The Politics of Land Reform in Southern Africa

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RESEARCH PAPER 19

March 2003

IDS Institute of Development Studies Sussex
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RESEARCH PAPER SERIES

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Sustainable Livelihoods in Southern Africa:
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Through work in southern Africa this research programme has explored the challenges of institutional, organisational and policy reform around land, water and wild resources. The case study sites have been in Zambezia Province, Mozambique, the Eastern Cape Wild Coast in South Africa and the lowveld area of southeastern Zimbabwe. Three broad themes have been explored:

- How do poor people gain access to and control over land, water and wild resources and through what institutional mechanisms?
- How do emerging institutional arrangements in the context of decentralisation affect poor people's access to land, water and wild resources? What institutional overlaps, complementarities and conflicts enable or limit access? What new governance arrangements are required to encourage a livelihoods approach?
- How do the livelihood concerns and contexts of poor people get represented in policy processes concerning land, water and wild resources in local, national and international arenas? What are the challenges for participation in the policy process?

The Research Paper series is published by the Sustainable Livelihoods in Southern Africa Programme, Environment Group, Institute of Development Studies, University of Sussex, Brighton BN1 9RE, United Kingdom.

The research is funded by the UK Department for International Development's Rural Livelihoods Department Policy Research Programme. The views expressed in this publication are the responsibility of the authors and do not necessarily reflect those of the funder or collaborating partners (Institute of Development Studies at the University of Sussex (UK), Overseas Development Institute (UK), Programme for Land and Agrarian Studies at the University of the Western Cape (South Africa), The World Conservation Union (UICN, Mozambique), and the University of Zimbabwe).

Cited as: Lahiff, E. (2003) 'The politics of land reform in southern Africa.' *Sustainable Livelihoods in Southern Africa Research Paper 19*, Institute of Development Studies, Brighton.

ISBN: 1 85864 453 4

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Summary

This paper examines the politics of land in Southern Africa and, in particular, current process of land reform in Mozambique, South Africa and Zimbabwe. It argues that despite the considerable attention given to land issues in the region over the past twenty years, fundamental reform that shifts assets and opportunities in favour of the rural poor have yet to be brought about. Across the region, the legacy of settler colonialism lives on in a dualistic agricultural system that has been perpetuated first by deliberate state policies and, more recently, by the forces of deregulated capitalism. Small-scale agriculture, which provides a precarious living to millions of poor rural households, remains severely neglected by policy makers in all three countries. Only in Zimbabwe has substantial redistribution of land taken place since independence, but here, as elsewhere in the region, the rights of small-scale landholders remain vulnerable and the conditions for agricultural livelihoods highly unfavourable. Recent seizures of commercial farms and other land in Zimbabwe, and rising militancy among land activists in South Africa, suggest that demand for radical land remains strong among much of the rural population and show how the land question has the potential to become critical in times of political or economic crisis.

Introduction*

Southern Africa today presents a wide spectrum of land policies, embracing a variety of forms of redistribution and tenure reform initiatives, utilising methods that range from consensual, market-based approaches to forcible confiscation. Having remained marginal to political debates in most countries of the region for much of the 1980s and 1990s, land and land reform are back on the policy agenda to an extent unknown since the liberation struggles of the 1960s and early 1970s. Recent events in Zimbabwe, in particular, have had strong resonance for political parties and landless people in those countries – most notably South Africa and Namibia - where severe racial inequalities in land holding persist, and struggles over land have become central to external perceptions of the region. Critical questions, therefore, are whether the Zimbabwean case is exceptional or an indication of tensions throughout the region, and whether the heightened political importance of land in the region is a product of changes in the regional or global economy, or a culmination of long-running processes at a more local level.

While conditions vary considerably from country to country, a number of broad themes can be identified that provide a common context for the politics of land across the region. First is the shared history of colonialism, and with it the dispossession and impoverishment of rural

* The author wishes to acknowledge the contribution of all the members of the SLSA project to the preparation of this paper, especially Joseph Chaumba, Isilda Nhantumbo, Simon Norfolk, João Pereira, Ian Scoones and Will Wolmer.

people, which shapes both patterns of landholding and discourses around the value of different types of land use. Second is the growing impact of neoliberal globalisation, in terms of both direct influences on agriculture and rural economies generally and on the policies being promoted by national governments and international agencies. Of particular importance here are the deregulation of markets, the withdrawal of state support to agricultural producers and the reliance on the private sector as the principal agent of development. Third is the ongoing impoverishment of the mass of the rural population and the extreme precariousness of rural livelihoods. High rates of unemployment, poor returns to small-scale agriculture, lack of access to social services such as health and education, recurring drought and a rampant (and largely unaddressed) HIV/AIDS pandemic serve to erode existing livelihood activities and perpetuate relative and absolute poverty in rural areas. Last is the re-emergence of the rural poor as political actors, to varying degrees throughout the region. Mobilisation around the *Campanha Terra* in Mozambique in 1996-97, the occupation of commercial farms by war veterans and others in Zimbabwe, and growing militancy by the Landless Peoples' Movement, among others, in South Africa since 2000, suggest that an important new phase in the politics of land in Southern Africa has begun.

Clearly, the experience of countries in this study has differed greatly, and has shifted over time. From one perspective, Mozambique would appear to be the odd-man-out, in that, unlike Zimbabwe and South Africa, setter colonialism was effectively destroyed in the transition to democracy and independence. However, the policies adopted by the FRELIMO regime did not bring a return of land to 'peasants', but rather the perpetuation of a dualistic agriculture, dominated by state farms and collectives. The so-called 'family sector' remained marginalized and often actively discriminated against. Only after nearly two decades of bitter civil war, and the official abandonment of socialism, did the state begin to begin to reverse the historic discrimination against the peasantry (Bowen 2000: 185).

Current policies, however – including privatisation of former state enterprises and the granting of concessions to commercial operators - continue to place much of the best land, and natural resources, in the hands of elite groups, both national and foreign, albeit now within a framework of market capitalism. While recent policy shifts have recognised, and arguably strengthened, the customary land rights of peasants, they have not fundamentally changed the highly unequal and dualistic nature of property relations in the country, and, equally important, have not delivered significant material benefits to the rural population. The struggle for land and rural livelihoods that has characterised rural Mozambique for the past century has not abated, but has rather entered a new (neoliberal) phase. In this respect, the Mozambican 'land question' continues to be shaped by a history of dispossession, exclusion and exploitation, and so shares much with its neighbours in Zimbabwe and South Africa.

From another perspective, Zimbabwe is widely seen as the exceptional case in Southern Africa: the country that has succeeded in putting radical land reform back on the political agenda, an anachronistic revival of 'socialist' interventionism amidst the triumph of lasses-faire capitalism. And yet, few can be surprised the land question in Zimbabwe has come to the fore. Radical redistribution of land has remained a staple of the Zimbabwe political discourse since long before independence. Emerging evidence from the first decade of resettlement demonstrates that not only is land reform possible, but that it can deliver significant material benefits too. The unfolding economic crisis in Zimbabwe since the late 1980s, fuelled by drought and spectacular mismanagement by government and international institutions alike, has contributed to a collapse of livelihood opportunities and growing desperation on the part of large sections of both the urban and rural populations.

The slide from economic crisis to economic meltdown in the late 1990s, and the manifest inability of the government to cope, has been accompanied by an equally profound crisis of political legitimacy. In the face of mass popular dissatisfaction, the ZANU(PF) regime has degenerated into increasing violence and authoritarianism. In this context of heightened social conflict, political tension and economic desperation, the gross inequality in landholding by a small racial minority could not be expected to be sustained. While much attention has focussed on the role of the state in orchestrating the (sometimes) violent seizure of white-owned farms, recent research from throughout the country highlights the enormous (but clearly not unanimous) popular pressure for redistribution of land, from a wide range of social groups. Of these, the most conspicuous has been the so-called war veterans, a motley crew that has succeeded in capturing the symbolic apparatus of the liberation struggle – embracing extreme nationalism, militarism and the return of land to the disposed – and helped create the conditions for a dramatic departure from the constitutionally based resettlement policies of the past. It is no coincidence, of course, that this swerve to the 'left' (or new nationalist fundamentalism) took place in the face of the most concerted challenge since independence from the 'right', in the form of the loose alliance that makes up the Movement for Democratic Change (MDC).[1]

While the seizure of (mostly) white-owned farms, and the accompanying violence, undoubtedly marks a new phase in Zimbabwean affairs, it does not necessarily imply a total break with the dominant neo-liberal orthodoxy. Zimbabwe is clearly (intentionally or otherwise) disarticulating itself from the international political and economic system

[1] The political signifiers of 'left' and 'right' are no longer useful, or very conspicuous, feature of political discourse in Zimbabwe. ZANU(PF), however, has consistently attempted to portray the MDC as representative of the Rhodesian old-guard and their British (colonial) allies, and itself as the guardian of the revolution. The cross-class support enjoyed by the MDC, contrasting with the increasing authoritarianism, appetite for self-enrichment and anti-worker stance of ZANU(PF) would suggest an alternative reading.

in certain key respects – particularly in terms of inward investment, convertibility of the currency, access to donor funding and isolation of the regime in key forums – but many aspects of the capitalist economy remain more or less intact. Thus, while certain property rights are being overthrown, this does not amount to the abolition of private property. Land that is being redistributed under the 'fast track' reforms is effectively being granted under the highly individualised (and relatively secure) model used for redistribution since 1980.[2] Moreover, the recent move to larger individual holdings (A2 model), coupled with the reallocation of entire farms to members of the ruling elite, appears to signal a consolidation of private property, albeit in new hands, in what is likely to be a more widely distributed (and thus potentially more sustainable) system of private property.[3]

Similarly, the mode of production on resettled land under the fast track does not appear to differ greatly from that in other, older, resettlement areas and, especially at the larger end of the scale, would appear to represent the emergence of a new class of (African) capitalist farmers. Thus, despite the radical nature of land redistribution in Zimbabwe, with its evident rejection of market mechanisms, there is little sign of a whole-scale rejection of the system of private property or of the capitalist mode of production and, perhaps most strikingly, no suggestion of an alternative (be it nationalisation, collectivisation or African socialism) to the dominant neo-liberal orthodoxy. Nevertheless, it is clear that recent events in Zimbabwe are having profound effects on the wider social, economic and political order. Aspect of that order in Zimbabwe are clearly on a fast track to destruction, as evidenced by the worsening food situation and the inability of the state to respond effectively. A major question, therefore, is whether the current redistribution of property rights can, in the longer term, provide the foundation for a new social and economic order in the countryside, or will it become a casualty of the further political and economic upheavals that surely await in the not-to-distant future.

Given the multiple problems being experience with land reform in Mozambique and Zimbabwe, considerable hopes are riding on the outcome of the land reform programme being implemented by the market-friendly South African government. The land reform programme adopted since 1994 by the African National Congress is, from some perspectives, much more ambitious and wide-ranging than policies being pursued elsewhere in the region, aiming as it does to redistribute a substantial proportion of agricultural land to emerging black farmers, to restore land rights lost under previous regimes and to secure the tenure rights of occupants of both communal and privately-owned land. This

[2] Model A resettlement – individual (permit) rights to residential and arable land, with shared access to communal grazing - constitutes over 90% of all resettlement prior to 1999.

[3] Chaumba et al. (2003a) highlight additional, technical, continuities, between fast track and earlier forms of resettlement, stretching back to the pre-independence era (see below).

seemingly-radical agenda, however, is being implemented within what is by far the most advanced capitalist economy in Africa, with the most firmly entrenched system of private property, presided over by a government that has distinguished itself of late as the leading proponent of neo-liberalism on the continent. South Africa is a crucial test of the market-based (or market-assisted) land reform policies being advocated by multilateral bodies such as the World Bank, the Food and Agricultural Organisations (FAO) of the World Bank, and various western governments, and early indications are that it is not particularly successful (Riedinger et al. 2000).

At the heart of the South African dilemma is a broad-based consensus between the main political parties and the representatives of private capital to preserve the fundamental structure of the capitalist economy, albeit with the addition of new black faces among managers and owners (Bond 2000: 173). In the agricultural sector, this means preserving what is widely seen as a highly efficient commercial agriculture sector, based on large-scale, capital-intensive production, with high export potential. This is reflected in the prominence given to abstract conceptualisations of markets throughout land reform policy – land for the landless will be supplied by 'the market', beneficiaries will be selected (largely) on their ability to produce for 'the market', support services for resettled farmers will be accessed through 'the market'. The slow pace of land redistribution to date can not be explained solely in terms of market failure – indeed, land markets in South Africa are considered to function relatively efficiently[4], and markets for both agricultural inputs and outputs have lost much of the monopolisation and regulation that characterised them in the recent past. Equally important have been the very limited funding and other support provided by the state, and the absence (until very recently) of an effective rural social movement pushing the pace of reform.

After land redistribution (of which restitution can be seen as a special kind), the biggest challenge facing land reform in South Africa is reform of the system of communal tenure prevailing in the former 'homelands'. Communal (or customary, or traditional) land tenure poses particular challenges to the neoliberal position. As in Mozambique, the communal areas tend to be seen by policy makers as having little or no potential for self-generated growth (primitive accumulation, accumulation from below). Any contribution they might make to the national economy is assumed to be in the form of large-scale commercial enterprises (in sectors such as tourism and natural resource extraction, as well as agriculture), driven by external investment. Although the communal areas are generally seen as economically marginal, they are also seen as politically unpredictable, and the ANC has shown extreme caution in dealing with traditional leaders (chiefs). Wariness of a political backlash led by the chiefs has been a key factor behind the failure to implement reforms of communal tenure to date, and behind the very limited

[4] See Aliber and Mokoena (2002).

perspective of the recent Communal Land Rights Bill, which proposes a model of land titling that is likely to undermine existing (non-market) systems of collective land management[5].

The key questions addressed by this paper are the following:

- what are the social, economic and political factors that shape land policy in the region?
- does land policy effectively protect the rights of peasants and small-holders?
- what is the nature of land rights under recent reforms?
- do newly-acquired land rights contribute to improved livelihoods, and how?
- what are the major threats to land reform and the livelihoods of the rural poor in the region?
- what are the implications of recent shifts towards more radical land reform for neoliberalism in the region?

Mozambique: defending customary rights

Introduction and background

This section looks at the effectiveness of recent attempts to grant security of tenure to occupiers of communal (or community) land in rural areas of Mozambique. It examines the nature of land rights, as recognised under the law, the support services available to occupiers wising to exercise (and record) their rights, and the contribution of recent reforms to economic development, especially for the rural poor. It also considers some recent debates around land rights in Mozambique, and the potential impact of demands for the full privatisation of land.

With the transition from a socialist to a market-based economy, discourses around land in Mozambique have centred around two, closely related issues: how to encourage (private) investment into rural areas, and thus more productive use of land and natural resources; and how to protect the rights of customary occupiers on communal land. These twin concerns represent two sides of a fundamental, and deeply historical, duality in the theory and practice of development in Mozambique, which have persisted in one form or another through the periods of settler colonialism, state socialism and market capitalism (see Lahiff and Scoones 2000).

Unlike many other countries in Southern Africa, current land policy in Mozambique does not have a redistributive element. Rather, as Tanner (2002: 2) argues, it seeks to 'recognise and protect existing land rights, in the main held by the large majority of rural Mozambicans through

[5] 'Row erupts over land law'. *Mail and Guardian* 2/8/2002.

customary land laws and management systems. It is not designed to change the fundamental, underlying structure of land ownership in Mozambique, to switch key resources from one group to another'. Under this model, 'development' is dependent on 'outsiders' who will bring with them capital and expertise. Customary land occupiers, it is envisaged, may be able to secure spin-off benefits, if they are capable of striking favourable deals with outsiders. At least, and perhaps more realistically, occupiers will be able to defend their existing land rights as 'development' occurs around them.

The landmark 1997 Land Law (*Lei de Terras 19/97*), which provides the legal foundation for current policy, emerged out of process widely described as one of the most participatory and democratic in recent Mozambican history. While the policy-making process revealed a wide range of divergent interests around the question of property rights, substantial consensus was achieved around three core issues: the continued state ownership of land, protection of existing rights, particularly on communal land, and the opening-up of land and other natural resources to the private sector.

Mozambique has gone further than other counties in the region to extend legal protection to the rights of communal land users. This can be seen as surprising, given the traditional apathy of the colonial and post-colonial state to the so-called 'family farm' (peasant) sector, but can be understood in terms of the large areas of land remaining under communal management, the relative weaknesses of the private commercial agricultural sector (and the collapse of the former state sector and cooperative sectors), and the remarkable mobilisation of peasants and their allies during the Land Campaign of 1996-97. Viewed in its proper political and economic context, the 1997 Land Law cannot be seen as simply protecting the rights of peasants. This is just one aspect of what is a comprehensive national law, covering both communal and individual land. This Law, and the wider land policy that accompanies it, arises out of a need by state and society to achieve certain objectives, including the regulation of de facto land markets in urban and certain rural areas, protection of the rights of those investing in property development of all sorts and to stimulate private sector involvement in natural resource usage in rural areas.[6] Protection of customary rights, therefore, must be seen as part of a wider strategy to facilitate private sector involvement, by creating processes whereby customary lands can be defined as a means of allowing peasants to engage in legally-enforceable and mutually beneficial partnerships with outsiders but also

[6] This is made clear in the preamble to the 1997 Land Law: 'The challenge that the country faces for its development, as well as the experience in the application of the Land Law No 6/79, of 3 July, demonstrates the need for its revision in order to bring it into conformity with the new political, economic and social circumstances and to ensure access and security of land tenure not only for Mozambican peasants but also for national and foreign investors'.

(and perhaps more importantly) to identify land and other resources which are not under the control of peasant communities. Thus, protection of customary rights is not an end in itself, but aims to facilitate a wider process of investor-driven development. This approach to development is also evident in other policy measures, such as the 1999 Forestry and Wildlife Law (*Lei de Florestas e Fauna Bravia 10/99*), which grants certain limited protection to customary users of natural resources, within the context of opening up such resources to exploitation by 'investors'.

The following section examines the key strengths and weaknesses of current land policy, in theory and practice. It draws heavily on the work of Norfolk et al. (2003) in Zambézia province.

Legal protection of community land rights

The legal basis for protection of community land rights grows out of a rapidly evolving framework of Mozambican constitutional and property law. The central element of this has been the abolition of private ownership of land, which, along with other natural resources, was nationalised in terms of the post-independence Constitution of 1975. The implications of nationalisation were further spelled out in the 1979 Land Law (Law No.6/79), which reinforced the Constitutional provisions but went further to prohibit the sale or other form of alienation of land. Permission for the use and benefit of land could, however, be issued by the state for up to 50 years. According to Garvey (1998: 176), this made the Mozambican State's property interest in land 'a complete right which admitted no division or sharing'.

While the state assumed ownership of land, smallholder families and communities retained their use rights to the land they occupied under customary tenure. Powers to allocate land and adjudicate disputes under customary law, however, were stripped from traditional authorities by FRELIMO and replaced with party representatives integrated into a state/party hierarchy (Kloeck-Jenson 2000). In practice, however, much of the de facto allocation of land in rural areas has continued to run through customary procedures and lineage links, often working in tandem with party structures (Whiteside 1999: 31).

The transition to a market economy since 1983 has generally been seen as a period of further assault on the rights of smallholders, leading to dispossession and impoverishment (Bowen 1993: 326; O'Laughlin 1996: 3; McGregor 1997). The Land Law Regulations of 1987 (Decree 16/87) granted a three-year period during which any title that had not been extinguished by the state could be reactivated, leading to a rush of national and foreign former landowners to reclaim land, much of which had been occupied by others in the intervening period (Myers et al. 1994: 14).

Only with moves towards peace from 1990, and the prospects of a rapprochement with RENAMO, did land policy begin to swing in favour of smallholders. This can also be related to a more intensive engagement with international institutions, such as the World Bank and the FAO, which promoted a balancing of the interests of investors (and market liberalisation generally) with the promotion of a culture of private property rights and, specifically, legal recognition of de facto land rights (see Lahiff and Scoones 2000: 12). This change was evident in the new Constitution of 1990, which effected radical changes to land rights in Mozambique. While it endorsed the 1979 prohibition on the sale and encumbrance of land, it removed restrictions on leasing or rental of land. In addition, explicit recognition was given to land use rights acquired through non-formal or customary means, including succession and occupation. Moreover, the State could now only appropriate private property on the basis of the public interest, utility or necessity, subject to the payment of just compensation.

Garvey (1998: 178) argues that the right to land use and benefit could now be characterised as 'a limited property right, rather than mere possession, within the protection of the framework of real property rights'. These constitutional provisions, however, were insufficient to protect land rights in the period leading up to and following the General Peace Accord of 1992, when the return of large numbers of people displaced by the war and colonial-era title holders, and the granting of numerous new concessions gave rise to intense conflicts and further dispossessions throughout the country.

The rapidly changing social and economic context following the peace accord prompted a new land policy *(Politica de Terra),* in 1996 and led to the promulgation of the Land Law the following year. The new policy continued to vest all land in the state, under a system of 50-year leases, but, very importantly, recognised customary law and the role of traditional leaders in land allocation, and allowed transfer of land use titles between national companies and individuals. Under this interim policy, peasants were generally able to defend their land rights, but were often removed from former state farm, which they occupied during the war, and which were later taken over by foreign companies (Tanner 1996).

Under the Land Law, land rights can be acquired by any of three means – customary occupation, 'good faith' occupation and by application '(request') to the state, as set out in Article 12.[7] All three categories of land holders are entitled to a similar right of use and benefit of land (*Direito de Uso e Aproveitamento de Terra*, or DUAT), although the rights of customary and good faith occupiers are effectively in perpetuity whereas

[7] 'The right of use and benefit of land is acquired by:- (a) occupation by natural persons and by local communities, according to the customary norms and practices which do not contradict the Constitution; (b) occupation by natural national persons who, in good faith, have been using the land for at least ten years; (c) authorisation of the request submitted by natural or juristic persons in the manner set out in the present Law'.

those obtained through application to the state are for a period of fifty years.

The Land Law requires consultation between land applicants and local communities before the award of private use rights: 'Those who wished to acquire rights to an area where they had no history of occupation have a legal obligation to consult locally and obtain authority from local-level community institutions' (Norfolk et al. 2003: 4). In reality, it would appear that many concessions have been (and continue to be) granted to private individuals and companies with minimal local consultation.

While the Land Law is seen by many as protecting the customary rights of existing occupiers on communal land, it is also seen as clarifying, and strengthening, the rights of private companies and individuals wishing to acquire access to land and natural resources for commercial purposes. Indeed, the use of the Land Law to promote private investment is a key element in the strategy of the Mozambican state for the development of the rural economy, and indeed for the wider national economy. For Tanner (2002: 1), the Land Law

> *is* not *a law that simply defines and protects land rights; it does* not *assume that once its work is done, things will remain as they are. Quite the opposite - it creates the conditions for change, for a long-term but* gradual and well managed *process of rural development … [emphasis in original]*

Whether or not this potential for development will be realised remains a matter of considerable debate.

Official attention to date has largely focussed on the potential of the law to promote private ('external') investment, rather than on the development of the small-holder (peasant) sector. As Norfolk et al. (2003: 5) point out, this is reflected in the position of key developmental initiatives such as the agricultural sector investment programme (PROAGRI) and the Poverty Reduction Strategy and Plan (PARPA):

> *The PROAGRI and the PARPA both tend to stress the neo-liberal elements of the development approach in rural areas (those of maximising foreign exchange earnings, encouraging public-private partnerships, economic growth, the creation of rural employment opportunities and other aspects of 'trickle down'). Very little attention in either of these policy instruments is paid to the issue of tenure reform at community level and the emphasis has been strongly upon the need to streamline access for the private sector uptake of land rights in the rural areas. To the extent that this represents a strategy for growth, it would appear that the poor majority have little of a role to play and the potential of the land law has not been fully appreciated …*

Thus, while the Land Law might in theory facilitate development, this depends on interventions by private-sector 'outsiders. The possibility of using the property rights granted in law to communities as the basis for

the development of the peasant sector does not appear to form part of official thinking.

The status of customary law

The recognition in law of customary land rights is based on the 1990 amendments to the constitution that recognised a wide range of individual and group rights and restricted the rights of the state. The Land Law of 1997 flows directly from this amendment, and is significant in that it applies to both urban and rural area, to individuals and to groups, and to rights obtained through occupation, market transactions or administrative action. In this regard, the recognition of customary rights is not a 'special concession' within the law, but is a central plank of Mozambican constitutional and property law (see Norfolk et al. 2003: 9). This contrasts sharply with the case of South Africa where property rights in communal areas continue to be interpreted in the light of specific constitutional clauses and legislation, distinct from the body of law dealing with individual, private property rights (for example, freehold), thus serving to perpetuate the dualistic system of property rights and property law bequeathed by colonialism and apartheid.

Tanner (2002: 48) emphasises the achievements of the Land Law in giving customary practice the weight of law, based on a thorough analysis of the social and economic norms and practices that characterise land access and management throughout Mozambique:

> *Being largely "customary", these had never been adequately incorporated into the legal framework of either the colonial or newly independent state. The 1997 Mozambican Land Law redresses this balance, and thus contributes to an important debate in the African context particularly, namely how best to integrate customary and "formal" law.*

A key feature of the Law is the blanket recognition extended to existing practices regarding land use, users and administrative arrangements. Such 'up-front' recognition of informal land rights marks a major reversal of the historical legal discrimination against the peasantry, and (at least in theory) strengthens the hand of communal land users in dealing with the range of developments being unleashed under the banner of economic liberalisation. This initial recognition of customary rights is linked to graduated processes whereby existing informal rights can be formalised over time. Thus, policy refrains from determining either the precise nature of communal rights or the pace at which such rights may be formalised.

This approach has obviated the need to identify the wide range of land rights systems that prevail in Mozambique's communal areas, and the need for rights-holders to conform to pre-defined conditions in order to claim their rights. It has the added advantage that it places little or no obligations on the state in order for the rights contained in law to apply, in recognition of the very limited capacity of the state to comply with complex, expensive or time-consuming processes. It is significant,

however, that this 'evolutionary process' proceeds from – rather than leads to – legal recognition of land rights:

> *provisions in the law stipulate that "local communities" acquire a legal land use right merely by virtue of their occupation of the same according to customary norms and practices. These legal entities may register the acquired rights in the national land register but may benefit from the proactive mechanisms of the law even without this registration.*[8]

Broad definition of land, users and institutions

The reforms introduced under the 1997 Land Law and related policies have been based on extremely broad interpretations of the types of groups, lands and institutional arrangements covered by the law. Legal protection is extended to occupancy rights acquired by groups of people ('communities') occupying land according to 'customary norms and practices', and for individuals whose occupation of land had been for at least ten years and in good faith. These rights are protected without need for registration and can be proved through oral testimony (Norfolk et al. 2003: 4). Of central importance is the recognition of a new concept of a local community, defined, in part, in terms of the collective ownership of common property resources. Under the Law (Article 1), a 'local community' is defined as:

> *a grouping of families and individuals, living in a territorial area that is at the level of a locality or smaller, for the purpose of safeguarding their communal interests through the protection of traditional areas, agricultural areas, whether cultivated or lying fallow, forests, places of cultural importance, pastures, water sources and areas for expansion.*

Thus, in terms of land, the range of rights protection under the law is extremely broad, encompassing all the major categories of land use among rural communities, now and in the future.

The Land Law and its regulations eschew any attempts to define or regulate the land management institutions and practices that operate within a communal area - existing procedures are simply recognised as they stand (Norfolk et al. 2003: 6). This recognition of 'customary norms and practices' can be seen as a concession in the face of strong demands from the RENAMO opposition, as well as a recognition of actually existing practices.

A key benefit of this approach is continuity between pre- and post-reform practices - beyond participating in the delimitation of their territorial boundaries, community members are not required to learn any new or unfamiliar concepts or ways of organising their affairs. For Norfolk et al. (2003: 6), his has served to reinforce rather than replace (or undermine) existing local practices and institutions: 'the basis for the

[8] Norfolk et al. (2003: 9).

future evolution of land management institutions has been grounded in what exists presently, rather than on something new and unfamiliar'.

As communities are not required to record their rules in writing, the problems of one 'version' of local custom gaining special status through being formally codified, and of current practice being 'frozen' at the time of codification in a way that undermines organic evolution, should be avoided. Nonetheless, the failure to set minimum standards regarding communal practices clearly leaves considerable potential conflict within groups and for the perpetuation of discriminatory practices.

It is significant that the Land Law does not specifically address the rights of individuals within communal systems, most notably the rights of women, but rather accepts (and gives legal weight to) existing practices that regulate relations within communities. Indeed, it would appear to have been the priority of the civil society groups involved in the Land Campaign, and others associated with the formulation of current land policy, to focus on protecting the rights of communities against third-party encroachment, rather than intervene (at the level of law or national policy) in the internal dynamics of land-holding groups. Given the relatively high degree of de facto individual (or household) rights within Mozambican communal systems generally, however, especially with regard to residential and arable plots, it appears unlikely that individual rights will be greatly prejudiced under the law. This contrasts sharply with current discourses in South Africa, where the protection of individual rights within group systems has emerged as a matter of considerable public debate.

However, Norfolk et al. (2003: 7) highlight the potential for the blanket (and uncritical) acceptance of customary practices to entrench discriminatory behaviour:

> *The implication of their recognition in formal law is that inequalities, where these exist in the "customary" systems, can be reinforced. Some, such as gender inequalities, are nominally excluded from this reinforcement since they are contrary to the constitution. However, in the absence of legislated state support for the new institutions, that steers them towards practices that do not unfairly discriminate against any group, this counts for little.*[9]

The rights of women under the Law give effect to articles 66 and 67 of the 1990 Constitution, guaranteeing their equality with men concerning titles to, and use of, land, as well as to inheritance. Garvey (1998: 182) argues that the specific mention of women among the different types of persons and entities with capacity to hold individual title to land can be considered both innovative and a practical necessity to ensure that

[9] Equality of men and women is stipulated in a number of clauses in the Law, e.g. 10(1), 13(5), 15(b) and 16(1): 'The right of use and benefit of land may be transferred by inheritance, without distinction of gender'.

women have equal access to secure land titles, which has not been the case in practice under previous laws. For Tanner (2002: 49), however,

> *The tenure rights of women are also still far from being fully addressed, and even staff from the more enlightened NGOs need support to fully achieve the kind of mental transition that is needed if the 1997 Land Law is to achieve its potential as an instrument for development and social change.*

The non-prescription of legal norms for the organisation of land-holding communities, and the lack of specific measures protecting the rights of individuals within communities, can be seen as a weakness of current legislation. On the other hand, it can be seen as a model of well-target and parsimonious law making, that introduces one fundamental change (the legal recognition of community land rights) and leaves other (perhaps equally pressing) issues unaddressed. While this narrow approach may limit the socially transformative potential of the law, it probably increases the chances of it meeting its primary objective.

'Good faith' occupation rights

With the upheavals of the liberation struggle and the civil war, large numbers of properties - colonial estates, state farms, cooperatives and others - were abandoned or fell into disuse, with much of the land taken over by surrounding communities, often with strong historical links to the land. In addition, large numbers of people found themselves on communal land to which they did not have traditional rights. Technically, many such people should find themselves protected by the ten-year, good faith occupancy provision of the Land Law. In practice, such legally conferred rights have proved difficult (or impossible) to enforce (see Lahiff and Scoones 2001: 13).

Particularly problematic have been the state farms, which have been privatised in the 1990s. New owners, including both returning Portuguese colonists and former managers of state enterprises, have shown little sympathy for peasants found occupying 'their' land, and occupiers appear unable, in practice, to exert their (theoretical) rights based on prolonged occupancy in good faith. Tanner (2002: 2) describes a grey area of land which is officially 'empty properties', including still-intact colonial plantations-turned-state farms, and other formally demarcated and cadastrally-registered properties dating back to colonial times, many of which were abandoned during or after the war: but which in many cases are informally occupied by local people. 'Many of these appear on cadastral maps as 'empty' properties owned by the State that has the right to allocate them to new 'owners', or new 'users' to be more juridically correct. Their subsequent allocation to new investors who arrive to find long established communities living and farming has been one area where the Government has been facing major problems'.

Overall, it appears that customary rights are defendable in areas of long, continuous occupation and little or no contestation, It would also appear that individuals who occupy community land in good faith have been

able to retain their rights, through incorporation into community structures. What has not been possible, however, is for 'good faith' occupiers (including groups) to exercise their rights in the face of pressure from state or private enterprises. While experiences certainly differ from place to place, it appears that no delimitations of such individual rights have taken place are taking place in the country. There is a strong possibility, however, that many occupiers of land who might fall into this category, especially those on communal lands, have rather made applications to the state under 12(c) of the Land Law (i.e. private applications).

Implementation of Tenure Reform

This section looks at the implementation of current land policy under two main headings: delimitation and registration of community rights, and the importance of legally-recognised customary rights in the context of private-sector development initiatives.

Community Delimitation and Registration

The 1997 Land Law (together with the accompanying Regulations and Technical Annex) creates mechanisms whereby communities can delimit and register their communal land rights. While existing use rights are recognised in law without the need for formal titling or registration[10], this is sufficient only to defend existing rights. It does not provide an adequate basis for the formal transaction of such rights. The law requires that the transmission of any right in land to a third party (including a right acquired through occupancy) be first certified by means of delimitation and registration (Norfolk et al. 2002: 5). To date, the uptake of such registrations has been extremely limited, for reasons that will be discussed below.

Current policy allows either the state or a community to invoke the registration mechanisms, either in the case of conflict, at the request of the community or where the state or some other party intends establishing a new economic activity or development project. As part of the delimitation-registration process, the Provincial Service of Geography and Cadastre (SPGC) records the limited land in the atlas and the register, and issues a certificate. Communities thus gain the right to transact their rights, including the right to use their certificate as collateral in dealings with formal credit institutions (although this is highly unlikely in practice). If desired, communities can go further to demarcate their land, involving a detailed survey and leading to a title of use and occupation (DUAT). The regulations for issuing of such a title are sparse, and there appears to be little reason why a community would want to move beyond the delimitation-certificate stage.

[10] 'The absence of registration does not prejudice the right of use and benefit of land acquired through occupation, in terms of a) and b) of article 12, once it has been duly confirmed in terms of the present Law' (Article 14(2)).

In practice, the question of who pays for the delimitation and registration process remains unclear. While it appears that the law makes no provision for the charging of fees to register and certify land rights, travel and other expenses for government officials involved in surveying and community meetings are an unavoidable (and quite considerable) expense. As far as can be ascertained, the state itself has not initiated any registrations of communal or individual land holdings, and has not provided funding for registrations initiated by others; the relatively few registrations initiated by communities have been funded by NGOs such as ORAM, foreign donors such as the Swiss organisation Helvetas, or under the joint donor-NGO-government programme in Zambézia province (ZADP).[11] In such cases, donors have paid for the expenses of the NGOs and of the state officials involved in the process. This reluctance by the state to fund the registration process forms part of a wider failure to actively implement the provisions of the Land Law in communal areas, bringing with it a range of potential problems.

Individuals within communities with customary land rights can also apply for delimitation and certification of their land holdings, following similar procedures as the community-level delimitations in terms of public consultations. Such individual delimitations are restricted to already-individualised land holdings (effectively residential and arable plots) - individualisation of 'areas of common use' is expressly prohibited under the Regulations[12]. One reading of the law would suggest that individuals holding land rights within communal areas are not required to wait for community delimitations to occur before they may proceed with individual delimitations, but no examples are known of individuals registering their customary rights (either in advance of or subsequent to a community delimitation).

In Zambézia province, a total of 37 community delimitations[13] have been completed (or are close to completion) since the regulations governing the process came into force in January 2000, at an average size of 27,000 hectares per delimitation (Norfolk 2002: 1). Most community delimitations have followed the boundaries of the *regedorias* (the area under a *regulo*, or traditional chief) as defined during the colonial era. Many of these delimited community lands include substantial areas that have previously been allocated (by the state) to private applicants (individuals or companies), but the registration system appears capable of accommodating this level of ambiguity (Norfolk et al. 2003: 19). Quite what the implications of a community registering its (underlying) rights to land on which use rights have already been allocated by the state to a

[11] ZADP stands for Zambézia Agricultural Development Project, and ORAM is the Portuguese acronym for Rural Organisation for Mutual Help.

[12] Regulations 15 (1): 'The division of community areas, with the aim of issuing individual title deeds to natural persons who are members of local communities does not dispense with the requirement of consultation and may not occur within areas of communal use'.

[13] Zambézia is believed to account for approximately one-third of all such delimitation in the country (*pers. comm.* Simon Norfolk 2002).

third party remains unclear, but it certainly suggests that community delimitation and registration cannot be equated with exclusive ownership or control of land. The situation is further compounded by the granting of concessionary rights to forests and other resources under the Forestry and Wild Life Law. Such concessions do not, legally speaking, impinge on the land rights of communities, but the potential for conflict between different categories of rights holders on the same piece of land is clearly high. Recent amendments to the Forestry and Wild Life Law would appear to tilt the balance of rights more in favour of customary land rights holders, in keeping with the spirit of the Land Law, but this has yet to be tested in practice.[14]

Tanner (2002: 48) highlights two reasons why implementation (on the part organs of state) has been slower than expected - 'institutional problems', arising from the distribution of responsibilities across multiple state bodies; and political reasons:

> *there are distinct differences in approach and understanding of basic principles between key institutions, notably the TS (Technical Secretariat) of the Land Commission and important implementing partners such as DINAGECA (National Geographic and Cadastral Institute). This situation has complicated efforts to secure the full support of provincial cadastral services for implementing key aspects of the law, notably the delimitation of local community borders. Behind this in turn is a range of positions held by key interest groups within Mozambican society and beyond. Some simply see community consultation as an impediment to investment. Others are more aware of the radical decentralising and democratic potential of the land law if it were fully implemented and upheld across the board, and either fear or favour it for this reason.*

The lack of material support from the state has been exacerbated by a limited involvement by many NGOs in implementing tenure reform, including many organisations that had been involved in the Land Campaign. Hanlon (2002: 35) reports a high level of trust in NGOS, particularly in the area of communications and dispute resolution, but raises a concern that some NGOs have become 'over-stretched, over-funded and over-inflated, and so dependent on international funding that they have lost touch with their local constituency'. As a result, he argues, many are being run along business lines, and are less willing or able to campaign around issues of concern to the rural poor.

This general lack of enthusiasm for implementation, on the part of both the state and NGOS, has, according to Norfolk et al. (2003: 3), undermined the ongoing struggle for recognition and protection of customary rights, and encouraged those calling for changes to the law, including privatisation of land: 'In part, it has been this absence of implementation initiatives and a lack of creative attention towards making the law work that has lead to some of the present calls for revision'. A similar argument is put by Tanner (2002: 53), who suggests

[14] *Pers. comm.* Isilda Nhantumbo 2002.

that half-hearted implementation plays into the hands of those advocating an alternative approach: 'with implementation only haphazardly underway, it is relatively easy for opponents of the new law to argue that it is not effective and cannot be implemented'.

Land rights and development

The rush of 'investors', particularly foreigners, that many expected would descend on the untapped resources of rural Mozambique following the re-introduction of the concession system, accompanied by economic liberalisation, has not materialised. This has been attributed to a many factors, including the poor state of rural infrastructure, such as roads, telecommunications and processing plants, bureaucratic corruption and inefficiency, the limited nature of the concessions on offer (which fall short of outright ownership of land or other resources), and the requirement to negotiate with local communities. Tanner (2002: 2) observes that land is attracting diverse groups of 'serious investors' who plan to develop the land or use it for productive purposes, and 'less well-funded adventurers': 'many are simply speculators who use their power and influence to secure land use rights over large areas but who do not have either the resources or the intentions to do very much with their new assets'.

Where private-sector interest has materialised, it has more often than not been from cash-strapped Mozambicans, keen to acquire land cheaply in the hope of a speculative windfall at a later date, or to extract primary resources, such as hardwoods, with minimum expenditure. So-called 'serious investors', wishing to sink substantial resources into productive enterprises, remain scarce, and few have contributed much more than menial employment opportunities for small numbers of local inhabitants. It is against this background that the legal mechanisms created to allow for communal land-rights holders to participate in 'development' must be seen.

Nonetheless, private applicants for land in certain areas of the country are intense, and many that should be assessed in terms of the Land Law are being granted by officials with minimal consultation. Hanlon (2002: 14) suggests that corruption at all levels remains a major problem and contributes to land grabbing: 'Senior people in government, the military and party obtain land and either bypass the consultation procedures completely, or use the district administrator to force through a token consultation'. Hanlon also speaks of corruption in the Provincial Mapping and Land Registry Services (SPGCs): 'many of the development plans on which titles were granted have simply disappeared, which makes them impossible to enforce, and there seems at least one example of a falsified consultation report'. According to one informant (quoted in Hanlon 2002: 15): 'The problem is not foreigners stealing Mozambican land, it is the new Mozambican elite stealing land from peasants. In some

places a serious foreign investor can only get land through a dodgy Mozambican'.

Community consultations

Under the law, private applicants are required to consult with communities. While this need not necessarily lead to a community delimitation (in the great majority of cases nationally it certainly has not) but in some cases has provoked a delimitation.

In Zambézia, there have been 139 registered consultations with communities regarding private applications for land, of which 100 have subsequently been approved (Norfolk et al. 2003: 20). The evidence from these consultations would suggest that while private applicants are following the correct procedures in terms of consulting the communities concerned, this is not translating into significant material benefits for community members. In the majority of cases analysed, private applicants undertook to provide employment for local people, but in only one out of 48 cases was any detail recorded around the exact number of jobs or the levels of remuneration to be provided. In other cases, applicants agreed to make agricultural produce or livestock available for locals to purchase, or to provide other services such as shops, milling or ploughing (all on a commercial basis). In only 5% of cases did the applicants agree to provide some form of direct compensation to the existing land rights holders.

In the prevailing conditions of deep rural poverty and underdevelopment, many peasant communities appear to be are content (or feel they have little alternative) to sign over substantial areas of their communal lands in exchange for vague promises of access to employment or commercial services. It is impossible to say what the opportunity cost to the community may be, now or in the future, in terms of foregoing the use of their land. It is equally impossible to say whether communities are getting a good deal, and what the 'real' (market) value of their land might be. What can be said is that under conditions of relative abundance of land, desperate needs for income and services among rural communities, little effective competition between private applicants, and minimal advice or support to communities from state or other bodies, the effective value of a legal right in land is exceedingly low, and the tenure reform process may contribute little to the alleviation of rural poverty.

Title deeds, land markets and privatisation

While certain key elements of current land policy – state ownership, protection of community rights and promotion of private-sector investment – continue to enjoy strong political and popular support, pressure for further reform is evident, and would appear to enjoy support even at the levels of the cabinet. A recurring theme has been the demand for title deeds, coupled with demands for formal market in land and, ultimately, full privatisation of land.

> *The motivating factors behind such a policy review by government are expressed in various ways. They include a need to develop a market in land and encourage land transactions, the existence of an untaxed informal market in peri-urban lands, a need to identify areas that are available for investment through a land zoning process and the inability of the private sector to raise investment finance on the basis of long term use rights to agricultural land holdings rather than ownership.*[15]

Hanlon (2002: 13) suggests that much of the pressure for privatisation of land stems from state officials, and their allies, who grabbed land in the 1990s with the hope of selling it on at a profit: 'Many of the proponents of a market in … land are members of the elite who have organised land concessions but do not have the money to develop the land or to carry out the plans on which their provisional title was based'. Hanlon (2002: 18) further suggests that claims that foreign investors and advanced peasants must have freehold title before the will invest do not stand up to scrutiny, but are widely believed in top political circles.

Hanlon (2002: 14), quoting Negrão, points out that a variety of markets already exist in land, notably with regard to upmarket urban and greenbelt land, urban land in poor settlement, and various forms of informal land sharing among the rural poor. Similarly, Norfolk et al. (2003: 3) argue that calls for freehold tenure rights are misplaced as freehold is not a precondition for market transactions:

> *The fact that the recent statements and discussions have largely centred on the issue of whether freehold rights should be introduced, so that land can be bought and sold, ignores the fact that freehold rights are not a pre-condition for the development of a land market. Market transactions can also include leasing and rental arrangements, which do not hold the prospect of a permanent loss of land rights. Indeed, much of the 1995 land policy was designed with precisely this in mind: community land rights, once registered and secured, were also designed to be transferable to private investors on the basis of formal agreements that would bring some form of benefits to the community.*

Support for full privatisation and a market in land has at times been forthcoming from the World Bank (and others), but does not appear to have been consistent. While much of the pressure for privatisation would appear to be coming from within the ruling party, its allies in the private sector and senior state officials, there would appear to be strong, principled opposition to private ownership of land from within FRELIMO. This has been evident throughout the constitutional debates of the early 1990s and the process leading to the Land Law of 1997, and was reaffirmed at FRELIMO's eighth Congress in 2002.

[15] Norfolk et al. (2003: 1).

The future of customary rights in Mozambique

Mozambique is now witnessing a partial retreat from the achievements of the 1997 Land Law and Land Campaign. Evidence for this can be found in the minimal resources allocated by the state to the implementation of the Law, and foot-dragging by key state agencies; a lack of enthusiasm among NGOs to implement the provisions of the Law; and a renewed effort by private capital, with close allies in cabinet, to renegotiate the terms of the 1997 consensus (under the banner of 'privatisation'). As Tanner (2002: 51) puts it,

> *Implementation of the law is still highly problematic … as it comes into direct conflict with urban-based interests who seek to maintain their control over natural resources, or appears to complicate the process of allocating and managing land rights with its strong focus on community consultation and participation.*

A key feature of this retreat, as Norfolk et al. (2002: 3) point out, is that it appears to run across the political spectrum, including elements that strongly supported the Land Campaign, to the point where social forces strongly defending the progressive aspects of land policy are thin on the ground. The almost total absence of resources for the implementation of this aspect of land policy raises serious questions regarding the commitment of the state to realising the benefits implied in recent reforms.

In addition to statements regarding privatisation of land, the government has identified a need for both a new National Land Management Policy and a new National Land Use Plan as additions to the existing policy framework. This would appear to signal a return to the idea that existing landholdings of rural dwellers can be delimited in such a way that leaves substantial areas free for free for external investors – the 'vacant land' argument that featured prominently during in the run-up to the 1997 Law.

Current land policy in Mozambique does have the potential to bring benefits to customary rights holders in dealing with long-term, single-purpose investors, such as agricultural or forestry projects (that is, 'serious investors'), but does not serve the needs of short-term speculators, those who want to accumulate land without using it and sell it later; people wanting to develop land for specific purposes, such as tourism, before settling it on; or people wanting to establish themselves as landlords. Such speculation does not sit easily with the current system of community consultation and community rights. Communities are likely to want to deal with one company or individual, on the basis of a specific land use, will expect a steady stream of benefits, and will expect the land back at some point. This might be feasible for a limited range of developments, but clearly will not work for speculators. In the spirit of the Mozambican Constitution, the current system does not allow for the full commoditisation of land, and so imposes real limitations on investors. Pressure for privatisation, therefore, has little to do with long

term security of tenure, or transactability of land rights in the longer term, both of which are covered by the present Law, but the speculative buying and selling of land and land developments. It appears that speculators and their political allies will use broad arguments about insecurity and transactability to promote their own particular get-rich-quick agenda.

The Mozambican state finds itself in a new position which it may not find entirely comfortable: no longer the director of social and economic development, but a mediator between different forces, dominated by private commercial interests from within the country and abroad. On the one hand, the state must defend the 'national' interest, through its continued ownership of land, and the interests of vulnerable groups, such as customary land rights holders. On the other hand, it sees itself as responsible for bringing about development, which it cannot hope to do (and is no longer ideologically prepared to do) within its own resources, and is thus heavily reliant on private investment in order to achieve its social and economic goals, and thus finds itself serving as a midwife to an emerging capitalist class:

> *Herein lies the great challenge facing the Mozambican state today, as it tries to adapt itself to this new role and turn itself into a mediator and regulator of this often complex and turbulent engagement between very different socio-economic interests.*[16]

Zimbabwe: searching for land rights in a sea of change

Introduction

This section examines recent developments around access to land in Zimbabwe. It first looks at the wider political and economic context that gave rise to the dramatic confiscation of commercial farms and other land since 1999. Drawing heavily on case studies by the SLSA team in the south-eastern lowveld district of Chiredzi, it pays particular attention to the pressures 'from below', seeking to understand the social composition of new holders of land, the local dynamics that have driven land occupations and the discourses that have arisen. It also looks at the emerging systems of land rights and land administration on redistributed land and the likely impact of such a large-scale and dramatic change in landholding on the wider economy and political system,

The demand for land

There can be no doubting the centrality of the land issue in Zimbabwe both before and after independence. The demand for the return of land

[16] Tanner (2002: 3).

to the dispossessed majority was a central aspect of the national liberation struggle, and featured prominently in the policies of the post-independence state. Nevertheless, official commitment to land reform has varied considerably over the years, as have the contours of land policy itself, and the achievements of the land reform programme remain a matter of intense debate among scholars and political actors (See Lahiff and Scoones 2000). It is necessary here only to mention some of the key factors that helped push land reform to the very top of the political agenda.

The first decade of post-independence land policy was dominated by the provisions of the Lancaster House constitutional agreement, which protected the property rights of private landowners (largely white) and imposed the 'willing seller' formula for redistribution. Despite these constitutional provisions, and a variety of budgetary and bureaucratic constraints, however, considerable redistribution of land was achieved – 52,000 households resettled on 2.7 million hectares by 1989, raising to 71,000 households on 3.5 million hectares of land by 1996, representing one-fifth of land in the hands of white commercial farmers at independence, (Palmer 1990; Kinsey 1999). This, as Kinsey (1999: 194) observes, greatly exceeds any other redistribution of land in the region, and, over time, has brought significant benefits to resettled households:

> *Zimbabwe's resettlement programme has, after a lag, resulted in both higher incomes and more equally distributed incomes … Resettled households crop twice the amount of land and earn more than three times the unit revenues of [Communal Area] families.*

The achievements of the 1980s were not, however, continued into the second decade of independence, despite the introduction of a new land policy in 1990 and a new Land Acquisition Act in 1992. A growing economic crisis, and the introduction of a severe Economic Structural Adjustment Programme (ESAP) in 1991 denied funding to land reform, reinforcing elements within the ruling ZANU(PF) that saw little benefit in redistributing productive commercial farms to smallholders. By the mid-1990s, land reform was effectively stalled, and what land was being acquired was being distributed mainly to party loyalists, often in very large units (Moore 2001: 259). Subsequent years, however, have seen a dramatic escalation of the land question, involving mass mobilisation of people in the rural areas and a dramatic reversal of previous policies.

A number of critical factors may be identified which have contributed to the emergence of a major national crisis, of which struggles over land are only a part. Prominent amongst them must be the failure to resolve the central issue of rural poverty and a dualistic agricultural sector, despite the progress with resettlement outlined above. The majority of high quality agricultural land, and control of key agricultural markets, especially export markets, remained in the hands of a small number of white owners. The performance of the Zimbabwean government's redistribution policies in the 1990s, and even the reopening of

negotiations with international donors in 1998, offered little to millions of people crowded into the communal areas, and the growing number of urban and small-town dwellers that were looking for opportunities to prop-up declining standards of living. Despite some improvement in social conditions, and expansion of market-oriented production by some communal area farmers, the communal areas remained crowded, with limited agricultural potential. Most households continuing to rely on a mixture of dryland farming, livestock and remittances from family members employed in towns, farms and mines. Discourses on virtually all sides continue to see the agricultural sector in Zimbabwe in terms of a progressive, productive, large-scale and market-oriented agriculture, located in the traditional white commercial farming zone, and backward, unproductive, small-scale 'subsistence' production in the communal areas This dualistic view has translated into a general neglect by the state of producers in the communal areas (Kinsey 1999: 174).

Redistribution policy itself has shifted in the light of experience with reform and in the light of changing government priorities from being driven by notions of equity and redistribution of productive assets to the African majority towards a more welfarist position – what Kinsey (1999: 178) describes as 'dilution over time of the strong poverty-alleviation' focus in the original formulation of the programme, and the abandonment of the commitment to redistributive justice. This brought with it an important shift in the target beneficiaries. Whereas in the early period of reform, these included resource poor farmers in the existing communal areas, returning war veterans, and those displaced by the war, by the late 1980s the emphasis was on individuals with substantial resources and a history of farming, capable of producing on a substantial scale. Another key feature of reforms since 1980 has been the perseverance of a particular model of planning, largely around resettlement schemes, which showed a striking resemblance to colonial-era practices. A recurring feature of resettlement planning since independence has been the neglect of land tenure issues in resettled areas, mirroring the repeated failure to reform the permit-based system prevailing in the communal areas.

Chaumba et al. (2003b: 4) argue that the slow pace of land reform and the exclusion of many poorer households, combined with declining support to communal areas farmers and a general economic downturn in the 1990s, created a 'powder-keg' in the rural areas:

> *…by ignoring the poverty and marginalisation of the communal areas – by pursuing a strategy of often misconstrued and inadequate separate development (or welfare support) – a large proportion of the population were missing out. Combined with this, the structural features of inequality and poverty were not being dealt with through land reform or other redistributive measures, and such demands were consistently ignored both by government and donors. With the economic crunch of the late 1990s, combined with the other shocks and pressures discussed above, many communal area people felt increasingly disgruntled.*

Away from the shifting concerns of government and donors, however, redistribution of land remained a live issue for many Zimbabweans. The strategies of 'freedom farming' developed during the independence struggle translated into a variety of 'informal' (that is, unofficial) forms of redistribution, often with tacit support from (and influence over) the state.[17] It also contributed to the perpetuation of a popular, rural, politics of land which, Moyo (2001: 313) argues, went largely unacknowledged by the state or Zimbabwean civil society:

> *Zimbabwe has not, historically, had an organised civil society that has made radical demands for land reform or land redistribution … in the postcolonial period, the civil society groupings that have existed have been predominantly middle class and with strong international aid linkages that have militated against radical land reform, while formal grassroots organisations have tended to be appendages of middle class driven civil society organisations. The rural operation of civil society within a neoliberal framework has been characterised by demands for funds for small project 'development' aimed a few selected beneficiaries. This … has left a political and social vacuum in the leadership of the land reform agenda.*

Examples of low-intensity conflicts over land have been reported from throughout the country over many years, not only on the margins of commercial farms, but also on state land (including nature reserves) and within communal areas. Nyambara (2001: 547) describes struggles over land in a communal areas in Gokwe district, between established visitors and later arrivals ('squatters'), fuelled by competition for productive land in the context of diminishing economic opportunities and opportunities for small holder production. Similarly, Alexander and McGregor (2001: 510), drawing largely on work in Matabeleland, speak of a widespread desire for more land in the communal areas and note that 'occupying land as a means of staking a claim has a long post-Independence history'. The dramatic emergence of these hitherto largely hidden struggles around land in Zimbabwe has been a critical factor in the events of the past two years.

The road to fast track

The dramatic developments around land in the past two years cannot be explained solely in terms of events in the rural areas, or the agricultural sector. They are the products of a wider crisis of the economy and of political legitimacy, which has manifested itself in a fundamental crisis of livelihoods and poverty, affecting both urban and rural Zimbabweans.

Sachikonye (2002: 14) traces the roots of the economic crisis to the ESAP of the early 1990s, itself a response to a fiscal crisis of the 1980s, which, despite promising economic growth and employment, left the economy 'in a much weaker rather than stronger position'. Between 1997

[17] As Worby (2001: 487) puts it, 'To a significant degree, resettlement in the first years after Independence involved granting state recognition to de facto occupiers of abandoned commercial farms and tracts of state land'.

and 2000, the economy entered a period of 'sustained meltdown' which can be related to the interaction of a complex range of factors, notable amongst them the payout of vast amounts of compensation to the war veterans movement in 1997, which precipitated a major budgetary shortfall and a dramatic decline in the currency, and military intervention in the Democratic Republic of the Congo. By 2001, the economy was shrinking dangerously, hyper-inflation has set in, and public-sector debt, both foreign and domestic, was spiralling out of control. This was accompanied by an upsurge of corruption at high levels. The economic meltdown, Sachikonye argues, has intensified an unfolding social crisis, characterised by growing unemployment, dramatic increases in poverty and inequality, and massive food shortages. The drought of 2001-02, the third since Zimbabwe's independence, has greatly exacerbated these problems, with widespread crop failures, dangerously low strategic grain reserves and a regime seemingly incapable of implementing effective relief efforts. To this must be added a pandemic of HIV-AIDS, currently among the worst in the world, which is devastating the rural population.

The economic crisis is clearly both a cause and an effect of the political crisis in Zimbabwe, although factors beyond the control of government – notably shifts in world markets and recurring drought – have also played their part. Deteriorating socio-economic conditions have led to a growing discontent with the ZANU(PF) government, further fuelled by a widespread perception of an authoritarian elite that is consumed with furthering its private interests and determined to hang on to power at all costs. This has been manifested in increasing intolerance of political opponents and independent institutions of civil society (notably the press and trade unions), disregard for the rule of law and escalating violence. The temperature of politics in Zimbabwe has been greatly raised by a series of general strikes around both economic and political grievances in 1997 and 1998, the emergence of the first credible opposition to ZANU(PF) in nearly 20 years, in the form of the Movement for Democratic Change (MDC), mass mobilisation against the government's proposed changes to the Constitution, leading to a government defeat in the referendum of February 2000, the near defeat of ZANU(PF) in the parliamentary elections of June 2001, and calls for the impeachment of the president (Moore 2001: 254; Sachikonye 2002: 16).

Against this background of economic and political crisis, the land issue has emerged as perhaps the defining issue of the Mugabe regime, invested with great symbolic value by supporters and opponents alike, at home and abroad. Certainly, the speed and scale of events since 1999, and especially since the unveiling of the 'fast track' land reform in July 2000, have taken many observers by surprise, in terms of the speed of developments, the great amount of land involved, the dramatic mobilisation of substantial sections of rural society around land 'occupations' and the violence that has been unleashed by the ruling party and its allies against landowners, farm workers and a wide spectrum of perceived opponents.

Radical rhetoric around land was not itself new, especially around election time. The attention given to the land question during the 1996 presidential election, however, did not abate as it had on previous occasions, and indeed gained strength throughout the negotiations with the World Bank and others around the ill-fated Phase II of the Land Reform and Resettlement Programme in 1998 (Lahiff and Scoones 2000: 49). The designation of 1,471 farms for expropriation in 1997 indicated a new phase in the resettlement programme, as did promises of the 'overnight completion of the resettlement programme' (Kinsey 1999: 174).

The popular demand for land reform (which should not be confused with support for violent land occupations) has persisted since independence, and if anything has probably been amplified by the deteriorating economic conditions, but is not sufficient to explain the events of the past two years. For that, we must look to how such pressure has interacted with two other key elements – the changing nature of the state, and the role played by a critical new actor, the Zimbabwe National Liberation War Veterans Association.

While much attention has been paid to the 'authenticity' of the war veterans, this, as various commentators have pointed out, is to miss the point. The war veterans movement emerged at a critical point in Zimbabwe's post-independence history, launching a direct challenge to the government from a socio-political position that the government could not easily dismiss. It is important to note that land was not the chief demand of the war veterans – this was for compensation and pensions for their participation in the liberation struggle, which they achieved in a most spectacular fashion after dramatic confrontation with the president – although guarantees of a speedier and more equitable land resettlement did feature in their demands from 1997. Moore (2001: 262) describes the strangely ambiguous relationship between the War Veterans Association (WVA) and the state at this time:

> *In September WVA leaders demanded the payment [of a lump sum and pensions] in a meeting with Mugabe: his aides and cabinet ministers were removed from the room. They were able to demand that forum because they had invaded State House. The fact that no member of the presidential guard resisted their entrance suggests that they had the army's support.*[18]

The emergence of the war veterans as a social and political force has not yet attracted the degree of scholarly investigation it deserves, despite their high profile (as either villains or heroes) in the mass media. While originally organised around a particular social constituency and set of demands, the war veterans movement soon came to enjoy the support of a wider range of social groups, including sections of the rural poor, who,

[18] It is noteworthy that the compensation paid to the war veterans – estimated as exceeding Z$5 billion – is widely seen not only as a rare political triumph over an obstinate regime, but also as a direct contributor to the economic crisis that engulfed first the fiscal situation, and then the general economy, from the late 1990s.

in the absence of a viable political opposition for much of the 1990s, looked to the movement to give voice to a range of demands. The status of the war veterans movement was undoubtedly enhanced by their success in obtaining compensation from the state, which also marked their transformation from opponents to vociferous government supporters. The co-option of the war veterans was a critical move by an embattled regime, boosting both its radical credentials and its practical ability to influence society. For Alexander and McGregor (2001: 514):

> *War veterans were important not only because they offered an effective national organisation, reaching down to district level, but also because of their symbolic importance as exemplars of the liberation war credentials Mugabe increasingly sought to stress.*

Given the re-emergence of the land question at the forefront of political debate in the period 1998-99, it is perhaps not surprising that this new political force would turn its attention in this direction; and given the emergence of a new, largely urban-based political opposition in the shape of the MDC, it is not surprising that ZANU(PF) (or at least elements within it, including the key figure of the president) gave it active support. Considerable debate continues around the relative importance of pressure 'from below', in the form of the war veterans, and 'from above', in the form of an embattled regime. As Moore (2001: 262) puts it:

> *It would seem that the imperative for speedy resettlement did not come from an aroused peasantry, but in the politics of a regime facing economic crisis, the loss of allies within almost all sectors of civil society, and being forced into a corner by the "war-veterans".*

Nevertheless, in the run up to, and during, the trio of ballots from February 2000 to March 2002, ZANU(PF) clearly endorsed the lead shown by the war veterans on land occupations, and elevated what started as a form of direction action by the politically marginalized into a central tenant of policy. In the process, the war veterans were transformed into the shock-troopers of ZANU(PF) electoral manipulation, contributing their considerable weight to a vicious crackdown on political opponents, real or imagined, throughout much of the rural areas,[19] and extending into the urban townships (Sachikonye 2002: 18). In July 2001, the government took the dramatic step of announcing the 'fast track' acquisition of 3,041 farms within three months, unleashing a new round of occupations and confrontations with farm owners and workers.

[19] Important regional differences were evident in the political affiliation, behaviour and attitude to violence of war veterans in various parts of the country. See Alexander and McGregor (2001: 514) for a analysis of the resounding electoral defeat of ZANU(PF) in Matabeleland.

Farm occupations and resettlement

The process of fast track land reform, and its attendant social disruptions, political conflict and widespread violence, is still unfolding and it will be some time before definitive conclusions can be drawn regarding its effectiveness and costs. Drawing on the SLSA studies in the Chiredzi District, a variety of other recent literature, and observations and interviews in Zimbabwe in 2001 and 2002, this section attempts to draw interim conclusions on a number of critical issues, viz. the types of land being occupied, local dynamics driving land occupations (including the discourses employed to justify them), the social composition of new settlers, their motivations for joining the land occupations, and the emerging form of social and economic relations on the occupied farms.

The available evidence suggests that a wide range of properties were targeted for occupation. While some occupations followed the lists of farms published by government, others were only listings followed the occupations, while other land was never listed. 'The extent to which communal area people supported the war veterans, or organized their own occupations, varied widely across the country, and in some places independent movements preceded those encouraged by ZANU(PF)' (Alexander and McGregor 2001: 501).

The scale of properties designated for expropriation, and those actually occupied by new settlers, was vast, going far beyond anything that had been achieved since independence:

> *During 2000 and 2001 there was a massive escalation of farm designation and resettlement with a view eventually to redistributing 9.2 million ha from the commercial farming sector (or approximately 80% of the land in this sector) to 160,000 poor beneficiaries and 51,000 small to medium-scale indigenous (black) commercial farmers. According to official records by January 2002 7.3 million ha on 3,074 farms had been planned and pegged by the Ministry of Land, Agriculture and Rural Resettlement and 114,830 households had already been resettled on 4.37 million ha.*[20]

In the vicinity of Sangwe communal area in Chiredzi District, Chamuba et al. (2003b: 5) describe a situation during 2000-2002 where virtually all large-scale commercial farms were invaded, including both cattle and game ranches, properties within conservancies and conservation trusts. In addition to these privately owned (white) properties, however, occupiers also turned their attention to a state-owned ranch, a portion of the Gonarezhou National Park, and even a small-holder irrigation scheme within the communal area itself. The notable exceptions to this pattern of occupations were the South-African owned sugar estates at Hippo Valley and Triangle.

The first round of occupations in Chiredzi (roughly between the constitutional referendum of February 2000 and the parliamentary

[20] Chaumba et al. (2003a).

elections of June 2000) involved people from neighbouring communities, led by war veterans and supported by local councillors, the District Administrator's office, the army and the CIO. This was largely in the nature of a political demonstration, or symbolic event, under control of 'Base Commanders', designed to draw attention to the need for land (Chaumba et al. 2003a: 8). This was followed by massive influx of people (mainly from the neighbouring communal area) after the official launch of fast track in July 2000. Elsewhere in the country, the war veterans would appear to have been more directly influenced by state and party structures, particularly the army and the Central Intelligence Organisations (CIO), as in the case of Matabeleland: 'the party's alliance with the national war veterans' association was key: district war veterans committees were provided with lists of farms to be occupied'. (Alexander and McGregor 2001: 511).

The Chiredzi studies provide rich data on the complex relationships between land occupiers, the war veterans and various organs of the state and ruling party. The war veterans, in particular, were drawn into new, parallel, structures of authority that linked the land occupiers directly to centralised structures of the ruling party, and to the office of the President. Particularly striking is the ability of this emerging alliance to usurp the power of key organs of the state, including Rural District Councils and even cabinet ministers, as the following examples from Chiredzi demonstrate.

On Fair Range, the war veterans were in a position to overcome opposition from the District Administrator and the property owner:

> *By October [2002] the provincial chairman of the war veterans association had overruled a directive from the District Administrator instructing people to move off the property and people were busy clearing land, destumping and building brushwood fencing, and bringing in draft animals in preparation for ploughing with the rains. In January 2001 the ranch owner – whose cattle were now interfering with the settlers' new fields – was ordered to move all his cattle off the property.*[21]

Accompanying the emergence of new power structures has been the re-emergence of older ones, in the form of traditional leaders, albeit within parameters set by the state and the war veterans. The political rehabilitation of traditional leaders has been underway for some time, as ZANU(PF) has sought new allies in the rural areas to shore up its weakening grip on power, and culminated in the 1999 Traditional Leaders Act. While such developments are driven in large part by political opportunism, they effectively recognise the enduring importance of traditional leaders in many rural areas, especially in the area of cultural practices and with regard to land. Appeals to tradition have been a feature of many land occupations. This is particularly so in the context of claims to land based on historical rights (that is, restitution), a discourse

[21] Chaumba et al. (2003b: 6).

that was not officially recognised within earlier resettlement policy. Traditional leaders, and symbols, have also been deployed to add weight to the increasing 'Africanist' tendency within nationalist rhetoric, used to counter critical voices raised in defence of 'western' or 'colonial' values of private property, liberal democracy and the rule of law. While the institutions of traditional authority are receiving new prominence and recognition, Chamuba et al. (2003b: 16) point out that they effectively remain subordinate to ZANU(PF) and the war veterans: 'Chiefs and headmen are back – but only on ZANU(PF)'s terms'.

The dramatic escalation of land struggles was accompanied by, and contributed to, a significant shift in public discourse around land, which in turn interacted with a range of local justifications for land occupations. Moyo (2001: 314) argues that the regime's embrace of popular discourses of nationalism and liberation is linked to the retreat from neo-liberalism, itself in part a response to pressure from the war veterans, and a break with the technocratic and market-based approach of the past: 'the land occupations movement that has emerged might be centrally instigated but it is differentiated by the many pulses driving it, including varied local interests of war veterans, traditional and other leaders, and informal community organisations'. Moyo identifies some of these pulses as 'extremists' within the ruling elite seeking outright repossession of land; a strategy to use occupations to create political legitimacy for compulsory land acquisitions (formalising what has already happened), as well as a range of local initiatives, opposed to centrally organised party forces, based on various local alliances; and restitution claims: 'Different varieties of such occupations included those led by traditional leaders or notable persons and those driven by the desire for restitution of land with spiritual value and based on specific claims'. Others were initiated by communities 'with grievances against farmers'.

Chamuba et al. (2003b) identify two broad ideological justifications for people claiming land – a general nationalist position that advocates reclaiming 'the land' for the nation, and a restitutive discourse based on historical claims of specific tribal or other groups over specific pieces of land. In the case of Gonarezhou National Park, for example, the occupation that began in May 2000 arose out of a complex history of dispossession and contestation around the reserve, as the Chitsa people seized on invasion of commercial farms to pursue their historical claim, driven by a desire for access to grazing and hunting (ibid., 6).

On Gonarezhou, the new settlers were able to proceed with the establishment of settlements within the national park, despite opposition from the Department of National Parks and Wildlife Management (and apparently the Minster of Environment and Tourism) to remove them, having sought support from vice president Mskia and the Provincial Governor.

By May 2001 Agritex had planned 10 villages along a former tsetse fly control team track. They had allocated separate arable plots and a communal grazing

> *area. In total provisions were made for 750 settlers on 520 plots covering 11,000 ha. There was an immediate massive increase in settlers and fields were destumped and cleared in preparation for the 2001-2002 season. However, due to a combination of drought and elephant crop raiding, most settlers had drifted back to communal areas by June 2002.*[22]

The fact that state land, in Gonarezhou and elsewhere, was occupied, is strongly suggestive that not all occupations were initiated by the central state, even if the state and ruling party subsequently supported the occupations.

Alexander and McGregor (2001: 517) describe a similar mix of motives for a large-scale occupations in Matabeleland:

> *These occupations may be explained by the farms' location on more fertile and well-watered soils than those in the neighbouring communal areas, by local people's memories of eviction from the farms, and by longstanding attempts to claim these farms for the resettlement of people from Nkaki.*

A crucial aspect of the wave of farm occupations was the use, and at times glorification, of violence – violence against landowners, against political opponents (real or perceived), often against farm workers, and against a range of authority figures that included teachers and other educated people.

> *On Fair Range this included closing farm roads; cutting down trees; poaching; cattle theft and mutilation; starting fires; attacking game guards; demanding meat and mealie meal from white farmers; looting property and sugar cane; ordering farmers, farm workers and neighbouring villagers to attend political rallies; defying police orders, and at one stage appropriating a police vehicle.*[23]

While the violence at times might have appeared gratuitous and without direction, it can also be seen as contributing to a general atmosphere of fear and uncertainty, contributing to a feeling of revolutionary potential, where previously forbidden or illegal forms of behaviour become the norm, and where the power of the centralised, authoritarian state can be greatly enhanced. War veterans set up 150 'militia bases' throughout the country, which 'quickly developed a notorious reputation for intimidation and torture of opposition supporters' (Sachikonye 2002: 18).[24]

For Chaumba et al. (2003a), this state-sponsored lawlessness was the time of *jambanja*, 'a time and space of, at best, confusion and nonsense and, at worst, disorder and chaos'. As these authors show, however, this was a

[22] Ibid., 7.
[23] Chaumba et al. (2003a: 9).
[24] Alexander and McGregor (2001: 514) describe quite a different situation in Matabeleland: occupations here were generally less violent and generally attracted a smaller communal area constituency, which they attribute to the attitude taken by the war veterans. Where violence did ensue, it tended to be associated with war veterans brought in from other parts of the region.

brief interlude, followed by the assertion of new forms of order, and the reassertion of many older ones, what these authors refer to as 'a rapid return to technocratic type'. This was particularly true with regard to land use and resettlement planning, which closely followed the norms practiced under earlier state resettlement, itself closely derived from the technical models of the colonial-era.

> *The violent political demonstration element of the farm invasions during the 'time of jambanja' of 2000 was to be replaced with the imposition of a particular type of 'order' and 'planning' and a shift in register from the political to the technical. It also saw a return to the maps, photo mosaics, and chinograph pencils of landuse planners, used from the colonial era through to the resettlement planning of the 1980s and 90s. Although, as we have seen, this did not necessarily mean bringing planning to bear on a state of absolute chaos. Instead this was often a case of superimposing state planning on settlements which – in many cases – had already been 'planned' and surveyed by war veterans and other occupiers who had measured out fields using tape measures, and settled in tidy lines.*[25]

As Chaumba et al. (2003a: 12) make clear, this planning process was largely shaped by the war veterans themselves, who directed the work of Agritex:

> *In practice – certainly on the former ranches of Chiredzi District – the war veteran commanders of the new resettlement areas and local political leaders were able to exert considerable influence over the not just plot allocation but also the precise size and location of plots, frequently making minor adjustments to 'official' practice.*

From the little that is know about conditions on occupied farms, it would appear that substantial numbers of people have resettled (although not necessarily abandoning their former homes in the process), considerable efforts are being invested in agricultural production and social infrastructure, and that at least rudimentary support is being provided by state agencies. As the experience of Fair Range in Chiredzi District shows, a variety of state agencies have become involved in the provision of services to new settlers, and the foundations for a permanent settlement are being laid down.

> *In May 2001 land use planners from Agritex (the state agricultural extension service) came to peg the ranch formally as an A1 scheme. Seven villages were established in Fair Range, each with 50-75 households. Each household received 25 ha, with 6 ha arable land, a homestead stand and communal grazing. Soon after the DDF [District Development Fund] had sunk three boreholes and was starting to provide tillage assistance to a few lucky farmers and the GMB [Grain Marketing Board] provided input packages on credit. By January 2002 a rudimentary primary school had been built alongside one of the boreholes with*

[25] Chaumba et al. (2003a: 4).

> *the labour and financial contributions of the settlers, four teachers had been recruited and 163 children enrolled.*[26]

The Chiredzi studies suggest that a considerable diversity of people have become involved in the land settlements, of varying ages, ethnicities, and degrees of wealth, men and women, people with land in the communal areas and the landless. Chamuba et al. (2003b: 9) identify 'a markedly skewed wealth distribution: with a high number of the relatively rich and the relatively poor'. The relatively wealthy typically have land in communal areas, but require additional grazing. They also have the resources, both capital equipment and household labour, to manage two plots simultaneously, while a substantial minority also have access to non-farm income. The land occupations have created a wide variety of opportunities for the better-off, including access to substantial plots (particularly under the A2 schemes), relations of patronage with poorer settlers and even with white farmers, and a variety of non-agricultural opportunities ranging from 'shebeening' to protection rackets (Chaumba et al. 2003b: 10). Political credentials are also critical for success - war veterans and party members tend to get the best plots, with key figures such as councillors in positions to accumulate large or multiple sites, some across different settlements.

The poorer settlers are those who lack livestock, and often land, in the communal areas: 'They have a little to lose and a lot to gain by moving into the new resettlements' (Chaumba et al. 2003b: 10). Such people are being attracted by the prospect of obtaining land of their own, by government promises of support with inputs and tillage, income-earning opportunities through working for better-off settlers, opportunities for hunting and pilfering of property of the white owners, and perhaps also a sense of adventure and freeing of social constraints of the home village.

On Gonarezhou, other forms of enterprise are emerging on the back of land occupations. Wolmer et al. (2003: 15) describe what is possible a unique case of local entrepreneurs allocating themselves land in a former veterinary corridor know as Section 27, not for agricultural or residential purposes, but with a view to engaging in commercial wildlife tourism:

> *50-ha self-contained plots have been allocated to 56 people. These are all members of a relatively wealthy and politically well-connected elite including, councillors, war veterans' leaders, army personnel, policemen and National Parks staff. Yet none of these people have physically relocated to Section 27. The proposal, instead, is to operate it as a mini-conservancy: a further safari concession where revenues would be disbursed to the 56 landowners.*

From land invasions to land rights?

Recent events in Zimbabwe have put land reform back on the political agenda in a most dramatic way, and have brought about a radical redistribution of assets. Occurring as they do in the midst of major

[26] Chaumba et al. (2003b: 6).

political and economic turmoil, it is very difficult to predict the long-term outcome. Indeed, it is not at all certain that the changes in land-holding will outlast the current regime, or even that the regime will continue to support the occupations once it believes its grip on power has been adequately strengthened. Nonetheless, a number of broad patterns can be identified which are likely to have deep and lasting consequences.

Firstly, the previously unthinkable scenario of a forcible seizure of privately owned (and some state-owned) land 'from below', with full backing from the state, has occurred. This poses a fundamentally challenge to how land reform is perceived, both in Zimbabwe and throughout Southern Africa. While some would argue that it has set back the cause of land reform, the message that alternatives to market-based approaches to land *do* exist has not been lost on landless people (and others) in the region. The ramifications of such militancy are already clearly evident in South Africa and, to a lesser extent, Namibia.

Secondly, there have been a variety of winners and losers in the struggle for land. White landowners are the most widely-mentioned losers, but they are greatly outnumbered by the tens of thousands (possibly hundreds of thousands), of farm workers that have lost their jobs and often their homes (Rutherford 2001: 648). While some farmworkers have been incorporated into the new settlements (not always voluntarily) many more have to face an uncertain future in the communal areas and townships. The rise of authoritarianism has strengthened the hand of hard-line elements within ZANU(PF), in alliance with the war veterans, and sidelined (or subverted) other institutions such as rural district councils. Traditional leaders, too, have been rehabilitated in the communal areas, particularly with regard to land administration, but appear to be playing a largely symbolic role in the new resettlement areas.

Thirdly, on the critical question of land rights, especially the rights of the poor, it would appear that the latest, and most substantial, round of redistribution has proceeded with little or no reference to formal rights. Land continues to be allocated by state or party officials, in one guise or another, in a broadly similar manner to that applied in resettlement areas since 1980. During this latest period of major social upheaval, the scramble for access to land has clearly taken precedence over discussions of long-term tenure security. The future land rights of the new wave of settlers will depend greatly on future developments in the wider political sphere. Given the absence of a clear discourse around formalisation of land rights, and lack of progress with tenure reform since independence, it seems unlikely that land rights – as distinct from land access – will emerge as a key issue in the near future.

South Africa: market-based land reform

Introduction

The first democratically elected government of South Africa inherited the most extreme mal-distribution of land in the region. Approximately 82 million hectares, divided into 60,000 farm units, was in white ownership, while over 13 million people, the majority of them poverty-stricken, lived in the 13% of the national territory that constituted the former 'homelands' (Levin and Weiner 1991: 92). By the final years of apartheid, the homelands were characterised by extremely low incomes and high rates of infant mortality, malnutrition and illiteracy relative to the rest of the country (Wilson and Ramphele 1989: 25). Indeed, the available evidence suggests that South Africa has one of the most unequal distributions of income in the world, and income and material quality of life are strongly correlated with race, location and gender (Whiteford and McGrath 1994: 59).

With the transition to democracy, expectations were high that the state would effect a fundamental transformation of property rights that would address the history of dispossession and lay the foundations for the social and economic development of the rural areas. The legal basis for a comprehensive reform of property relations was provided by the internationally lauded Constitution, within a liberal democratic framework that upholds the rights of all property holders.

Eight years into the transition, however, the underlying problems of landlessness and insecure land rights remain largely unresolved. In line with its neo-liberal macroeconomic policy, the approach of the ANC-led government to land reform has been based on the use of free market mechanisms, tightly controlled public spending and minimal intervention in the economy – the so-called market-based, demand-led approach. To date, this has made little impact on the racially skewed distribution of land in South Africa. On private farms, millions of workers, former workers and their families face continued tenure insecurity and lack of basic facilities, despite the passing of new laws designed to protect them. In the cities and rural towns, informal settlements continue to expand, beset by poverty, crime and a lack of basic services.

A deepening social and economic crisis in the rural areas – fuelled by falling formal sector employment, the ravages of HIV/AIDS and ongoing evictions from farms – is accelerating the movement of people from 'deep rural' areas to towns and cities throughout the country, while tens of thousands of retrenched urban workers make the journey the other way. The result is a highly diverse pattern of demand for land, for a variety of purposes, and a complex pattern of rural-urban interdependency.

The following sections explore some of the emerging themes in land reform in South Africa, drawing heavily on the SLSA fieldwork conducted in the Eastern Cape Province (Lahiff 2002). It begins with an examination of the political and economic context for land reform, before looking in some detail at each of the three main aspects of the South African land reform programme.

Political and economic context

Until recently, land reform has not been a high-profile political issues, receiving relatively little public attention from government, opposition political parties, big business, farmers' organisations or trade unions. With the outbreak of farm invasions in Zimbabwe in early 2000, however, considerable media attention was given to the land question in South Africa, and a range of political actors voiced concern about what was perceived as the slow pace of reform (Lahiff and Cousins 2001). Fears of widespread land invasions in South Africa were raised by a number of high-profile urban land occupations and evictions in the winter of 2001. Threatened 'Zimbabwe style' land occupations in rural areas have not materialised, however, despite the emergence of a range of new, and increasingly radical, civil society groupings such as the Landless Peoples Movement.

Current land reform policy is driven by a range of factors that combine to produce the highly cautious approach adopted by the state. Of these, the most important is economic. From its macro and sectoral policies, and the public statements of cabinet minister and the president, it is abundantly clear that the government is committed to preserving the present structure of large-scale commercial agriculture, along with the upstream and downstream agro-businesses on which it depends, albeit within the context of market liberalisation and withdrawal of direct state support. Small-scale subsistence agriculture, that typifies much of the black rural areas, is not seen as having any potential for economic growth, particularly in what are, for government, the key areas of export earnings, taxable revenue and formal job creation (Bond 200: 51; Hart 2002: 18). Government strategy, therefore, is largely limited to fitting emerging black farmers into the existing agricultural sector, without fundamentally restructuring that sector, and relies heavily on the free market to provide both the land and the support services required by emerging farmers (Tilly 2002: 9). This policy approach has imposed enormous limitations on the government's land reform programme, has made agriculture extremely difficult for new entrants and, above all, is not meeting the needs of the vast majority of rural black people who wish to engage in agricultural production on a modest scale.

Closely linked to the economic argument is the political one. There is enormous support from across the agricultural and private business sectors for the current pattern of land ownership and use, and great political pressure on government not to interfere with either property relations or production. This pressure is exercised through a range of

well-organised pressure groups, and finds a receptive audience in government circles.[27] On the other hand, rural black people have virtually no discernable voice within national politics, and the demand for land reform – in so far as this has been clearly articulated at all - has not to date been taken up by any major political party or other influential group. The small stratum of black commercial farmers, or black entrepreneurs looking to expand into agriculture, as represented by the National African Farmers Union (NAFU) and AgriSA, rely heavily on the state to obtain access to state land or grants for the purchase of private farms, and are unlikely to oppose the government politically. This better-off group campaigns for racial transformation within the current structures of the commercial agricultural sector, and has not allied itself with more radical demands for agrarian restructuring or whole-scale redistribution of land to the mass of the rural poor.

Thus, political pressures on government serve to reinforce the neo-liberal preferences expressed in macro-economic and sectoral policies. The belief in some circles that the ANC in government harbours radical sentiments on the land question is not supported by the statements or actions of the party since coming to power, and if it does, these sentiments are clearly outweighed by the strong commitment to private property and the free market. Given the vast economic and political pressure for a cautious approach to reform, and the clear preferences shown by government to date, a dramatic shift in either economic or political conditions would be required in order to bring about a major change in current policies.

The problem with this approach, of course, is that it offers little or nothing to millions of poor people who continue to eke an existence out of agriculture and other land-based activities, in overcrowded and often degraded environments. The needs of the rural poor have, of late, been seen largely in welfare terms, but it is becoming increasingly clear that welfare cannot resolve the growing problems of chronic poverty. The demand for land from the rural poor has not been clearly articulated to date – indeed, much research shows that the preference of many rural people is for paid employment rather than for land. The growing crisis of wage employment, however, coupled with the ravages of HIV/AIDS, is likely over time to force rural households to fall back on secondary activities such as agriculture. Given the absence of established institutional channels for the expression of rural grievances – including the main political parties, the highly-conservative traditional authorities and the urban-dominated trade unions – it is likely that grievances will be expressed in informal and even extra-legal ways.

Indeed, this is increasingly the case throughout the rural areas. Unauthorised occupation of state land is widespread throughout the northern and eastern portions of the country, and has been for many years. Stock-theft, fence-cutting, poach grazing, mutilation of livestock,

[27] 'State, business affirm solidarity on land issue'. *Business Day* 15/11/2001.

burning of crops and even informal housing settlements are rife throughout the white farming belt of Eastern Cape, KwaZulu-Natal and Mpumalanga provinces. Such activities, most of which do no make the headlines, can be seen as attempts to gain direct access to land, or to intimidate white owners into giving up their land, and must be distinguished from the high-profile 'land invasions' in per-urban areas where the demand has been purely for residential land. The recent emergence of the Landless Peoples Movement (LPM) which brings together both rural and urban landless people from all nine provinces, and its march on the World Summit on Sustainable Development in Johannesburg in September 2002, is the first substantial manifestation of a rural protest movement in South Africa in over forty years and, while still relatively small, undoubtedly marks the beginning of a new phase in the struggle for land.[28] The reaction of the state, landowners and the mass media to such rural incursions and the emergence of the LPM has been to portray them largely in criminal terms. Ongoing failure to address the underlying social and economic causes, and the need for a more radical approach to land reform, is likely to lead to increased conflict between the landless poor and the state, with private landowners caught in the middle.

Key issues in South African land reform, with particular reference to the Eastern Cape

Restitution: reclaiming historical rights

The legal basis for restitution was created under the *Restitution of Land Rights Act, 1994 (Act 22 of 1994)*, which provided for the restitution of land rights to persons or communities dispossessed under or for the purposes of furthering the objects of racially-based discriminatory legislation after 19 June 1913. A Commission on Restitution of Land Rights was established under a Chief Land Claims Commissioner and six Regional Commissioners. A special court, the Land Claims Court, with powers equivalent to those of the High Court, was also established to deal with land claims and other land-related matters. Legally, all restitution claims are against the state, rather than against current landowners. Provision is made for three broad categories of relief for claimants: restoration of the land under claim, granting of alternative land or financial compensation.

The cut-off date for lodgement of restitution claims was 31 December 1998, and the total number of claims lodged was 68,878, including both individual, family and community claims in urban and rural areas. By 31 March 2002, 29,877 claims, representing 56,245 households had been settled at a total cost of R1.5 billion; a total of 427,337 hectares of land had been restored and R938 million paid in financial compensation (CRLR 2002).

[28] 'A new war for the allegiance of the poor'. *Mail and Guardian* 6/9/2002.

Having settled a high proportion of urban claims, mostly by cash compensation, the Commission on Restitution of Land Rights is now dealing with the backlog of rural claims, many of them on prime agricultural land. Unlike urban claims, where restoration of land was often not feasible or desired by the claimants, a high proportion of rural claimants are demanding the right to return to their land (Lahiff 2001: 2). This poses major administrative challenges for the Commission, in terms of the purchase of land, resettlement of communities and negotiation of long-term development support. It also raises important political considerations if, as appears increasingly likely, white landowners resist restoration and the commercial agriculture lobby opposes the 'loss' of prime agricultural land. The manner in which such claims are settled – particularly the politically sensitive question of whether to expropriate land in certain circumstances - will have major implications not just for the restitution programme but for the whole process of land and agrarian reform in South Africa.

The settlement of restitution claims in the Eastern Cape is running ahead of the national average. The total number of claims lodged in the province is official quoted as 9,292, out of a national total of 68,878 (13.5% of the national total). Of these, 804 (11% of the Eastern Cape total) were classified as rural and 6,588 as urban. (CRLR 2001: 14). Among the highlights of restitution in the Province to date have been the return of land to 800 Port Elizabeth families forcibly removed in the 1960s and 1970s, and a R233 million settlement in February 2002 for 6,500 former residents of East London's East Bank, who received a mix of alternative land and cash compensation. Important rural claims already settled include Chatha, Dwesa-Cwebe, Keiskammahoek and Makhoba, the latter being the first significant restitution case to date to provide land for production to people living in Transkei.

Slow progress with rural claims has raised questions around the ability of the restitution process to impact positively on rural livelihoods. Cash compensation alone, as provided in the majority of claims settled to date, cannot, in the absence of a clear development strategy, be seen as contributing to the creation of sustainable livelihoods, a point now conceded by the RLCC and other parties concerned.

Of the rural claims settled to date, few have involved claimants gaining unrestricted access to land for productive purposes. In the case of claims on state forests, such as Transkei North, and nature reserves, such as Dwesa-Cwebe, claimants have been obliged to settle for benefit-sharing arrangements that see a transfer of formal title to claimants but which maintain existing forms of land use and expressly prohibit the new 'owners' from residing or practicing agriculture on the land in question. It has yet to be seen how effectively such partnership arrangements will translate into material benefits for the intended beneficiaries, and how such benefits will be distributed and used within communities.

Another approach to rural restitution claims has been the payment of compensation (but not land) to communities that lost land under the policy of 'betterment', or forced villagisation, imposed throughout the homelands in the 1960s and 1970s. The development of policy around so-called betterment claims, which at one time were not recognised by the Commission on Restitution of Land Rights, occurred largely as the result of lobbying by communities in the Eastern Cape, with support from a local NGO, the Border Rural Committee. The first claim of this type was settled at Chata village in October 2000, and has since served as a model for other, similar claims such as Keiskammahoek, which was settled in June 2002.

These settlements have seen financial compensation divided between individual households and a community fund, to be administered jointly by representatives of the beneficiaries and local government. A hallmark of these settlements has been the high degree of support, and cooperation, from a wide range of government, NGO and community-based structures in preparing and implementing multi-dimensional local development plans, which address both the immediate livelihood needs of households and the wider needs of the community in areas such as infrastructure and services. Among the lessons emerging from the Gasela experience is that communities their own mobilise their own resources (in this case, cash compensation) are in a strong position to negotiate with state and other institutions and to leverage substantial additional resources. It also highlights the key role for NGOs in supporting the demands of rural people and in brokering complex, multi-agency agreements.

Tenure reform: securing land rights

In the South African context, tenure reform refers to the protection of the rights of residents of privately owned farms and state land, together with the reform of the system of communal tenure prevailing in the former homelands. It is the most neglected area of land reform to date, but has the potential to impact on more people then all other land reform programmes combined. Where tenure reform has taken place, it has largely focussed on resettling farm residents to townships (effectively housing rather than land reform), or 'upgrading' of tenure in informal peri-urban settlements. Tenure reform has yet to grapple effectively with the highly contentious issue of control of communal land.

Almost all land in the rural areas of the former homelands is still legally owned by the state. These areas are characterised by severe overcrowding and numerous unresolved disputes where rights of one group of land users overlap with those of another. Today the administration of communal land is spread across a range of institutions such as tribal authorities and provincial departments of agriculture, but is in a state of collapse in most areas. There is widespread uncertainty about the validity of documents such as Permission to Occupy (PTO) certificates, the appropriate procedures for transferring land within households and the legality of leasing or selling rights to use or occupy land. Numerous cases have been

reported of development initiatives that are on hold awaiting clarity on ownership of land in the former homelands (Kepe 2001).

Attempts to draft a law for the comprehensive reform of land rights and administration in communal areas were abandoned in mid-1999 in the face of stiff opposition from the traditional leaders. A second attempt began in late 2001, but has yet to be passed into law. The Department of Land Affairs appears eager to affect a one-off mass transfer of land to existing institutions (for example, tribal authorities or other community groups), with minimal commitment of public resources. Non-governmental voices, however, have warned of the dangers of overlooking countless informal land rights and strengthening the hand of unaccountable local leaders, and argued for a more gradual approach that safeguards existing rights and allows for a range of democratic land-holding structures to evolve (see Cousins 2001).

On commercial farms, the Extension of Security of Tenure Act (Act 62 of 1997), or ESTA, has had little success in preventing illegal evictions. In theory, ESTA provides protection from illegal eviction for people who live on rural or peri-urban land with the permission of the owner of that land, regardless of whether they are employed by the landowner or not. While the Act makes it more difficult to evict occupiers of farm housing, evictions are still possible, and illegal evictions remain common. ESTA allows farm dwellers to apply for grants for on-farm or off-farm developments (for example, housing), and grants the Minister of Land Affairs powers to expropriate land for such developments, but neither of these measures have been widely used to date (Sunde and Kleinbooi 1999). Where grants have been provided, it has usually involved people moving off farms and into townships rather than granting farm residents agricultural land of their own or secure accommodation on farms where they work.

One category of farm-dwellers – labour tenants – have, in theory, acquired much stronger legal rights. The term labour tenant usually refers to black tenants on white-owned farms, who pay for the use of agricultural land through the provision of labour, as opposed to cash rental. The Land Reform (Labour Tenants) Act, No. 3 of 1996, aims to protect labour tenants from eviction and gives them the right to acquire ownership of the land that they live on or use. Approximately 20,000 claims have been lodged under the Act, mostly in KwaZulu-Natal and Mpumalanga, of which approximately 5,000 have been settled to date (MALA 2002).

The need for some sort of reform of the system of land rights and land administration in the communal areas of the Eastern Cape is abundantly clear. Permission-to-occupy certificates, which constitute many households' only proof of land rights, are now of little value, and no new ones can legally be issued, while record keeping systems in magistrates' and tribal authority offices have generally broken down. This has created a legal and administrative vacuum that has allowed unscrupulous

individuals to extend their landholdings at the expense of others and unscrupulous leaders to exploit communal land for personal gain. Uncertainty around the control and ownership of land also presents a major barrier to efforts to bring development to the communal area. Kepe (2001: 76) argues that disputes around land were a primary factor behind the collapse of the Wild Coast Spatial Development Initiative (SDI) during the period 1996-1999.

Much of land reform policy can be seen as addressing the injustices of the past by returning land from the historically privileged to the historically oppressed. This enjoys broad-based political support, at least at the rhetorical level, and its occasional opponents are generally seen as defending narrow self-interest. Reform of the system of communal tenure in the former homelands, however, while also addressing the historical legacy of inferior rights for black people, does not fit neatly into the pattern of historical redress. Rather, it touches upon the matrix of rights within African communities and is seen by many traditional leaders as an attack on their powers and privileges. In an area such as Transkei, these powers and privileges centre around the control of land. The post-apartheid state – whether for principled or pragmatic reasons - has shown itself to be enormously accommodating of the demands of traditional leaders and, despite the introduction of elected local government, has done little to undo the structures of indirect rule bequeathed by the previous regime.

Proponents of tenure reform for communal areas are an amorphous group with no clear structure or political weight. Indeed, the case for tenure reform, or the direction such reform should take, has rarely been articulated from within the communal areas. Nonetheless, opposition to specific traditional leaders (but not necessarily to the overall system of traditional leadership or communal tenure) from within rural communities is widely reported (Ntsebeza 1999; Claasens 2001). Debates around tenure reform in the communal areas have, therefore, been largely of a technical nature, with academic researchers, government officials and others proposing a variety of solutions ranging from full individualisation to revamped systems of communal tenure based on local democracy. The first attempt to produce such a bill (in 1998) failed through a combination of concerted opposition from traditional leaders and pre-election jitters on the part of the ANC. The recently published draft of the Communal Land Rights Bill proposes some diminution of the role of traditional leaders, but whether this eventually translates into law, and into subsequent practice, remains to be seen.[29]

In the Eastern Cape, both DLA officials and NGO workers identified land administration in communal areas as one of the biggest challenges facing land reform in the province, and expressed frustration at the lack of clear national policy on this matter. Among the specific problems mentioned by PDLA were unofficial ('illegal') land demarcations in

[29] See 'Row erupts over land law'. *Mail & Guardian* 2/8/2002.

communal areas by tribal authorities and other civic bodies, unresolved boundary disputes between chiefs, which sometimes led to violent rivalries between communities, and the failure to resolve land tenure issues before launching the Wild Coast Strategic Development Initiative (SDI). In the absence of clear policy on the future of communal land, SDI projects and other development schemes in the communal areas are being implemented on the basis of 30-year leases, signed by the Department of Land Affairs, in terms of the State Land Disposal Act, following consultation with the rights holders (as stipulated by the Interim Protection of Informal Land Rights Act).

Tenure reform is not widely perceived as the most important land issue in the Eastern Cape, and most rural dwellers and tribal authorities continue to muddle through on the basis of unwritten rights and community-level decision-making that falls outside of any explicit government policy framework. This is largely because traditional land rights are not particularly vulnerable in areas like Transkei – evictions are virtually unknown and land continues to be allocated to newly formed households. The absence of reform, however, has major implications for the manner in which decisions around land are made within communities and for development initiatives of all kinds, whether initiated by external agencies (the state or private investors) or by local people themselves.

Redistribution: changing the patter of land-holding

With other aspects of land reform unlikely to make a substantial contribution to redressing the gross imbalance in landholding in the country, attention has rightly focussed on the redistribution programme as the principal means of transferring large areas of land from the privileged minority to the historically oppressed. Redistribution policy has undergone a series of shifts since 1994, but has largely focussed on provision of grants to assist suitably qualified applicants to buy land in rural areas, mainly for agricultural purposes but also for residential purposes ('settlement'). Provision of land in urban areas has, to date, largely been pursued by local government under the housing programme, but increasing conflict around land in the large metropolitan areas has persuaded the Department of Land Affairs to work more closely with the Department of Housing, and a new 'Land for Housing' programme is currently in preparation (see Budlender 2001).

The methods chosen by the state to bring about redistribution are largely, although not entirely, based on the operation of the existing land market. Other measures, such as expropriation, are available to the state, but have not been widely used to date. Intended beneficiaries are not generally provided with land by the state. Rather, the state, through grants and other measures, assists people who might otherwise be unable to enter the land market to purchase property of their own – the so-called 'willing buyers'. This strategy presupposes that the existing land market can deal effectively with what might be expected to be a very substantial transfer of land, and that the intended beneficiaries, even with state assistance, will be able to engage effectively in the market to their ultimate benefit.

Redistribution thus depends largely upon voluntary transactions between willing–buyers and willing-sellers.

Redistribution to date has largely been achieved through the provision of the Settlement/Land Acquisition Grant (SLAG), a grant of R16,000 supplied to qualifying households with an income of less than R1,500 per month. Since 2001, a new programme, Land Redistribution for Agricultural Development (LRAD), has been introduced with the explicit aim of promoting commercially-oriented agriculture. LRAD offers a single, unified grant system, that beneficiaries can access along a sliding scale from R20,000 to R100,000. All beneficiaries must make a contribution, in cash or kind, the size of which will determine the value of the grant to which they qualify.

Most redistribution projects have involved groups of applicants pooling their grants to buy formerly white-owned farms for commercial agricultural purposes, although under LRAD there is a move towards smaller, often family-based, groups. Less commonly, groups of farmworkers have used the grant to purchase equity shares in existing farming enterprises. Since 2001, state land under the control of national and provincial departments of agriculture has also been made available for purchase. A separate grant, the Grant for the Acquisition of Municipal Commonage, has been made available to municipalities wishing to provide communal land for use by the poor, typically for grazing purposes. By the end of 2001, a total of 834 redistribution projects, in all categories, had been implemented or approved country-wide, involving 96,000 households (DLA 2001).

Limited budgets have certainly limited the impact of redistribution to date, but the inability of the DLA to spend its budgetary allocation in successive years indicates that there are wider problems with the programme. Notably, the method of land acquisition and transfer implied by the 'demand-led' approach means that land must be acquired farm by farm, involving numerous uncoordinated negotiations between landowners, buyers and the state. Not only is this time-consuming and complex, it also allows for little or no overall control or coordination over the location and sequencing of land transfers. This makes it next to impossible for local government and other support agencies to anticipate future needs and plan accordingly. Encouraging moves towards the inclusion of land reform within local development plans are evident in a minority of municipalities, but are likely to be hampered by reliance on the market to provide the necessary land.

The total area of land approved for transfer under the redistribution programme from 1994 to 2001 was 1,006,135 hectares, just 1.3% of the total commercial agricultural land (DLA 2001), and over the next four years, DLA aim to transfer between 290,004 and 334,762 hectares per annum (DLA 2002). The budget for land reform is set to fall by 12% (in monetary terms) over four years (2001/02 to 2004/05), or 25% in real terms (Mingo 2002). This makes it highly unlikely that there will be any

significant improvement in the rate of land redistribution in the foreseeable future.

In the Eastern Cape, a total of 110 land reform projects were implemented (in all categories), by October 2001, at a capital cost of approximately R100 million, with another R100 million worth of projects in the pipeline.[30] A majority of all land redistributed (59%) has been for non-agricultural purposes (i.e. settlement), with the rest divided into agricultural projects (under both SLAG and LRAD), share equity schemes and municipal commonage.

Most redistribution projects in the province have involved the creation of a Communal Property Association (CPA), a new form of legal entity that allows groups, democratically constituted in terms of a written constitution, to acquire property collectively. The CPA model does not require that land remains collectively owned after initial purchase, or that agricultural activities be carried out on a collective basis, but this has been the pattern up to recently. Since 2001, however, there has been a shift towards subdivision of land and more individual or household-based production, influenced by the problems experienced in many collective enterprises and a shift in policy towards a more private-entrepreneurial model of farming under the new Land Redistribution for Agricultural Development (LRAD) programme.

Probably the biggest challenges facing redistribution in the Eastern Cape, and in much of the rest of the country, are the acquisition of suitable land in appropriate locations and ensuring that beneficiaries obtain the support necessary to enable them to secure a livelihood. The shortage of appropriate land is a direct result of apartheid geography and the enforced distribution of the population into racial zones. The majority of the rural poor are located in the former homelands, often far from the nearest 'white' farms. This problem is particularly acute in the Transkei, with its large territory and distances of up to 100 km to the nearest 'white' farms. To compound the problem, the new LRAD grants are not available for production purposes in communal areas as there must be a land purchase involved in order to qualify.

Apart from privately owned farms in 'border' areas, the other category of strategically important land is state-owned (i.e. uninhabited) land *within* the former homelands. In Transkei, this includes large tracts owned by the now-defunct parastatal Transkei Development Corporation (TRACOR), as well as the forestry land and nature reserves discussed above. State-owned agricultural land that has been disposed of since 1994 has largely been transferred outside the land reform programme, going to better-off farmers who buy or lease from the state, but since 2001 a number of title deeds were given to farmers who had been renting the land from the state for up to 20 years. Such tenants, however, are

[30] By August 2002, the number of redistribution projects approved for implementation in the Eastern Cape had rise to 151.

typically better-off farmers who acquired land under the former homeland system and are now consolidating their position.

Limited research has been done on the impact of redistribution (or land reform more generally) on livelihoods (see May and Roberts 2000). However, the case of the Gasela community, in former Ciskei, provides valuable lessons in both the problems and the opportunities associated with the redistribution programme, and land reform more generally. Gasela is a community of fifty-three households living on a farm in the former Ciskei, near Stutterheim. The community resisted eviction from the land in 1993 and, with help from the NGO Border Rural Committee, campaigned to have the land transferred to it. During this prolonged struggle, BRC adopted a strategy which involved a shift from an emphasis on land rights to land use – or focussing on immediate livelihood issues rather than more abstract and longer-term rights issues. This was based on the perception that the informal land rights enjoyed by the community were actually quite strong and that the community faced no imminent threat of eviction. The community were thus encouraged to proceed with investing in and developing the land rather than wait for formalisation of their land rights. The new approach – which BRC attributes to the rise of livelihoods thinking within the organisation – promoted interim (informal) arrangements for land administration, including subdivision of land into family allotments, and provided practical support for a women's garden project (see BRC 2001: 29-31; Lahiff 2003: 32).

The limits to reform

Eight years into the transition to democracy in South Africa, land reform policy and the institutions associated with it continue to evolve and to address previously neglected areas. Considerable progress has been made in the settlement of urban restitution claim, the redistribution of some former white-owned commercial farms and the formulation of integrated development plans for some rural areas. Both the Department of Land Affairs and the Regional Land Claims Commissions have shown themselves to be increasingly effective actors, developing close working relationships with a range of governmental and non-governmental agencies. Civil society structures, too, have shown themselves willing and able to challenge government policy and demand the type of services that best suit their needs. Nonetheless, major issues remain to be addressed, including the needs of people living in the 'deep rural' areas of the former homelands, and particularly the reform of communal tenure.

While claiming to address livelihoods, alleviation of poverty and development of rural areas, the South African land reform programme has struggled to achieve this in practice, for various reasons. Particular programme areas, such as restitution, redistribution and tenure reform, have been developed and implemented largely in isolation from each other and have been poorly integrated into broader processes of rural development. This lack of integration can in turn be related to the lack of

a comprehensive rural development strategy at either provincial or national level.

Complex governmental structures present a major challenge to land reform policy, in terms of policy design, inter-institutional cooperation and accountability. The key institutions associated with land reform in the provinces are branches of a national government department and, as such, are not directly accountable to any institution within their area of operation. Major policy changes emanate largely from the centre, although provincial-level structures can at times influence national policy. While national government occasionally engages in public consultation around policy development, no effective mechanism exist, either through the political system or otherwise, to make land reform institutions accountable to their primary constituency, the rural poor and landless, or to give this constituency a meaningful voice within the policy-making process. Major work remains to be done in order to integrate sustainable livelihoods approaches into South African land reform, and rural development policy more generally, and to create a decentralised institutional framework that is accountable to local people and responsive to their needs.

The particular version of 'demand-led' redistribution pursued by DLA to date has not only failed to meet its political targets, it has also failed to provide land on the necessary scale and in the areas where it is most needed. On the basis of the budgets provided for land reform, and performance to date, it can be safely concluded that the effective aim of the government is a modest transfer of agricultural land – probably no more than 4% in the 15 years from 1994 – limited to areas voluntarily released by existing landowners and favouring a small minority of the rural black population, selected on the basis of their skills, material resources and entrepreneurial attitude. Such an approach is, however, unlikely to meet the needs of the great mass of the rural poor, particularly marginalized groups such as women, youth, the unemployed, the disabled and households affected by HIV/AIDS.

Overall, it may be said that that, despite some successes, the South African land reform programme has not lived up to its promise to transform land-holding, combat poverty and revitalise the rural economy. The policies adopted by government have left the structure of the rural economy largely intact and, in the case of liberalisation of agricultural markets and cuts in agricultural support services, have contributed to a climate that is hostile to emerging, resource-poor farmers. If land reform is to meet its wider objectives, new ways will have to be found to transfer land on a substantial scale, and to provide the necessary support services to a much wider class of landowners.

Conclusion: the prospects for pro-poor land reform in southern Africa

This paper has reviewed some of the main trends around land and land policy in Southern Africa, with particular reference to Mozambique, Zimbabwe and South Africa. Here, the emerging lessons, and the prospects the livelihoods of the rural poor, are considered under two key headings: redistribution and land rights.

Redistribution

The classic model of land reform – land to the tiller – has always been problematic in Africa. On the one hand, large numbers of native people have been dispossessed and removed from their land, to return in some case as wage labourers. On the other hand, large numbers of 'peasant' producers have managed to retain some access to land, typically poorer quality land in economically marginal areas. Thus, the demand for redistribution of land from elite groups (including colonial-era settlers and the state) to the landless and near-landless – what Bernstein (1996: 41) calls 'land to the former tiller' – remains a central demand of the rural poor, but one that has received very limited support from governments and, of late, has been enmeshed in 'market-based' approaches that have yielded very limited results.

Mozambique is currently experiencing redistribution 'from above', as those (allegedly) with the means to bring land and natural resources into (market-oriented) productive use are given favourable access. For from being empty or unused, such land, forests and wildlife are typically an integral part of local peasant economies. What 'downward' redistribution of assets has taken place informally over the past thirty years, due mainly to the collapse or abandonment of state or settler enterprises, is rapidly being reversed, not through 'the market' but through coercive measures on the part of returning owners, new entrepreneurs and the state. In the face of determined efforts to concentrate key assets in the hands of a narrow elite, the recognition of informal and customary rights under new legislation would appear to offer little effective protection.

In South Africa, where a text-book example of World Bank-inspired redistribution forms the centrepiece of land reform policy, the severe limitations of the market-based approach are plainly evident. This, perhaps ironically, has less to do with failures of 'the market' or of current land owners to part with their property, than the very limited assistance made available by the state to the landless and the refusal to proactively engage in the land market in order to secure outcomes favourable to the mass of the rural poor. Thus, market-based redistribution becomes piecemeal redistribution, securing benefits for a lucky few but leaving the fundamental structures of the agrarian economy, and the problems of mass rural poverty and landlessness, largely intact.

The redistribution of land currently underway in Zimbabwe holds important lessons for the region, and for South Africa in particular. The racial maldistribution of land in Zimbabwe at independence was considerably less severe that it is in South Africa today. On top of this, the scale of redistribution since independence is virtually unprecedented on the continent. And yet, under conditions of deep political and economic crisis, an even greater redistribution of land has taken place, as the state and elements of the (predominantly) rural poor form new alliances against (supposedly) common enemies. It is impossible to know the full social and economic consequences of this redistribution, either for the country as a whole or for those directly affected, or whether it is in any way sustainable. The long-term outcome will, however, have major repercussions on debates around the means and ends of redistribution more generally.

Overall, the evidence of the last ten years would suggest that there is little principled commitment to a fundamental redistribution of land and other natural resources to the rural poor in Southern Africa. The predominant role of the state in Mozambique, and the free market in South Africa, means that redistribution 'upwards', to existing landholders or to those with sufficient capital to invest in production for the market, is likely to outweigh any 'downward' redistribution achieved through official land reform policy. In Zimbabwe, where more moderate attempts at redistribution over twenty years have proved inadequate, a form of redistribution more radical, more violent and, potentially, more destructive than most would have considered possible is now underway, the true costs and benefits of which will take years to be fully known. The lesson of Zimbabwe is surely that the ways in which land can be redistributed are numerous, and that conspicuous inequality in property ownership provide an irresistible target in times of times of stress. Rural people themselves have shown a lack of patience with so-called land reforms that leave the structures of inequality largely unchanged. Policy makers would be well advised to find means of redistribution that go beyond the very limited approaches dominant in the region today.

Land rights

In common with much of the rest of the world, land policy in Southern Africa, with the notable exception of Zimbabwe, over the past decade has focused more on land rights than land access (or redistribution). This betrays a fundamental doubt at the heart of policy around the benefits (economic, social, political) of redistributing assets *to the poor* (as opposed to new or established middle class or corporations). This can, in turn, be related to the evident lack of influence of the poor (and especially the rural poor) on the political process (South Africa and Mozambique being prime examples).

The discourse of land rights, by its nature, relates almost entirely to situations where de facto rights, particularly customary rights, are well-established and face little or no contestation. This is the main thrust of land reform throughout most of the region - effectively the only component of

policy in Mozambique, and by far the most important (in terms of numbers of people and area of land potentially affected) in South Africa. As discussed above, the benefits of such reforms in terms of improved livelihoods of the rural poor have yet to be demonstrated on a substantial scale. While 'communal' areas throughout the region suffer from a range of deeply entrenched problems - including shortages of 'external' and 'internal' investment, limited (or no) markets in land, and lack of access to credit - there is little evidence to suggest that these issues will be resolved through what Bernstein (2002: 451) describes as the 'institutional fix' of tenure reform.

Rather, there are strong grounds to believe that attention to land rights in the absence of land redistribution or wider, pro-poor agrarian reforms, are favoured by policy-makers because they 'fit' with a particular (neo-liberal) view of development (or post-development) – that is, they are driven by largely by ideology (from above) rather than popular pressure (from below). Legal recognition of customary rights comes at relatively little cost to the state, or to private capital. While ostensibly protecting the rights of rural poor, such reforms also serve to bring the poor – and the land resources under their control – into the ambit of the market system, unlocking opportunities for accumulation from below (within communities) *and* from above (by external investors). Indeed, it may well be argued that the interests best served by the formalisation of customary land rights in Mozambique and (as proposed) in South Africa will be 'external' investors, who can now enter into legally-binding contracts with clearly identified parties.

The ambiguous value of the current emphasis on formal, legal (as opposed to economic) rights can also be seen in areas outside the reform of customary rights, particularly in South Africa. Thus, the restitution programme is widely lauded as a success, even though in the majority of claims settled no land has actually been restored (redistributed). In a number of other cases, including in the Eastern Cape, the restoration of 'land rights' has fallen short of the granting full use and access rights to claimants. Again, the implications of this emphasis on the formal rights of ownership, as opposed to rights of use and access, are still far from clear. However, some indications are available from the redistribution programme, the one area of South Africa's land reform programme expressly intended to provide land for productive purposes. Imposition of Communal Property Associations, other collective models of ownership and share-equity schemes - demonstrate a narrow focus on formal rights of ownership, rather than broader issues of securing economic opportunities for those previously denied them. A worrying failure rate amongst such projects - including in some case actual loss of the land so recently gained - once again demonstrates the limited value to the gained from formal ownership (and, of course, the inherent risk in commercial enterprises). All of this would suggest that the current emphasis on rights as a contribution to the economic uplifting of the rural poor may well be over-stated.

Further limitations to the rights-based approach can be seen in areas where rights are contested by powerful elements. Examples can be found on commercial farms in South Africa, and on former state enterprises and cooperatives in Mozambique, where legislation designed to protect the rights of occupiers has proved wholly inadequate in the face of determined action by private landowners and commercial interests, often with close connections to the state. It is perhaps significant that rights have not emerged as an important discourse in Zimbabwe, either regarding the communal areas, the older resettlement areas or the new fast track resettlement.

All of this suggests that enhanced land rights are more likely to be tolerated and enforced where they serve rather than challenge the interests of other, more powerful elements or the dominant ideology of the market. In this sense, an exclusively rights based approach to land reform (especially where this is focussed narrowly on rights of ownership or occupation) poses very little threat to the dominant economic structures. The rights-based approach can, therefore, be seen as inherently conservative, in that it does not address the fundamental causes of rural poverty and inequality.

In conclusion, it may be said that the politics of land in Southern Africa has entered a new and dramatic phase. Rural livelihoods are under severe stress and the neoliberal policies favoured by most governments in the region are failing to bring about fundamental change in the structure of poverty and inequality. Signs of a new mood among the rural poor in South Africa, inspired by events in Zimbabwe, suggest that the current orthodoxy of neoliberal globalisation is for likely to face considerable challenges 'from below' in the not-too-distant future.

References

Adams, M., Sibanda, S. and Turner, S. (1999) 'Land tenure reform and rural livelihoods in southern Africa'. *Natural Resources Perspective 39*, Overseas Development Institute, London.

Alexander, J. (1994) 'State, peasantry and resettlement in Zimbabwe'. *Review of African Political Economy* 61.

Alexander, J. and McGregor, J. (2001) 'elections, land and the Politics of Opposition in Matabeleland'. *Journal of Agrarian Change* 2 (4).

Aliber, M. and Mokoena, R. (2002) 'The interaction between the land redistribution programme and the land market in South Africa: A perspective on the willing-buyer/willing-seller approach'. *Occasional Paper*, PLAAS, University of the Western Cape, Cape Town.

Bernstein, H. (2002) 'Land reform: taking a long(er) view'. *Journal of Agrarian Change* 2 (4).

Bernstein, H. (1996) 'South Africa's agrarian question: extreme and exceptional?' *Journal of Peasant Studies* 23 (2-3).

Bond, P. (2000) *Elite Transition: From Apartheid to Neoliberalism in South Africa*. University of Natal Press and Pluto Press, Pietermaritzburg and London.

Border Rural Committee (BRC) (2001) 'Gasela: an evaluation of the BRC intervention'. Unpublished document prepared for the National Land Committee, August.

Bowen, M.L. (2000) *The State against the Peasantry: Rural Struggles in Colonial and Post-colonial Mozambique*. University Press of Virginia, Charlottesville.

Bowen, M.L. (1993) 'Socialist transitions: policy reforms and peasant producers in Mozambique'. In T.J. Bassett and D.E. Crummey (eds) *Land in Agrarian Syste*ms. University of Wisconsin Press, Madison.

Budlender, G. (2001) 'Great gaps in land and housing'. *Financial Mail* 13 July.

Chaumba, J., Scoones, I. and Wolmer, W. (2003a) 'From Jambanja to planning: the reassertion of technocracy in land reform in south-eastern Zimbabwe?' *Sustainable Livelihoods in Southern Africa Research Paper 2*. Institute of Development Studies, Brighton.

Chaumba, J., Scoones, I. and Wolmer, W. (2003b) 'New politics, new livelihoods: changes in the Zimbabwean lowveld since the farm occupations of 2000'. *Sustainable Livelihoods in Southern Africa Research Paper 3*. Institute of Development Studies, Brighton.

Claasens, A. (2001) 'It is not easy to challenge a chief': lessons from Rakgwadi'. *Research Report 9*, PLAAS, University of the Western Cape, Cape Town

Commission on Restitution of Land Rights (CRLR) (2002) *Annual Report April 2001 – March 2002*. Commission on Restitution of Land Rights, Pretoria.

Commission on Restitution of Land Rights (2001) *Annual Report April 2000 – March 2001*. Commission on Restitution of Land Rights, Pretoria.

Cousins, B. (2001) 'A return to the apartheid era?' *Mail and Guardian* 23 November.

Department of Land Affairs (DLA) (2002) *Medium Term Strategic and Operational Plan 2002-2006*. Department of Land Affairs, Pretoria.

Department of Land Affairs (DLA) (2001) '2001 media briefing, Dr GP Mayende'. Department of Land Affairs, Pretoria http://land.pwv.gov.za/news/2000mediabriefing.htm.

Department of Land Affairs (South Africa) (1997) *White Paper on South African Land Policy*. DLA, Pretoria.

Garvey, J. (1998) 'The nature of rights under Mozambique's reform land law'. Paper presented to a Conference at the University of Cape Town, January.

Hanlon, J. (2002) 'The land debate in Mozambique: will foreign investors, the urban elite, advanced peasants or family farmers drive rural

development?' Research paper commissioned by Oxfam GB - Regional Management Centre for Southern Africa.

Hart, G. (2002) *Disabling Globalisation: Places of Power in Post-Apartheid South Africa.* University of Natal Press, Scottsville.

Kepe, T. (2001) 'Waking up from the dream: The pitfalls of 'fast-track' development on the Wild Coast of South Africa'. *Research Report 8*, PLAAS, University of the Western Cape, Cape Town.

Kinsey, B.H. (1999) 'Land reform growth and equity: emerging evidence from Zimbabwe's resettlement programme.' *Journal of Southern African Studies* 25 (2).

Kloeck-Jenson, S. (2000) 'Locating the Community: Administration of Natural Resources in Mozambique'. *Working Paper 32*. Land Tenure Centre, University of Wisconsin-Madison, Madison.

Lahiff, E. (2002) 'Land reform and sustainable livelihoods in South Africa's Eastern Cape Province'. *Sustainable Livelihoods in Southern Africa Research Paper* 9, Institute of Development Studies, Brighton.

Lahiff, E. (2001) 'Land reform in South Africa: is it meeting the challenge?' *Policy Brief 1*, PLAAS, University of the Western Cape, Cape Town.

Lahiff, E. (2000) *Communal Tenure in South Africa.* National Land Committee, Johannesburg.

Lahiff, E. and Cousins, B. (2001) 'The land crisis in Zimbabwe viewed from South of the Limpopo'. *Journal of Agrarian Change* 1 (4).

Lahiff, E. and Scoones, I. (2000) 'Land theme paper'. *Sustainable Livelihoods in Southern Africa Working Paper 2***.** Institute of Development Studies, Brighton**.**

Levin, R. and Weiner, D. (1991) 'The agrarian question and the emergence of conflicting agricultural strategies in South Africa'. In S. Matlhape and A. Munz (eds) *Towards a New Agrarian Democratic Order*. SAERT, Amsterdam.

May, J. and Roberts, B. (2000) *Monitoring ad Evaluating the Quality of Life of Land Reform Beneficiaries: 1998/1999*. Department of Land Affairs, Pretoria.

McGregor, J. (1997) 'Staking their Claims: Land Disputes in Southern Mozambique'. *Paper 158*. Land Tenure Centre, University of Wisconsin-Madison, Madison.

Mingo, C. (2002) 'The 2002 land affairs budget: is land reform on track?' *Budget Brief 89*, Institute for Democracy in South Africa, Cape Town.

Ministry of Agriculture and Land Affairs (MALA) (2002) *Budget Vote Speech 2002/03 by the: Minister for Agriculture and Land Affair, Ms Thoko Didiza, National Assembly 31 May 2002*. Ministry of Agriculture and Land Affairs, Pretoria.

Moore, D. (2001) 'Is the land the economy and the economy the land? Private accumulation in Zimbabwe'. *Journal of Contemporary African Studies* 19 (2).

Moyo, S. (2001) 'The land occupation movement and democratisation in Zimbabwe: contradictions of neoliberalism'. *Millennium: Journal of International Studies* 30 (2).

Moyo, S. (2000) 'The political economy of land acquisition and redistribution in Zimbabwe, 1990-1999.' *Journal of Southern African Studies* 26 (1).

Moyo, S. (1995) *The Land Question in Zimbabwe*. SAPES, Harare.

Myers, G.W. (1994) 'Competitive rights, competitive claims: land access in post-war Mozambique'. *Journal of Southern African Studies* 20 (4).

Myers, G.W., Eliseu, J. and Nhachungue, E. (1994) 'Security, conflict and reintegration in Mozambique: case studies of land access in the post-war period'. *Research Paper 119*, Land Tenure Centre, University of Wisconsin-Madison, Madison.

Negrão, J. (1999) 'The Mozambican land campaign, 1997-99'. Paper presented to the *Workshop on the Associative Movement*, 14 December, Maputo.

Norfolk, S. (2002) 'The award of private land concessions and the delimitation of community land rights in Zambézia province: An analysis of some case studies of 'overlapping' land rights'. Report for ZADP Land Tenure Component, Maputo.

Norfolk, S., Nhantumbo, I. and Pereira, J. (2003) 'Só para o Inglese ver' – The Policy and Practice of Tenure Reform in Mozambique'. *Sustainable Livelihoods in Southern Africa Research Paper 11*, Institute of Development Studies, Brighton.

Ntsebeza, L. (2000) 'Traditional authorities, local government and land rights'. In B. Cousins (ed) *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*. PLAAS and National Land Committee, Cape Town.

Ntsebeza, L. (1999) 'Land tenure reform, traditional authorities and rural local government in post-apartheid South Africa: case studies from the Eastern Cape'. *Research Report 3*, PLAAS, University of the Western Cape, Cape Town.

Nyambara, P.S. (2001) 'The closing frontier: agrarian change, immigrants and the 'squatter menace' in Gokwe, 1980-1990s'. J*ournal of Agrarian Change* 1 (4).

O'Laughlin, B. (1996) 'Through a divided glass: dualism, class and the agrarian question in Mozambique'. *Journal of Peasant Studies* 23 (4).

ORAM (1998) *Land Reform in Mozambique*. Associacao Rural de Ajuda Mutua, Maputo.

Palmer, R. (2000) 'Land policy in Africa: lessons from recent policy and implementation processes'. In C. Toulmin and J. Quan (eds) *Evolving Land Rights, Policy and Tenure in Africa.* International Institute for Environment and Development, London.

Palmer, R. (1998) 'Mugabe's "land grab" in regional perspective.' Paper presented at the *Conference on Land Reform in Zimbabwe: The Way Forward*, 11 March, School of Oriental and African Studies, London.

Palmer, R. (1997) 'Contested lands in southern and eastern Africa: a literature survey.' *Working Paper*, Oxfam, Oxford.

Palmer, R. (1990) 'Land reform in Zimbabwe, 1980 – 1990'. *African Affairs* 89: 163-181.

Riedinger, J.M., Yang, W.Y. and Brook, K. (2000) 'Market-based land reform: an imperfect solution'. Paper presented at the *International Conference on Agrarian Reform and Rural Development*, 5-8 December, Tagaytay City, Philippines.

Rutherford, B. (2001) 'Commercial farm workers and the politics of (dis)placement in Zimbabwe: colonialism, liberation and democracy'. *Journal of Agrarian Change* 1 (4).

Sachikonye, L.M. (2002 'Whither Zimbabwe? crisis and democratisation'. *Review of African Political Economy* 91.

Strasberg, P. and Kloeck-Jenson, S. (2002) 'Challenging conventional wisdom: smallholder perceptions and experiences of land access and tenure security in the cotton belt of northern Mozambique'. *Working Paper 48*. Land Tenure Centre, University of Wisconsin-Madison, Madison.

Sunde, J. and Kleinbooi, K. (1999) 'Promoting equitable and sustainable development for women farmworkers in the Western Cape'. Centre for Rural Legal Studies, Stellenbosch.

Tanner, C. (2002) '*Law-Making in an African Context: The 1997 Mozambican Land Law. Online Legal Papers 26*, Food and Agricultural Organisation, Rome.

Tanner, C. (1996) 'The land question in Mozambique'. Land Tenure Centre, University of Wisconsin-Madison, Madison.

Tilly, S. (2002) *An Examination of Market-assisted Agrarian Reform in South Africa*. International Union of Foodworkers, Geneva.

West, H.G. and Myers, G.W. (1996) 'A piece of land in a land of peace? State farm divestiture in Mozambique'. *Journal of Modern African Studies* 34 (1).

Whiteside, M. (1999) *Empowering the Landless: Case Studies in Land Distribution and Tenure Security for the Poor*. Christian Aid, London.

Wilson, F. and Ramphele, M. (1989) 'Uprooting Poverty: The South African Challenge'. Report for the Second Carnegie Inquiry into Poverty and Development in Southern Africa. David Philip, Cape Town.

Wolmer, W., Chaumba, J. and Scoones, I. (2002) 'Wildlife management and land reform in southeastern Zimbabwe: a compatible pairing or a contradiction in terms?' *Sustainable Livelihoods in Southern Africa Research Paper 1*, Institute of Development Studies, Brighton.

Worby, E. (2001) 'A redivided land? New agrarian conflicts and questions in Zimbabwe. *Journal of Agrarian Change* (1) 4.

Zimmerman, F. (2000) 'Barriers to participation of the poor in South Africa's land redistribution'. *World Development* 28 (8).

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