

Access to land as a food security and human rights issue

A dialogue process with Misereor partners

The question of access to land being one of the key questions of our time, Misereor has drafted a discussion paper on 'access to land' for the dialogue with partner organisations in Africa, Asia-Pacific and Latin America.

From July to September 2005, the paper has been sent to a number of Misereor partners for critical commenting. The following issues have been in the focus of discussion:

1. the relevance for the rural poor and for the partner organisations' work,
2. comments on the analysis provided by Misereor,
3. comments on the suggested challenges,
4. strategies chosen by the partner organisations for strengthening the rural people's access to land,
5. the need for further dialogue in the specific countries and regions,
6. expectations with regard to the role of Misereor.

68 feedback letters have been received and analysed: 36 from Asia-Pacific, 20 from Latin America and 12 from Africa. Furthermore, a number of policy papers and articles have been received, providing a more detailed view on the question of access to land in the respective countries.

With regard to the partners' feedback, 4 major thematic fields could be identified which have been highlighted in most of the answers, either as specific aspect of the land issue, as challenge or as expectation for the further commitment of Misereor. This feedback confirms the relevance of these issues and the need for further action.

- Ø The first thematic field is linked to the **general economic and political framework**, emphasising the impact of current economic trends (like globalization and privatization) and of international institutions like WTO, world bank etc., on the aggravation of land-related problems.
- Ø Second, problems related to **land legislation** have been highlighted (denied rights, contradicting legislation, inadequate legal framework etc.), as well as the relevance of legalising the rights of access to land and the entitlements.
- Ø The third issue is related to the **gender perspective** of the access to land-issue and the need for securing women's rights to land.
- Ø The fourth general and important aspect is the **access to land for indigenous peoples**, including the implementation of the ILO conventions 107 and 169.

In addition to these rather cross-cutting issues, the following conclusions can be drawn from the partners' reply to the above mentioned questions:

1. Relevance for the rural poor and for the partner organisations' work

The relevance of the access to land-issues in the countries as well as the partners' work is high, not only for partners actively working on the issue, but also for those mainly working on sustainable land-use and natural resource management.

2. Analysis provided by Misereor

Generally, the continent-wise analysis has been approved. Some cases have been further explained with regard to the partners' experience in their specific context.

- On the one hand, partners have emphasised the growing concentration of land and the failure of land reform processes. On the other hand, partners reported on the increasing fragmentation of land and its over-use, both adding to the scarcity of land.
- In addition, partners have drawn our attention to the connection between land problems and disputes and the increased number of – sometimes violent – conflicts.
- A number of partners in Africa and Asia-Pacific stressed the relevance of the limited access to resources, especially access to forests, being a main source of livelihood for many poor communities.
- Furthermore, the loss of land has been reported in many cases, e.g. as a result of continued indebtedness and of eviction in the context of governmental or private projects, as well as in cases of a too fast transfer of collective to private entitlements, not taking into account people's rights and interests.
- For Latin America, partners have further emphasised on the following aspects: the access to land-issue being embedded in a more complex problem, related to the situation of small-scale farming and the rural society in general, the impact of the sustained promotion of mono-cropping (Soya, oil palms etc.) on access to land, technical deficits in the process of land registration, being problematic especially for poor land-holders.
- Partners in Mozambique, Kenya and Uganda deem access to land very important in the context of agricultural production, being the base for subsistence and livelihood security for the majority of the rural population.
- In Asia, rather exceptional examples have been reported, e.g. in Laos where the physical access to land today does not pose major problems, or in Cambodia and Afghanistan where land mines limit the access to land.

3. Challenges

Partner organisations mainly share the continent-specific challenges identified in the Misereor discussion paper. In addition, throughout the continents, a sustainable rural development, including natural resource management and strengthening of civil society organisations, is considered to be a main challenge for development work. Access to land, however, should be one important aspect in rural development policies.

- Partner organisations in Asia-Pacific and Africa suggest that improving the 'modus operandi' of governments towards good governance is a another great challenge for Misereor and its partners.
- A number of Latin-American partners stress the need for further co-operation and the creation and strengthening of networks, national and international, with regard to the land question.
- Partners from Africa, especially from South Africa and Kenya, point on the importance of a need-based land policy, taking into account the specific situation in the respective countries.
- A number of Asia-Pacific partners feel the need to bring back and position the land issue on the socio-political agenda. This is self-explaining with regard to the lack of political will in the context of agrarian reform processes, e.g. in Pakistan and the Philippines.

With regard to the observed land concentration process, partners suggest to pay more attention to securing existing land rights in order to protect small land

holders.

Another challenge would be the need for strategy development in the field of conflict resolution and peace building.

4. Strategies

The partners' feedback does not allow drawing general conclusions on the main strategies regarding the access to land-issue. However, a number of strategic elements in the work of partner organisations have been reported: lobbying, networking and mobilising local actors, technical and/or legal support for affected people and general legal advice.

Analysing the combination of different strategic aspects, the fact that no general strategies could be identified leads to the conclusion that partners rather develop specific strategies. Only in the work of Asia-Pacific partners, some strategies could be observed, e.g. combining lobby with intensive information dissemination and awareness raising, using studies for systematic public relations etc.

5. Need for further dialogue in the specific countries and regions

The majority of Misereor partner organisations feels the need for a more in-dept and intensive dialogue on the access to land-issue. However, no consensus can be identified on how and with whom and about which issues this dialogue should be organised. Nevertheless, partners from Asia-Pacific and Africa mainly agree that this dialogue should take place among civil society organisations.

- For Latin America, a dialogue on alliance-building and networking is deemed important, as well as creating long-lasting partner relations and common action plans, not only among NGO, but also among the donors.
Furthermore, a number of partners suggest to use the discussion paper for dialogue with other partners, in order to facilitate the dialogue process further.
- African partners emphasise the need for further discussing the above mentioned main issues, e.g. gender and legal aspects.
- Some Asia-Pacific partners suggest a regional or even international exchange of experiences. However, the land issue being a very sensitive question in many countries, it was emphasised that Misereor should act with caution, taking into account the political climate.

In addition to the need for dialogue among NGO, some partners give priority to inviting government agencies for e.g. round table-discussions.

6. Expectations with regard to the role of Misereor

Partners are quite clear in their expectations: Misereor should

- support and strengthen partner organisations and networks,
- give financial, technical and/or moral support to dialogue processes,
- identify and share information, e.g. best practices,
- become actively involved in the dialogue process and organise workshops and capacity building.

Some partners in Africa and Asia-Pacific suggest a facilitating role for Misereor. Latin American partners further suggest lobby with local governments and the support of lobby activities of local NGO, as well as supporting projects in the field of rural development.

Conclusions

This dialogue with our partners has proven the relevance of access to land for poverty alleviation, and the policy paper of Misereor has received a broad-based confirmation. The partners' feedback enabled Misereor to complement the continent wise analysis and challenges.

Based on the answers from different countries and continents, the conclusion can be drawn that – despite regional differences – the causes for the limited access to land for the poor are generally the same.

Partners' reactions leading much further than just the land question proof that this issue is complex and related to other issues like sustainable land-use, international policies etc.

Regarding solutions and best practices, partners' experiences reveal a rather negative result. Though concerted efforts have been reported and a few successful examples have been shared, the current developments do not permit an optimistic stock-taking, and enabling the poor to gain and maintain access to land will continue being a relevant field of work for Misereor and its partners.

We would like to thank all our partners for the time invested in studying and commenting our discussion paper, sharing experiences and highlighting as well as adding specific aspects. We also thank Mr Francisco Obreque, who, in the frame of his 3-months internee-ship with Misereor, has organised this dialogue and analysed as well as summarised the replies.

The broad-based approval through our partners enables us to use the paper **“Access to land as a food security and human rights issue”** as policy for Misereor, providing a base for country-wise policies, but also for our own lobby work. With regard to the continent-specific comments, we have gone through the paper again and added or sharpened some of the statements. We are confident that most of our partners' concerns are either mentioned in the policy paper or in this attached paper concluding on the dialogue process. Nevertheless, we would like to invite our partners for a continued dialogue which can keep the discussions lively and alive. We also invite suggestions for further actions and we are looking forward to our co-operation with regard to access to land as an important aspect of an integrated rural development.