A. 1999. Citizen organizations as policy entrepreneurs. In D. Lewis (ed) *International Perspectives on Voluntary Action: Reshaping the Third Sector*. Earthscan, London.

Negrão, J. 1998. *Terra e Desenvolvimento Rural em Moçambique*. Maputo. Mimeo.

NISCC. 1996. *Development Strategy for Nairobi's Informal Settlements*. Nairobi Informal Settlements Coordination Committee, Nairobi.

Norfolk, S and Liversage, H. 2002. *Land Reform and Poverty Alleviation in Mozambique*. Paper for the Southern African Regional Poverty Network, Human Sciences Research Council.

Norfolk, S. and Soberano, D. 2000. *Overview of Land Applications Currently Registered with SPGC-Zambezia and a Profile of Land Applicants*. A Report to the Land Tenure Component of the Zambezia Agricultural Development Project (ZADP). World Vision International, Mozambique.

O'Laughlin, B. 1995. Past and present options: land reform in Mozambique. *ROAPE* 63: 99-106.

Okoth-Ogendo. 2000. Legislative approaches to customary tenure and tenure reform in East Africa. In: C. Toulmin and J. Quan. 2000. *Evolving Land Rights, Policy and Tenure in Africa*. DFID/IIED/NRI, London, UK.

Puplampu, K. and Tettey. 2000. State-NGO relations in an era of globalisation: the implications for agricultural development in Africa. *ROAPE* 84: 251-272.

Quan, J. 2000. Land tenure, economic growth and poverty in Sub-Saharan Africa. In: C. Toulmin and J. Quan. 2000. *Evolving Land Rights, Policy and Tenure in Africa*. DFID/IIED/NRI, London, UK.

Roche, C. 1999. *Impact Assessment for Development Agencies: Learning to Value Change*. Oxfam, Oxford.

Sogge, D. (ed.) 1997. *Mozambique: Perspectives on aid and the civil sector*. Gemeenschappelijk Overleg Medefinanciering (GOM), The Netherlands.

Sutton, R. 1999. *The Policy Process: An overview*. ODI Working Paper 118, London.

Tanner, C. 2001. *Law-Making in an African Context: The 1997 Mozambican Land Law*. Mimeo. Cambridge, England.

Thompson, J. 1997. *Cooperation in the Commons: The emergence and persistence of reciprocal altruism and collective action in farmer-managed irrigation systems in Kenya*. Graduate School of Geography, Clark University, Worcester, MA.

Toulmin, C. and J. Quan. 2000. *Evolving Land Rights, Policy and Tenure in Africa*. DFID/IIED/NRI, London, UK.

Tripp, AM. 1994. Rethinking civil society: gender implications in contemporary Tanzania. In: JW. Harbeson et al (eds) *Civil Society and the State in Africa*. Lynne Rienner Publishers, Boulder, Colorado and London.

UNCHS/GoK. 2001. *Situation Analysis of Nairobi*. Draft Report, May 2001. UNCHS and Ministry of Public Works and Housing, Nairobi.

Wanjala, S. 2001. *The Land Question: Critical issues in the Constitutional Reform debate*. Paper prepared for Kenya Land Alliance One Day Constitutional Principles Critique Forum. September, 2001, Lenana House, Nairobi.

Waterhouse, R. and Braga, C. 2000. *Seeking Security: Women's tenure rights in Zambezia*. Zambezia Agricultural Development Project.

Wily, LA. 2000. Land tenure reform and the balance of power in Eastern and Southern Africa. *Natural Resource Perspectives* 58, June.

Wuyts, M., Mackintosh, M. and Hewitt, T. 1992. (eds) *Development Policy and Public Action*. Oxford University Press, UK.

Appendix 1:
The Ilood-Ariak land
conflict case study, Kenya[19]

Pastoralists have used land communally from time immemorial, freely moving between the mountains and lowlands depending on the type of land use and the season. However, since 1970 several parcels of community lands have been allocated to individuals against the wishes of communities. This case describes an attempt by the Iloodo-Ariak community, in Kajiado district of the Rift Valley province, to fight the adjudication of their community land.

Their struggle began in 1978 when the government, with hardly any community consultation, adjudicated land to individuals. Among those given individual tenure, 363 people were outsiders, while 2000 families from the community were displaced. The outsiders got titles to 50,000 hectares of land in total. Since 1990 the community began to realise the full implications of the loss of their land and have been struggling to get their land back through the court, lobbying government and NGOs both locally and internationally with different levels of success and failure as discussed below.

They justify their struggle to retain land as communal property on a number of grounds:

• Use and management of resources are communal among pastoral communities. The communities use the lowlands during rainy seasons for grazing and move to the highlands during dry seasons.
• Communal land allows free movement and access to water points, which are important in dry areas.
• Communal land avoids the problem of some people getting better, or more, land than others.
• Individual title raises the problem of some individuals selling land to those who might obstruct communal use of resources.

Despite these justifications for retaining communal tenure, the government went ahead with land adjudication, which was being promoted and funded by the World Bank.

THE PROCESS

The Iloodo-Ariak community's struggle to regain their communal land can be divided into three phases to date.

Phase 1

Adjudication of the Iloodo-Ariak community land took place between 1978 and 1983. Adjudication went ahead despite community hostility preventing surveyors from drawing up maps. In response to local hostility the government appointed a committee of politicians and other influential people to convince the community to accept land adjudication. The community rejected the government committee and formed a small group to be their advocate in rejecting land adjudication.

In 1985 the community met with the District Commissioner of Kajiado in an attempt to resolve the

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conflict. They submitted a list of beneficiaries to the DC, showing the presence of the 363 outsiders. However, the government, through the DC, arrested those who handed in the list for breach of the peace and interfering with the government process of adjudication. The community leaders were harassed, including being put in police cells, but were not charged in court.

In 1987 the community sought an audience with the President, but were referred back to the Kajiado DC who was instructed to solve the problem. But instead he arrested five members of the community whom he thought were ringleaders. In 1990 adjudication was declared final, and in April titles were granted. By this time, six community leaders who had been active advocates for the community had accepted gifts of large pieces of land from the adjudication team.

The Iloodo-Ariak community had 60 days within which to appeal to the government on their adjudicated land. 480 members of the community lodged the appeal as individuals, and each one had to pay Ksh. 200. However, the 480 members were not invited to present their views and the land adjudication officer in Kajiado used his own position to conclude the issues and they lost the appeal. The District Commissioner, working closely with the adjudication officer, told the community to appeal to the Minister of Lands if they were not satisfied with the decision.

Phase Two

Phase two began when Joseph Ole Simel actively intervened. Simel is a member of the Ilood Ariak community and has a law degree. Simel and six other members of the community started afresh by mobilising the community.

Simel and his colleagues realised that the problem could only be solved in court, and yet the legal process was too expensive for the community. The team sought advice from several law firms, but many firms feared taking up the case and some wanted Ksh. 1 million as a deposit.

Seven community leaders were intimidated, and three withdrew from the process. It was alleged that they had been bribed. The four who remained firm were harassed, intimidated and, in one case, taken to different police stations and courts.

The community thought it would win the case and through both financial and material contributions raised a total of Ksh. 48,000 which enabled them to file the suit. In September 1991 they went to court through a law firm. The community accused the government and asked for the adjudication to be nullified; 360 members of the community applied to be part of the case.

In June 1992 the community lost the case on technical grounds since they filed the appeal after a year, instead of within the period of six months within which appeals have to be made. The delay was due to difficulties in raising resources and in finding a law firm to take up the case, since this was only the beginning of the opening up of political space in Kenya.

Led by Simel and his team, the community now decided to take a political approach. In September, with elections approaching, they decided to see the President. However they had to avoid being sabotaged and stopped from attending the appointment by a government clique who wanted to arrest them. The meeting was attended by the President, the Attorney General, Justice Keiwa, the then Minister of Lands, Permanent Secretary in the Ministry, Vice President, the Rift Valley Provincial Commissioner, and the Member of Parliament for Kajiado Central.

The then Minister of Lands' wife was among the 363 outsiders who had received individual title. The President enquired how the Minister's wife was allocated land, and two days later the Minister was dismissed from his ministerial portfolio. All present agreed that there was a problem, but the blame was placed on the committee, consisting of some community members and government officials, which had been appointed by the government. Discussions were verbal and not recorded and there was no written output from this meeting, but the Minister of Lands was ordered to investigate the issue, find a solution and write a report.

In 1995, three years after the presidential order, no action had been taken. As this process went on, the community made sure no outsiders occupied or placed any structure on land allocated to them. For example, seven members of the community confronted an assistant director of agriculture who attempted to construct a building. He was asked to demolish the structure and was provided with paraffin and a matchbox to burn it, after which he was beaten up and asked to go to court.

Phase Three

The third phase involved looking for alternative options given the reluctance of government to take any serious action. During this phase, the Manyoito Pastoralist Integrated Development Organisation (1995) followed up the case on behalf of the Iloodo-Ariak community.

In 1995 two experienced lawyers conducted legal research and advised the community that going to court might not revert the situation, since first registration cannot be cancelled. They advised that only taking the case to Parliament as a bill for debate could reverse the case. The community were supported in this venture by Survival International who engaged a Queen's Counsel (QC) to draft a bill which was given to the Attorney General. The bill was aimed at nullifying the adjudication. The Attorney General accepted the bill but cautioned that it should not contradict the *Land Act of 1954.*

In late 1998 the bill was approved by parliament and published in May 1999 (Kenya Gazette Supplement No. 30 (Bill No 6) Republic of Kenya Supplement Bill 1999 of 28th May: Land Adjudication (Amendment Bill 1999). In July 1999 it went for first reading but since then it has been shelved.

Critically the vested interests involved have partly contributed to the shelving of the bill and the setting up of the Njonjo Land Commission to review the national system of land law and policy (see section 2.2.1 of this report). It was revealed that the head of the Civil Service was an interested party, and may not have wished to see the bill go through.

Simel made a presentation to the Njonjo Commission, and the Njonjo Commission is expected to make a ruling. However, the community believes that the setting up of the Njonjo Commission was intended to postpone the tabling of the bill.

Simel further noted that a number of organisations that focus on land rights (such as the Public Law Institute, the Kenya Human Rights Commission and the Law Society of Kenya) were reluctant to support them because of the complicated nature of the case. However, KPF, RECONCILE and the Kenya Land Alliance have attempted to support the case and it is their hope that the ongoing constitutional review will deal with this issue.

Appendix 2:
The development
of the 1997 Land Law
in Mozambique

In this appendix we describe the process of formulation and dissemination of the 1997 land law in Mozambique. The information is based on the experience of the Mozambican researcher in this process, as a member of the Land Studies Unit at the University Eduardo Mondlane in Maputo, and supplemented by interviews with key informants.

A brief history

After the first multi-party elections in 1994 and Frelimo's victory, the government's Five Year Plan (1995-1999) included land legislation. The Ministerial Council approved the National Land Policy and an implementation strategy in 1995 (Republic Bulletin, 28,02,1996). The principles and goals that were to guide the National Land Policy are based on the following declaration in its 18th point: "*To guarantee the rights of the Mozambican people to land and other natural resources, as well as to promote the investment in and sustainable and equitable use of these resources*".

By mid-1995, an Inter-ministerial Land Commission was in place, with a mandate to develop a new policy and draft a new land law. The Technical Secretariat became its executive organ, headed by Conceisao de Quadros, an experienced national lawyer who was also legal adviser to the Minister of Agriculture and Fisheries. A respected professor of the Eduardo Mondlane University, Jose Negrão also has an important role and later went on to head '*Campanha Terra*', the dissemination camapaign for the new law. He was viewed as highly competent, independent of any political party and capable of engaging with different interest groups. He argued against individual title as the only legal form of access to land, drawing on examples to show the costs and ineffectiveness of individual title in other parts of Africa. Alternatives were developed and debated to recognise collective land rights and the validity of verbal testimony, reflecting the reality of Mozambique.

The role of NGOs

Research carried out during the formulation of the land law by the Land Studies Unit, by NGOs and by church based organisations, such as the Nampula Diocesan Land Committee, showed the resilience of

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Box 11. The creation of ORAM

The post-war resettlement of displaced people was carried out without major problems and conflicts, without costs for public administration systems, using customary systems of ownership. This served to illustrate of resilience of these systems. Nevertheless, the Peace and Reconstruction Commission of the Mozambique Christian Council did come across some land conflicts during its resettlement work of displaced people. This was considered a very sensitive question and the Council opted to create an NGO to deal with land issues. Thus, in 1992, ORAM (Rural Association for Mutual Support), which participated in this study, was created. Its 10 founding members belonged to the Mozambique Christian Council and the initial funding came from Christian Aid, whose first president was then also president of the Christian Council.

customary systems of ownership and tenure and was important for substantiating the proposal for collective land rights to be legally recognised.

The draft law was circulated very widely and working teams were sent to all 10 provinces. ORAM (see Box 11), which took part in this study, was involved in organising seminars at local level. The consultative process was particularly thorough in some provinces, notably in Nampula province in the north of Mozambique, which led the debate on women's land rights. The Nampula Diocesan Land Committee, in collaboration with ORAM, the representative of the Dutch embassy in this province and a Latin American sociologist, collected proposals from Nampula women for the draft Land Act project. They also held meetings in the districts to collect data about customary rights that underpinned the proposals presented by the women. A member of the Women's Forum[20], of Latin American origin, motivated by her continent's[21] history and with sensitivity to gender issues in access to resources, became involved in the process of formulation/discussion of the new Land Act.

Within the Women's Forum, the women agreed on the need to guarantee the security of land tenure for future generations as the main objective of Mozambican women, independent of their region and of the particularities of each existing customary system. The Forum then contacted a lawyer from the Legal Women's Association (AMCJ) in order to elaborate concrete suggestions to alter the draft law to assure the equality of rights between women and men.

The National Conference on Land Issues 1996

A National Land Conference was convened in May 1996 to discuss the draft land law with more than 200 representatives from government, civil society organisations, political parties, traditional authorities, the private sector, national and foreign academic institutions, religious groups, donor agencies and the United Nations.

Some participants were worried about the rights given to communities in the draft law because it could lead to a situation where there would be little free land (because most land would belong, in one way or another, to a community). The debates around this issue were intense. Some participants suggested that the concept of community is mainly anthropological, difficult to define and with little juridical value. Another argument against the new law was that the legal recognition of customary rights would 'freeze' the rural population in systems which perpetuate gender discrimination. Others argued that what was really at stake was the recognition or the non-recognition of occupation rights. Recognising customary law implies recognising occupation rights as an important form of land access. This recognition could conflict with the interests of people who are in a position to make formal requests to government for land titles to use and develop land, on parcels where customary rights apply.

A well known figure from the Frelimo Party and former Minister of Agriculture, attending the conference in his capacity as a businessman, defended the importance of titles, arguing that they would allow the establishment of a society with investors, and promote development. A leader of UNAC, also previously employed by the Frelimo Party, opposed this position. He argued that individual titles were not accessible for the vast majority of smallholder farmers because the costs involved in the registration process were very high. He received a standing ovation from the conference participants.

The Nampula Women's Declaration was presented during the conference and women obtained a

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20 Network of various organisations that includes women's organisations, government institutions such as the Women's Ministry and the Social Action Coordination and the Ministry of Agriculture, United Nations agencies and other organisations, donors, academic institutions such as the Women's Studies Department and the African Studies Centre; feminist leagues of political parties, religious groups, peasants, laborers and unions.
21 In a large part of Latin America the agrarian concentration created 'landless peasants', increasing poverty in the rural areas, and contributing to dissatisfaction and protests. Agrarian reforms were needed to redistribute land to the poor rural population. (Barraclough, 1999:iii).

change of the draft land law text. They wanted to make sure that the reference to customary rights could not be invoked to justify discriminatory practices. The constitution affirms the equality of citizens before the law independently of sex, so the women asked for an explicit mention that the right of use and exploitation of lands could be acquired "… *according to customary norms, which should not contradict the Constitution.*" [Article 12, line a].

After the National Land Conference, the Cabinet presented a definitive version of the Bill to Parliament. In this period, various initiatives contesting or supporting the approval of the Bill were put forward. The Nampula Diocesan Land Committee, for example, promoted an initiative signed by some 8,000 people in support of the Bill. This was published in the press and sent to Parliament.

The anti-privatisation demonstration

One week before the presentation of the Bill to Parliament, ORAM called for the first public demonstration of the postwar period under the slogan "*No to land privatisation*", involving participants from all political parties, but with lead speakers from Frelimo.

It is worth noting that the National Peasants' Association (UNAC), which participated in this study, did not take part in the demonstration, although they did oppose privatisation. They were concerned that the Bill did not include the recognition of customary rights and customary law, referring only to occupation rights for national citizens and local communities. UNAC issued an official statement asking for respect of occupation rights expressly obtained through customary law (*Domingo*, 20th December 1996). This was distributed to Members of Parliament and the President and published in the media. In Parliament, Renamo supported UNAC's statement and emphasised that the peasants' position on the recognition of customary rights had to be respected; this position was incorporated in the new law. Recognition of customary rights, and the representation of the communities in particular, are sensitive subjects with party connotations. Frelimo's policies in the first years post-independence led to the 'fight against beliefs and traditional practices' and to denouncements of the involvement of 'traditional authorities' in Portuguese colonial management, for example, the recruitment of forced labour and tax collection. Frelimo saw the 'dynamising groups' which were elected at local level as representing the people, whilst Renamo looked to 'traditional values' and upheld the legitimacy of traditional power and representation structures in rural areas.

In July 1997, the *Land Act* was finally approved. It recognises and attributes important roles to local communities. It represents a considerable advance in assuring land access for women as well as men. It provides that verbal evidence on the right of use and exploitation of the land can be given by women or men of local communities [15 Article line b]; that transmission by inheritance occurs without gender discrimination [Article 16]; and that women have the right to possess individual titles [Article 13, paragraph 5].

The Land Campaign: 1997-99

The main goals of the Land Campaign were to:
• disseminate information about the new law
• promote justice and defend citizen rights
• stimulate the links between 'family' or subsistence and commercial agriculture

The main themes on land rights were identified as the 'delimitation' of the boundaries of community land, women and land, partnerships between the family and enterprise sectors, urban land legislation, and conflict resolution.

Donors such as the Swiss Agency for Development and Cooperation and MS (a Danish NGO) played a particularly supportive role. Jose Negrão, from the University of Eduardo Mondlane,

mentioned above, was contracted to coordinate this initiative. What was initially thought of as a "*dissemination campaign*" became, under his leadership, the "*biggest civic movement*" in the recent history of Mozambique (Compete, 2000).

The Land Campaign was particularly broad based, bringing together about 200 organisations working at different levels: national, provincial and community and with different political, religious and social affiliations. It extended to all provinces of the country.

A National Committee[22] was created; this structure allowed organisations to take part in decision making through the National Committee and to feel that the Campaign was theirs, although there may have been trade-offs between speed and effectiveness, on the one hand, and wider participation in decision-making on the other.

Given an illiteracy rate of around 70%, the Campaign did not rely only on written materials to disseminate its message, but also used cartoon strips and theatre and audio material to reach as wide an audience as possible. The materials were produced in Portuguese and 20 different national languages.

The Land Campaign was most active while the Technical Secretariat of the Inter-ministerial Land Commission was revising the Land Regulations. These were approved in 1998 and the Technical Appendix, which contains detailed instructions about the procedures to follow in the delimitation or demarcation process of community lands, was approved in 1999. Forum Terra, an affiliation of NGOs working on land issues, has recently been created to follow on from the Land Campaign.

Implementation issues

The *Land Act 19/97* applies to the entire national territory. However, as key informants in this study pointed out, the situation is different in urban areas due to greater pressure on land, its high value and the 'sale' of plots through speculation and corrupt practices. The regulations referred to above tend to be used for rural areas while the regulations for urban lands are still being formulated.

Many NGOs which were involved in the Land Campaign have since been involved in the implementation of the land law, but this process has been somewhat problematic, as discussed in the main report.

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22 The National Committee consisted of UNAC (National Peasants' Union; ORAM (Rural Association for Mutual Support); AMRU (Mozambican Association of Rural Women), FDC, Progress Association; African Studies Center, Population Studies Center and the NET (Land Studies Center, all of Eduardo Mondlane University); MS (International Cooperation Danish Association), Action Aid, Helvetas, Oxfam UK, Kepa, Swiss Cooperation.

Appendix 3:
Mafavuka case study,
Mozambique

NGOs have an important role in monitoring the implementation of new policies, yet this is often the weakest area of NGO policy work (Davies, 2001:41). This case study is a good example and concerns communities located in Mafavuka, in the district of Namaacha. This area was visited as part of our field-work to assess NGO work at community level.

The current population took refuge in Swaziland during the war, and returned only in 1994. According to community members this area was a 'native reserve' in the colonial period. Some of the elderly women interviewed said that they were born there. Approximately three years ago, two men, a South African and a Korean, started putting up prefabricated houses on community land. These men were said to be religious people belonging to the Mission of Continental Africa. They claimed they had bought the land from the District Administrator and that the Secretary of Mafuvuka knew of this. One of the community members took the men to meet the Secretary, who acted suspiciously, refusing to speak with the two men in the presence of the local person.

Meanwhile, opposition from community members temporarily stopped the building of the prefabricated houses. Due to this stalemate, a meeting of the population took place with the District Administrator, the Secretary of Mafavuka and the two strangers. The Administrator argued that there was sufficient land and the community should coexist with the newcomers. He also mentioned that they would build a school and a hospital for the community. As the local people continued to argue, the Administrator said: "*You may be angry but they will stay.*"

The community was then advised to contact the Land Campaign. The Campaign's central co-ordination office asked the Agricultural Technicians Association (ATAP) to investigate. The ATAP team visited Mafavuka in December 1999 to gather data about the conflict. In the report, it is stated that the area that "*the Koreans*" wanted to use for social infrastructure was actually dedicated to agriculture and to cattle breeding.

The District Administrator refused to receive the ATAP team, directing them instead to the District Directorate of Agriculture. According to him, when the hydroelectric-power dam was built in the 80s, the population had been resettled in the region of Impaputo, and it became a free area. Therefore, the area would have been granted to the District Administrator, who would have transferred it to others.

The ATAP team also contacted a technician from the Provincial and Geographic Services (SPGC) who was working at district level. He reaffirmed the version given by the Provincial Director of Agriculture. He said that any conflict was over, and that the population had been informed that "*as soon as the 'Koreans' had been settled, the remaining land would be given to the community*" (ATAP, 2000: 7).

After ATAP presented its report, the Campaign co-ordination office asked UNAC to resolve the problem. UNAC alerted the media and a television company went to the area and filmed the conflict. According to information given by UNAC, this prompted government employees to go to the area and resolve the conflict.

However, when we visited the community during this research project, we found that the problem had actually intensified. The building has continued (none of which is a school or a hospital) and trees

have been cut down for fencing. The supervisor of the works said that fences were needed *"because of the animals…. in order that the cows do not ruin peasants' lands"*. There was evidence that the newcomers had obstructed the construction of a house for a widowed woman, stating that she did not have authorisation to use land which now belonged to them.

Conclusion

It is important to note that public denunciations help to bring matters up for discussion, which can support more significant lobbying efforts (Davies, 2001:33). However, the Mafuvuka case shows that although working with the media can help, it is no substitute for systematic advocacy and monitoring work. The fact that UNAC leaders thought the conflict had been solved shows their lack of knowledge about what is happening on the ground.

Appendix 4:
Contact addresses

NGOs involved in the study

Mozambique

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Selected Websites

www.oxfam.org.uk/landrights
www.advocacynet.org
www.mande.co.uk (on monitoring and evaluation)
www.mwengo.org (click on LandWeb on home page)

Promoting Land Rights in Africa:
How do NGOs make a difference?

Over the last 20 years, growing numbers of non-governmental organisations (NGOs) have diversified from service provision into policy advocacy. They are being credited with considerable impact on global processes but what impacts are occurring and how can we assess success?

This report is based on a study of seven NGOs promoting land reform and land rights in Mozambique and Kenya. It discusses the activities and relationships which NGOs engage in to influence policy and suggests a framework for assessment based on four main areas of impact: strengthened civil society organisations; consultative government procedures and practice; pro-poor changes in policy, regulations and legislation; and direct benefits to and improvements in the living conditions of poor groups.

While the NGOs in this study have had significant impacts on land policy processes, the study shows that policies can be reinterpreted or simply ignored when it comes to implementation, when local power relations become critical. For NGOs, building the capacity of community groups to take informed action is not only important as an end in itself but is also critical to long-term and sustainable pro-poor policy influence. A number of other lessons for NGOs and donors are suggested.