# SUSTAINABLE LIVELIHOODS IN SOUTHERN AFRICA: INSTITUTIONS, GOVERNANCE AND POLICY PROCESSES

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# 1 INTRODUCTION

The current distribution of land in the Southern African region has its roots in the common history of settler colonialism. The dispossession of native peoples - first by military conquest, later by administrative means - created highly unequal patterns of land-holding and dualistic agricultural systems throughout the region. Having being dispossessed of much of the best land, native people in Mozambique, South Africa and Zimbabwe were further excluded from access to agricultural markets and state support available to white settlers and were reduced to working on white-owned farms or subsisting in marginal areas. While conditions under colonialism differed from country to country, strong commonalities also emerged. These included the destruction of peasant economies, the establishment of large-scale market-oriented enterprises in the hands of a small minority and the rise of an oppressive system of labour migrancy. Widespread landlessness, unemployment, rural poverty and gross inequalities in living standards are the present reminders of this history of violent dispossession and exploitation.

The process of decolonialisation has taken different forms in different countries and is far from complete in the region as a whole. Nowhere is this more evident than with regard to the distribution of land. In Mozambique, the revolution of 1975 saw all land in the country being declared state property. Nonetheless, the structure of land holding, particularly the division between large-scale commercially-oriented farm enterprises and a relatively backward and neglected peasant sector, was effectively preserved. In Zimbabwe, land featured prominently in the struggle for independence but, after twenty years of reforms, government policy has yet to effectively challenge the position of the white minority who dominate landholding and the agricultural economy. In South Africa, an ambitious land reform programme has yet to make a significant impact on the pattern of landholding bequeathed by apartheid or on the livelihoods of the rural population crowded into poverty-stricken and environmentally-degraded 'homelands'. Despite, or perhaps because of, the lack of progress across the region, land and agrarian reform are now higher up the political agenda than at almost any time in history. Serious doubt have been raised, however, on whether the prescriptions currently being applied, based on free-market principles, withdrawal of state support and privatisation of resources, can effect fundamental structural reform and impact positively on the livelihood opportunities of the mass of the rural poor.

## 2   OVERVIEW OF LAND IN MOZAMBIQUE, ZIMBABWE AND SOUTH AFRICA

While the land history of countries in the region show strong commonalities, important distinctions can also be identified, in terms of both the process of dispossession and post-colonial reform.

In Mozambique, the promulgation of the 1997 Reform Land Law marked a major symbolic breakthrough in protecting the rights of the so-called 'family sector' by granting legal recognition to informal or customary land rights and introducing mandatory consultation with rights-holders prior to changes in land allocation. Nevertheless, the social and economic disruptions wrought by the civil war, coupled with a chaotic system of land administration, has given rise to multiple competing land claims and continuing dispossession of smallholders by national and foreign business interests. While much of FRELIMO's traditional antipathy to the smallholder sector has abated in recent years - not least because of the support given by peasants to the RENAMO opposition - government policy continues to promote the interests of big business, not only in agriculture but also in the wildlife, forestry and other natural resource-based sectors. Under pressure from international donors and financial institutions, the Mozambican state is divesting itself of its remaining productive assets and embracing a privatised, free-market model of development. The available evidence suggests that the impact on livelihood opportunities of the rural poor is almost entirely negative. Wild resources, including wildlife and indigenous forests on which rural communities have traditionally relied for much of their subsistence, are being privatised and access denied to local people. Large areas of cultivatable land, not only the former state farms and colonial estates, are being conceded to foreign investors over the heads of indigenous cultivators on whom new and highly exploitative relations, such as tenancy and sharecropping, are being imposed. Notable amongst these neo-colonial settlers are Afrikaner farmers from South Africa who have been granted vast concessions in Niassa and Zambezia provinces.

In Zimbabwe, the unrest leading up to and following the recent general election highlighted the slow progress of land reform since independence and the political tensions that surround the land question.  To date, attempts at reform have failed to reach the ambitious targets set by the government, but have brought about some redistribution of former white-owned farms and stimulated an impressive rise in production amongst small-scale black farmers. Reliance on market mechanisms to effect redistribution, coupled with a top-down and technocratic approach to planning, however, have limited the pace of reform and left largely intact the dualistic structure of the agricultural economy. Poor quality of support services to resettled farmers, along with government neglect of tenure reform in the Communal Areas (CA's), have further limited the benefits accruing to smallholders. The invasion of white- and corporate-owned farms by a

combination of government supporters, war veterans and landless peasants, while bringing the land issue to the top of the political agenda, has severely damaged both the agricultural economy and relations between Zimbabwe and foreign donors. As a result, the prospects for a successful reform may have been set back, even as popular pressure for reform reaches new heights.

In South Africa, where dispossession of native peoples was carried to a further extent than any other country in the region, the fruits of liberation have yet to be tasted by the majority of the rural population. Two-thirds of the country, including most of the best quality land, remains in the hands of less than 60,000 white owners, while fourteen million blacks eke out a precarious existence in the former homelands. Falling employment in the formal sector, particularly in mining, agriculture and manufacturing, have dealt a severe blow to the system of migrant labour, forcing hundreds of thousands of workers and their dependants to fall back on the informal sector and subsistence agriculture for survival.

While there is undoubtedly a demand for land among the rural population - as evidenced by the 63,000 land claims lodged under the Restitution of Land Rights Act and sporadic land invasions - this has not to date been articulated forcibly by any identifiable social movement. This, in part, can be attributed to the relatively small part that agriculture has played in the livelihoods of much of the rural black population over many decades, a lack of capital at the household level for expanded agricultural production, lack of government support to smallholders and a market structure heavily biased towards large-scale commercial enterprises. None of the three main components of the government's land reform programme - restitution of land rights, land redistribution and tenure reform - have yet made a significant impact on either the highly unequal distribution of land or the livelihood opportunities of the rural population. Both restitution and redistribution have suffered from over-reliance on market mechanisms to acquire land and cumbersome and ineffective bureaucratic processes.

Tenure reform has so far failed to address the chaotic system of land administration in the communal areas of the former homelands, prevent eviction of long-term tenants on white-owned farms or halt the encroachment of private business interests onto communal property resources. While recent research indicates that those who participate in land reform projects experience enhanced livelihood opportunities, the limited extent of reform has meant that the overall impact of land reform policies on rural livelihoods has been minimal. Recent shifts in policy, away from the pro-poor approach of the 1994-1999 period towards a commercial farming model, coupled with proposals to privatise communal land, are likely to further diminish the benefits of land reform to the rural poor.

## 2.1 Actors and Discourses

Policy debate in the region is characterised by a range of discourses around land and land reform. While each country presents its own particular national discourses (see Country Reports), a set of common themes can be identified. This convergence of policy in key areas can be attributed to the growing exposure of the region to the forces of globalisation, and with it the influence of the international neo-liberal orthodoxy. Of particular importance in this regard is the privatisation of resources, including both communal and state resources, the retreat by the state from key areas of the economy, including both productive activities and services, the pursuit of foreign direct investment and sweeping deregulation of markets of all kinds.

The most pervasive discourse is that of globalisation itself, and with it the drive to reorient economies in the region in line with the new global imperatives. This position is being strenuously promoted by donor governments and international financial institutions and has been embraced enthusiastically by the ruling parties in Mozambique and South Africa. Discourses around land and agriculture are thus derived in large part from wider debates around macro-economic policy and structural adjustment. The overriding imperative is to promote private enterprise (a goal in itself) and to produce commodities that can compete in the global market-place.

While this discourse is most prevalent in Mozambique and South Africa, it also underpins much of current debate in Zimbabwe, where the government is struggling to reconcile its antipathy to ESAP with the demands of foreign donors and the pending collapse of key sectors of the economy. The lack of an ideological commitment to fundamental restructuring of the rural economy goes a long way to explain the slow pace of reform in Zimbabwe and South Africa. In its unalloyed form, the discourse of globalisation resolves the equity-efficiency dichotomy entirely in favour of efficiency and a distinct concept of livelihoods cannot be sustained. A variation on the neo-liberal position  promotes a wider distribution of land on the basis that this will result in efficiency gains, thus leading to enhanced livelihood opportunities for the rural poor, but this enjoys little support outside academic circles.

Within the emerging orthodoxy, a number of older discourses, which do not directly challenge the dominant position, live on. These include:

- A technocratic discourse, based on increased output, efficient land use and the modernisation of the peasant sector, all grounded in the farmer settlement discourse of the colonial era;

- A political or nationalist discourse, currently prominent in Zimbabwe, and to a lesser extent in South Africa, that advocates the Africanisation of landholding but does not address equally fundamental issues of class or gender;

The main challenge to the neo-liberal orthodoxy comes from a range of populist discourses, mainly associated with NGOs and church groups with varying degrees of support from peasant movements. The clearest example of an organised oppositional movement on land is in Mozambique, where the Land Campaign has brought together NGOs such as ORAM with peasant movements such as UNAC, and has succeed in influencing legislation and government policy in favour of peasants. In South Africa, NGOs organised in the National Land Committee and the NGO Coalition have campaigned for a more radical land reform with a focus on improving rural livelihoods but have not succeeded in their attempts to initiate a rural social movement. Limited opposition to the government's privatisation plans has also come from certain tribal chiefs, anxious to preserve their power base in the communal areas. In Zimbabwe, strong populist and radical currents are evident in the wave of land invasions and in the rhetoric of the war veterans movement, but the ambiguous relationship between the veterans, the state and the ruling party raises doubts about how far such positions can be pursued. What is perhaps most remarkable is the absence of any significant counter-orthodoxy in the region. Past discourses, such as collectivisation of agriculture, nationalisation of land or African socialism, have almost entirely disappeared from policy debates in South Africa, Zimbabwe and Mozambique.

## 2.2 Participation in the Policy Process

With a few notable exceptions, popular participation has not been a major feature of land policy in the region in recent years, in terms of either policy formulation or implementation. Governments in all three countries under consideration have not shown themselves to be responsive to the demands of rural people (insofar as these have been clearly articulated) and, despite occasional rhetorical flourishes, have not in practice prioritised rural development. Major aspects of policy are being implemented with little or no reference to popular opinion or active involvement by intended beneficiaries.

In Mozambique, the mass mobilisation around the 1997 Reform Land Law clearly succeeded in influencing government to recognise the rights of customary occupation, but doubts remain as to how effective such protection can be in the face of sweeping land concessions and an influx of private investors. In South Africa, the first three years of democratic government saw a concerted attempt to involve stakeholders in the formulation of policy, such as the 1997 White Paper on Land, but the implementation of such policies has been plagued by highly bureaucratic and top-

down approaches that have left little scope for participation by intended beneficiaries. Recent changes in South African land policy have been introduced without public consultation, and the new commercial orientation suggests that the shift from a (nominally) participatory to a client model of implementation is virtually complete. In Zimbabwe, the first years of post-independence land reform were marked by a highly technocratic and top-down approach with little scope for rural people to influence the policy process. Despite the various political currents surrounding the recent farm invasions, it is clear that they are based to a considerable degree on grass-roots initiative and genuine frustration with the pace of the reform, resulting in participation of a very direct kind. It remains to be seen whether the resolution of the current crisis will be based on participatory processes that advance the interests of the poor and landless or will be pursued through more politically expedient means.

## 3 KEY ISSUES FOR FURTHER RESEARCH

The focus of the land theme is clearly on access by the rural poor to land-based resources and participation in related policy processes. While issues and debates, as well as researcher interests, will vary from country to country, it is important that some broad common themes are addressed in all studies. It is also important that land issues are not explored in isolation, but seen in the wider context of rural livelihoods, and that explicit links are made between land issues and the other research themes of water and wild resources.

Looking across the region, a number of broad research issues can be identified:

- the impact of neo-liberal macro economic policies on land-holding and on land reform;
- the current and future status of communal land, with particular emphasis on tenure arrangements;
- the impact of land reform policies on landholding patterns, rural livelihoods and poverty;
- inclusion of women, youth, the unemployed and the very poor in policy process:
- the evolving roles of institutions of local governance, including elected local government, tribal authorities and popular structures;
- the impact of formal sector retrenchments on rural livelihoods and the demand for land;
- processes of privatisation of land and commodification of common property resources;
- bottom-up or unofficial initiatives to defend land rights, access land or improve rural livelihoods.

# 4 MOZAMBIQUE

## 4.1 Introduction

Mozambique is located on the east coast of southern Africa. It covers an area of 801,590 sq km which includes 13,000 sq km of inland water. Mozambique shares borders with Tanzania to the north and Malawi, Zimbabwe, South Africa and Swaziland to the west and south. There are 36 million hectares of arable land (45% of the total area), of which 16 million are forest, leaving 20 million hectares for cultivation. Of this, only an estimated 11 per cent is used for crops at any time (Whiteside 1999: 32). Mozambique obtained independence from the Portuguese colonial power in 1975, bringing to power the revolutionary Front for the Liberation of Mozambique (FRELIMO). Frelimo inherited an impoverished and crippled country. The country suffered a devastating fifteen-year civil war between the Frelimo government and the South African-backed Mozambican National Resistance (RENAMO), which ended in a cease-fire in 1992. During the war much of the rural population was either internally displaced or fled to neighbouring countries, and between 1992 and 1995 many of these people returned to their home areas. Frelimo abandoned Marxist-Leninism in 1989 and a new democratic Constitution was adopted in November 1990. The first multi-party elections were held in October 1994, returning Frelimo as the governing party and Renamo as a sizeable opposition. Frelimo and President Chissano were returned to power with a reduced majority in the general and presidential elections of December 1999. The population of the country was estimated at 16 million in 1994 and was projected to reach 20 million by 2000. Some 75% of Mozambicans are rural and over 60% live in absolute poverty. The majority of the population are concentrated into a 60 km-wide coastal strip.

## 4.2 Background

Early Portuguese settlement, from the sixteenth to the early nineteenth century, focused on a number of coastal settlements and large *prazos*, feudal-style estates based on confiscated land and forced labour, concentrated in the Sofale and Tete districts. The early settler economy was based on commerce, first in gold and later in slaves and ivory, with only tenuous connection to the metropole. Much of the interior of the country remained unconquered and relatively undisturbed during this period. Formal rule by the Portuguese state was instituted only in 1880s and colonial control was gradual enforced over the entire territory through a series of wars with the *prazeros* and the independent African chiefdoms. During this period the Portuguese leased out huge tracts of land to British, German, French and Swiss concessionary companies which established plantations for sisal, copra, sugar and tea, the largest of which was the British-owned Mozambique Company. Concessionary companies were given political and administrative powers in the central and

northern regions, including powers to extract forced labour and taxes from the peasantry. The southern part of the country (below the 22nd parallel - now the provinces of Maputo, Gaza and Inhambane) was largely used for the supply of labour migrants to South African mines and farms. After 1926, the Portuguese state under Salazar became more directly involved in the economy of Mozambique, granting concessions to British and South African plantation companies. From the 1940s, thousands of Portuguese farmers were settled in *colonatos*, or agricultural projects, leading to the forcible removal of local people. The *Colonato da Vale do Rio Limpopo* alone had over 10,000 families settled on 100,000 hectares of irrigated land. The movement for Mozambican independence was united under the leadership of Eduardo Mondlane in 1962 and launched its war of liberation against the Portuguese administration in 1964. The 1974 revolution in Portugal hastened the liberation of the country in 1975.

### 4.2.1   Independence period (1975 to 1990)

With independence from Portugal and the declaration of the People's Republic of Mozambican, the June 25 1975 Constitution declared that land and all natural resources in the soil and sub-soil were the property of the Mozambican State. The State was further granted control over the terms for the use and benefit of land and natural resources. Titles to many estates and *colonatos* were not formerly revoked although their property was taken over for use by the state as Portuguese settlers fled the country.

Between 1975 and 1983, Frelimo (*Frente de LiberaHvo de MoHambique)* pursued a socialist strategy of development. For the agricultural sector, this involved organising the dispersed peasant population into communal villages and restructuring their productive activities along collective lines through co-operatives and state farms, largely based on the former Portuguese holdings. Frelimo's land and agricultural polices had their origins in its Marxist-Leninist ideology and a range of practical concerns, starting in the liberated areas during the war with the Portuguese. These included the need to control an often unreliable rural population and to counter the power of so-called traditional authorities, a desire to ensure continuity of supply of food to urban areas and export commodities and, most importantly, the pressing need to fill the vacuum left by the near-total collapse of the colonial agricultural sector in 1975.

Collectivisation of large estate farms began in 1976 and soon amounted to over one million hectares of the best quality and best located land  in around 100 functioning state enterprises (West and Myers 1996: 31). Government policy directed investment towards the state farm sector and starved the peasant family, private and co-operative sectors of resources, markets and

infrastructure. Nonetheless, the benefits derived from the state sector were quite limited and most farms operated well below their capacity.

Villagisation was adopted by Frelimo at its Third Party Congress in 1977 as a core policy for the administration of rural areas throughout the country. When the programme began it was voluntary, but it the 1980s, in the face of attacks by Renamo, it developed into forced relocation. Villagisation was accompanied by efforts to promote producer co-operatives amongst the peasantry, but with very limited success. Over a million Mozambicans had been relocated to communal villages by 1981 (Cannon Lorgen 1999). Dissatisfaction with forced villagisation, and with Frelimo's treatment of the smallholder sector more generally, is widely seen as contributing to the support given to Renamo in many rural areas.

The 1979 Land Law (Law No.6/79) reinforced the Constitutional disposition concerning the State's ownership and control of land but went further to prohibit the sale or other form of alienation including rental, mortgage or other encumbrance. Titles for the use and benefit 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". The prohibition on the use, benefit and disposal of land was reinforced by provisions that the right to land use and benefit could only be transferred by succession to a spouse or other heirs. The 1979 Land Law also permitted the State to revoke any such right on the basis of a need to use the land for other purposes or for the State's convenience.

While the state assumed ownership of land, smallholder families and communities retained their use rights to the land they occupied under customary tenure. A critical component of Frelimo's strategy in the rural areas was to wrest allocative and adjudicatory power over land away from traditional authorities *(régulos)* whom Frelimo had derided as colonial puppets and lackeys throughout the struggle for independence. "Arguing that these traditional authorities had mercilessly exploited rural dwellers in their colonial roles as labour recruiters, tax collectors and local policing agents, Frelimo attempted to banish such figures and replace them with community-level party representatives (*secretarias*) that were vertically integrated into a state/party hierarchy emanating from the capital, Maputo" (Kloeck-Jenson 2000). Although traditional leaders were officially stripped of their power after independence, much of the de facto allocation of land in rural areas has continued to run through customary procedures and lineage links. However, since these structures were not recognised by the government land allocation system, there was little possibility for co-ordination between the official and the traditional systems (Whiteside 1999: 31).

Mozambique's economic difficulties were intensified by escalating South African destabilisation. Renamo (*ResistΛncia Nacional MoHambicana)* started life in the 1970s as a proxy for the colonial Rhodesian government, but later, with South African backing, became a major instrument of economic sabotage and terror, especially in the countryside, and a serious drain on the country's limited resources. By the early 1980s, agricultural production had collapsed over much of the country and state farms and peasants alike had ceased to produce or market significant surpluses (Bowen 1993: 327).

Following its Fourth Congress in 1983, Frelimo implemented significant agricultural reforms, dismantling many of the country's state farms, distributing land to peasants and private farmers and providing them with services, inputs and consumer goods. (Bowen 1993: 326). A new emphasis was placed on more decentralised, market-oriented, small-scale projects. The congress further directed state structures to provide much greater assistance to the family, co-operative and private sectors. O'Laughlin (1996: 3) argues that these reforms were "initially defined as market socialism, but moved rapidly towards increased support for private commercial farming, and the distribution of some state farm land to multinational enterprises, Mozambican commercial farmers and some peasant households". The war ongoing with Renamo, however, greatly limited the impact of these reforms.

From 1986, with the introduction of donor-led Structural Adjustment and the death of Samora Machel, Frelimo began a process that resulted in negotiated peace with Renamo and international donors and abandoned any pretence of adherence to a socialist agrarian strategy, privatising all state farm land, liberalising markets, and granting large land concessions to foreign capital (O'Laughlin 1996: 3). In 1987, the government introduced the *Programa de RehabilitaHvo EconⱢmica* (PRE) which brought a significant rise in western donor activity. Although this shift away from an unproductive state sector promised to reinvigorate agricultural production and provide a window of opportunity for "family sector" producers who lacked support at independence, McGregor (1997) argues that it led to the further dispossession and impoverishment of smallholders. The Land Law Regulations of 1987 (Decree 16/87) allowed for the decentralisation of authority over land to the provincial level but this was not fully implemented. The Regulations also 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, Eliseu and Nhchungue 1994: 14).

### 4.2.2  Period of major reform, 1990-2000

While the retreat from a socialist model of land use can be traced back to 1983, a major new phase of land reform began with the new Constitution of 1990 and the signing of the Peace Accord with Renamo in 1992. The 1990 Constitution effected radical changes to the nature of the right to land use and benefit in Mozambique. It adopted the 1979 Land Law provision that prohibited the sale and encumbrance of land but not the prohibition against the 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, with these changes, 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".

The divestiture of state farms, and related assets, began in earnest following a series of decrees and legislation in 1991. In the absence of any clear policy at the national level, provincial and local officials sold off assets, and rights to land, to foreign investors, government officials and military veterans, effectively excluding smallholders. Writing in 1994, Myers (1994: 608) paints a graphic picture of a chaotic land grab:

"Land concessions are being granted at the central, provincial and district levels of government, and by different ministries, including Agriculture, Mineral Resources, and Tourism. Concessions are being provided for agricultural land, mineral exploration, hunting reserves, grazing, forestry and timber exploitation and tourism development at a rate that has increased substantially over the last two years and which shows no signs of diminishing. Little land is being given by government to the smallholder farmers".

A highly confused situation prevailed throughout much of the1990s, as war ended and millions of refugees and internally displaced persons started returning home, often to find that the land they had once occupied had been given away - to people themselves displaced by war, to demobilised soldiers, to former Portuguese settlers, or to foreign companies. Estimates of the total area granted in concessions vary from 3 million to 40 million hectares, much of it in the more strategically located and densely populated areas. Many smallholders were reported to be pushed off their land in the process or forced to become tenants, labourers or sharecroppers under the new 'owners'.

The process of post-war reconstruction which followed the signing of the General Peace Accord in 1992 saw a proliferation of disputes over land and resources. McGregor (1997) speaks of a set of conflicts associated with the practice of land redistribution to the private sector, including the insecurity and conflict generated by a poorly functioning land titling-procedure and the lack of a central institution for adjudicating overlapping claims. "Private-sector land allocations have the potential to provoke conflicts with 'family sector' farmers as well as with such resource users as charcoal burners, fishermen and hunters. Such disputes will probably escalate over the next few years as claims are physically demarcated, investments are made in fencing and infrastructure, and land is cleared for production".

### 4.2.3 Process leading to the 1997 reform land law

1n 1992, the Government of Mozambique created an Ad Hoc Land Commission within the Ministry of Agriculture, to look mainly at the divestiture of state farm land.
Growing conflict between new concessions and 'family sector' (smallholder) farmers without title soon emerged as a serious potential problem (Tanner 1996). The same year the Land Tenure Centre of Wisconsin was contracted by USAID to examine tenure issues in Mozambique, which led to the organisation of the First National Land Conference in Mozambique, in conjunction with the Land Commission. A second Land Conference was held in 1995, and a third in 1996.

In June 1995 the Ad Hoc Land Commission merged with the Technical Land Use Committee set up to manage World Bank-funded projects in the country, along with representatives from other government departments concerned with land issues and representatives of civil society. In 1996 this grouping became the Technical Secretariat of a new Inter-Ministerial Commission for Revising Land Legislation which brought together nine ministries under the Presidency of the Prime Minister.

The Land Commission was funded by FAO, USAID (through the Land Tenure Centre), the World Bank and other donors. A series of public seminars led to the creation of a land policy statement *(Política de Terra),* which was adopted by the Council of Ministers in 1996. The new land policy continued to vest all land in the state, under system of 50-year leases, but recognised customary law and the role of traditional leaders (*régulos*) 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.

A draft land law was prepared in January 1996, which was circulated to 200 institution, experts, NGOs and the media. Working teams were sent to all ten provinces and a Technical Secretariat presented the findings and submissions to the third Land Conference held in June 1996, attended by participants drawn from the public and private sectors and civil society structures. Grass-roots consultations were organised by ORAM (*AssociaHvo Rural de Ajuda Mδtua*) and UNAC (*Univo Nacional de CamponΛses*) with traditional leaders and peasants on the draft law. The resulting Working Document formed the basis for the Bill, considered by an open public session, two parliamentary committees and various other bodies. Failure to adopt the law by parliament led to a peasants' march in June 1997, which demanded the approval of the law as existing legislation continue to be source of considerable conflict. The Act was finally passed on 31 July 1997. Regulations for the implementation of the law were subsequently developed through a series of working groups with widely inclusive non-governmental participation and finally approved by Cabinet in December 1998 (Alden Wiley and Mbayay, quoted in Palmer 2000).

During the processes around the draft Bill, a range of national and foreign NGOs and academics founded a National Committee and launched a national Land Campaign. Its aim was to disseminate the new law, to promote justice by enforcing the application of the new law and to stimulate discussion between the family and commercial sectors which occupy the same land areas. Promoting the rights of women in land, the right of communities to participate in tenure-related decision making and encouraging action on land matters, have been important aspects of the campaign (Alden Wiley and Mbayay).

The new land law protects the existing rights of peasant occupiers in a variety of ways. Land remains the exclusive property of the state, which is seen as protecting the position of those not in a position to enter the market for land. Peasants do not need to undergo the lengthy process of acquiring a title or permit, thus granting them positive rights that they did not enjoy before. Investors or others cannot legally be granted a title to land without a process of consultation with the local community intended to determine whether or not a particular area is already occupied. A uniform system of land management and confirmation of land rights, under the supervision of the state, is to be applied throughout the country, with particular powers for community structures in resolving disputes.

The new law provides various mechanisms for the approval of land grants: in urban areas, land use requests are dealt with by new municipal presidents (mayors) or district administrators; use of non-urban land up to 1000 hectares can be authorised by a provincial governor, but the local community must be consulted; between 1000 and 10,000 hectares, use can be authorised by the

Minister of Agriculture and Fishing, but relevant governor and local communities must be consulted; the Council of Ministers approves uses above 10,000 ha. (Hanlon 1997).

A key change provided by the laws is the requirement that communities participate in the administration of natural resources and the resolution of conflict (Articles 10 and 21). This does not extend, however, to a right of veto. Another critical change is that communities, as well as individuals, may hold land and may obtain legal title (Article 7). Verbal evidence is accepted in the law as the basis of a recognised right in land. Application of the law is proving less than satisfactory, however, partly through the absence of clear community organisation and representation, and partly through the retention of complex and expensive titling procedures, unfavourable to the poor majority. (Alden Wiley and Mbayay, 2000). The law is also seen as strengthening the position of Mozambicans relative to foreigners, who have to be resident in the country at least five years in order to obtain the right to occupy a portion of land. The law also obliges the state to pay compensation to a citizen in a case where the state revokes a citizen's land right.

Hanlon (1997) summarises the provisions of the new law as follows:

- Land remains the property of the state. Communities, individuals and companies can only gain use rights (leases);
- Use rights can be transferred but cannot be sold or mortgaged;
- Use rights are gained through occupancy or through grant by the state of lease of up to 100 years;
- Formal title documents showing right to use land can be issued not just to individuals and companies, but also to communities and groups;
- Communities or individuals occupying land for more than 10 years acquire permanent rights to use that land and no not require title documents;
- Courts must accept verbal evidence from community members about occupancy;
- Title for use cannot be issued on land already occupied by others;
- Titles for use rights can only be issued if there is a development plan. Title are initially issued provisionally for two years, and only made permanent (for up to 100 years) if projected development is actually being carried out;
- The rights of local communities must be addressed before any title is given. 'Local community' is defined as 'a group of families or individuals that has the aim of safeguarding common interests through the protection of living areas, farming areas whether cultivated or fallow, forests, sites of cultural importance, pasture, water sources and areas of expansion';

- The rights of women are theoretically protected with a clause banning any discrimination relating to title or inheritance on the basis of sex, although references to customary law and customary occupancy remain in the law.

Palmer (2000: 284) identifies three key features contributing to the success of the new 1997 Land Law: the participatory process, the campaign run by NGOs, and the efforts of NGOs to actively seek partnerships, rather than confrontation, with new investors and the business sector. In response to active lobbying by civil society, parliament made key changes to the draft law submitted by government which increased the rights of women, gave a greater role to traditional leaders and partly restricted ways in which the Council of Ministers can give permission for land use.

The rights of women under the new 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 women have equal access to secure land titles, which has not been the case in practice under previous laws. Pressure from peasant organisations retained some references to 'traditional authorities' and 'customary law'. The law thus allows for the continuation of customary practice as long as it does not discriminate on lines of sex or contravene the constitution. (Hanlon 1997).

A number of weaknesses in the new law have been identified by various commentators. Whiteside (1999: 31) argues that the capacity of local government to administer land allocation (including surveying, marking out boundaries, checking that the land is not already occupied, checking for other claims on the land) is very limited. The possibility for corruption is high, due to the lack of transparency and low salaries among administrators. Many different government bodies have the task of issuing land titles so sometimes different people can be allocated different titles for the same piece of land. The central land registry is incomplete, so more than one title can be issued for the same piece of land. Also, the process of titling is very long, complicated and expensive. A 'letter of intent' is drawn up at the beginning of the process. While this is often considered sufficient to begin developing the land, but there can be confusion about the degree of security provided by the letter of intent. The system deals mainly with land under cultivation, and does not deal adequately with smallholders who use common property for grazing, gathering wild foods and forest products such as timber, medicinal herbs and honey. As much of Mozambique is farmed by shifting cultivation, peasants need access to fallow land for the system to be sustainable (Whiteside 1999: 32).

## 4.3 Other Land Issues

### 4.3.1 Afrikaner Settlers

Since 1996, Afrikaner farmers and agri-businesses from South Africa have extending their reach into neighbouring countries through large-scale investments in commercial farming, food processing and eco-tourism. The Freedom Front, under the leadership of General Viljoen, plans to develop a 'food corridor' from Angola to Mozambique through the South Africa Chamber for Agricultural Development (SACADA), with backing from South African and Mozambican governments. Presidents Chissano and Mandela signed an agreement in May 1996 granting rights to Afrikaner agri-business to develop investments in at least six Mozambican provinces covering concessions of some 8 million hectares. This is intended to include the take-over of many state farms processing plants, either free or at nominal rents. The first wave of South African settlers arrived in June 1996, as part of the Mosagrius joint venture. Settlers are now well established in Niassa province, especially in the fertile Lugenda valley, and are set to expand into the Zambezi and Limpopo river valleys and along key railway and road routes. Chossudovsky (1997) suggests that Mosagrius seems set to establish an autonomous state within a state in Niassa, with Mosagrius as the sole authority on key issues, including land rights within its concessionary area. If this come about, the food corridor is likely to displace pre-existing agricultural systems and lead to increased poverty in the countryside. Smallholders stand to loose their land and be reduced to labourers, tenants or sharecroppers. This has already led to conflict in Niassa, as settlers attempt to evict local farmers. There have been reports of widespread breaches of agreed procedures, as SACADA sends farmers to settle without development plans and without consulting either Mosagrius or Mozambican government officials, and squeezing out Mozambican partners. They are also accused of seizing high quality land in densely populated areas, rather than the remote and occupied land that was originally envisaged. The European Union has, controversially, provided money to SACADA from funds earmarked by Brussels for reconstruction and development in southern Africa.

### 4.3.2 Land disputes

With the dramatic changes to land law since 1990, and the return of millions of displaced persons after the war, a high level of disputes over land are reported from throughout the country, but particularly from the densely populated areas around the capital, Maputo. In the two years after the peace accord of 4 October 1992, over one million refugees returned to the country while as many as three million moved back to the areas they were forced to flee during the war. Disputes are reported both between smallholder with competing claims to land and between smallholders and

the range of national and foreign companies and individuals seeking land concessions from the state. " Most key resources are now within areas of solicitation for land from the private sector as well as within areas earmarked for conservation. So the proliferation of disputes at the local level within the family sector may be supplanted by competition from other sources"  (McGregor 1997). Competition for land has been exacerbated by a collapse in alternative livelihood opportunities in recent years, particularly the declining demand for migrant labour to South Africa. Under the 1997 Land Law, displaced communities that have occupied land 'in good faith' for ten years or more may be able to retain it, but will remain vulnerable to claims by previous occupants, unless these have fled the country.

## 4.4 Actors

Central government bodies that are involved in land matters to varying degrees include the Ministry of Agriculture and Fisheries; Ministry of Planning and Finance; Ministry of Environmental Action Co-ordination; Ministry of State Administration; Ministry of Industry, Commerce and Tourism; Ministry of Mineral Resources and Energy; Ministry of Public Works and Housing; Ministry of Culture, Youth and Sports; the Institute for Rural Development (INDER); and the Land Commission.

External assistance on land matters was provided to the Government of Mozambique by a range of external agencies. The **FAO** funded a Technical Co-operation Programme projects to support the Land Commission until the end of 1996. The TCP team assisted with drafting the National Land Policy, as well as helping in the establishment of the 'programme approach' for Land Commission activities, in which donor resources are managed within a single budget framework supporting a national programme with a single set of priorities and objectives. Between 1991 and 2000, **USAID** funded a project by the **University of Wisconsin Land Tenure Centre** in Mozambique,, working  with the Ministry of Agriculture, the Inter-Ministerial Land Commission; and the Land Studies Unit (*Nδcleo de Estudos da Terra e do Desevnolvimento*) at the Eduardo Mondlane University. The project addressed land and natural resource tenure issues though applied research and policy dialogue with the Mozambican government and civil society. The project specifically addressed state farm divestiture, land access for refugees in the post-war period, land conflict and resolution, land law reform and institution building  at national, provincial and local levels.

**The World Bank** has had two major projects with significant land components in Mozambique: the rural Rehabilitation Project at the Institute for Rural Development; and the Rural Services Rehabilitation and Development Project at the Ministry of Agriculture and Fisheries and the National Directorate for Cartography and Cadastre.

Other donors supporting various aspects of the land reform programme have included the Ford Foundation, Swedish International Development Agency, Norwegian Refugee Council and the Government of the Netherlands.

The main civil society voices in recent land debates in Mozambique have been ORAM and UNAC. ORAM *(Associa**H**vo Rural de Ajuda M**δ**tua,* or Rural Organisation for Mutual Assistance) was established in 1993 by the Christian Council of Mozambique to support peasants in registering land, defending their land rights and legalising their associations. ORAM is a membership organisation for peasant associations that defends their rights and offers technical and other support to their members. Cord funding is from Christian Aid (UK). ORAM began working through the churches, assisting peasants to form associations, resolving land conflicts and began the process of securing land titles. It also organised joint programme of dissemination of draft land law when it was released in January 1996. Consultations in the provinces revealed that peasants rejected privatisation of land and demanded participation in community land management.

Both ORAM and UNAC were appointed by the NGO forum, Link, to take seats in the government's Land Commission. (UNAC - *Uni**v**o Nacional de Campon**Λ**ses*, or National Union of Peasants - is a former wing of Frelimo). Their main objective was to resist international pressure to privatise land and large-scale of alienation of land to foreigners. Following the promulgation of the 1997 Reform Land Law, ORAM, UNAC and approximately 200 national and foreign NGOs, church groups and academics founded a National Committee to campaign for and around the new law. This led to the launch of a national Land Campaign *(Campanha Terra)*, to inform and involve smallholders about the new law and to lobby for the effective implementation of the law in ways that would benefit smallholders and women. This in turn led to the formation of a national Land Forum (November 1999) that is intended continue the work of consciousness raising, mass mobilisation and defense of the land rights of the rural poor.

The National Committee is the managing body of the Land Campaign, and bases its decisions on national seminars in which representatives of all the provinces participate. During the Land Campaign 3 national seminars were held. The National Committee is composed of 22 NGOs and international partners, as follows:

➢ Action Aid,
➢ AMRU – Association of Rural Women,
➢ Association for Progress,
➢ CAA – Oxfam Australia,

- ➢ CCM – Christian Council of Mozambique,
- ➢ CEA – Centre for African Studies,
- ➢ CEP – Centre for Population Studies,
- ➢ Diocesan Commission for Justice and Peace,
- ➢ Swiss Co-operation,
- ➢ DANIDA,
- ➢ Netherlands Embassy,
- ➢ FDC – Foundation for Community Development,
- ➢ Helvetas,
- ➢ KEPA – Centre for Services of Co-operation for Development,
- ➢ Kulima,
- ➢ MS – Danish Association for International Co-operation,
- ➢ NET – Land Studies Nucleus,
- ➢ ORAM – Rural Association for Mutual Help,
- ➢ Oxfam Belgium,
- ➢ Oxfam's' Joint Advocacy Programme,
- ➢ SNV – Dutch Organisation for Development,
- ➢ Trocaire,
- ➢ UNAC – National Union of Peasants

Other civil society structures involved in land and issues include *F∴rum Mulher* (Women's Network) and *OrganizaHvo da Mulher MoHambicanana* (OMM - the Organisation of Mozambican Women).

## 4.5 Discourses

The dominant discourse on land in Mozambique, dating back to the 1970s, has been around two key issues - productive use of land and ownership of land. Since coming to power, Frelimo has taken a consistent 'modernisation' line, albeit first of a socialist and later of a free-market variety. The recurring theme has been the imperative of achieving adequate levels of output and growth that will impact positively on the wider economy. While this was to be achieved through collectivisation and state management of farms in the 1970s, since the 1990s this historical mission has been granted to the private sector, both national and foreign. Frelimo has shown consistent distrust of the so-called family farm, or peasant, sector. On land ownership, Frelimo has, since 1975, taken the line that all land in the country belongs to the state, and denied outright ownership to other parties. With the involvement of the World Bank and various donor countries since the 1980s, Frelimo has come under increasing pressure to introduce a private property system. Land

tenure reform was specifically raised by the US delegation at the Paris donor conference in 1995. With the granting of large concessions on long leases to the private sector, however, and the recognition of customary rights under the 1997 Land Law, along with the rise of an active parallel market in land, the claim to state ownership of land is looking more tenuous than ever.

During the processes leading up to the adoption of the 1997 Land Law, Frelimo opposed full privatisation of land as it would lead to further landlessness, and in this were backed by many peasant associations. Frelimo also conceded popular demands to strengthen the rights of women by stressing equality of men and women on land titles. The government attempted to remove various references to 'customary law' on the grounds that traditional practices discriminate against women.

The discourse around 'customary institutions' and 'customary practices' has been used by various rural interests to justify local control of resources and to resist encroachment by state officials and/or private business interests. On the government side, reference to local authorities and customary rules around land are usually seen in terms of a return to 'tribalism', or meaning untrammeled power for traditional leaders, and are seen as undemocratic, backward and inhibiting production. Myers (1994: 607) argues that such argument are not new: "Shortly after independence, Frelimo took the position that customary institutions, authorities and rules were backward, representing feudalistic society, and launched a campaign against them. This campaign had a dramatic effect on social relations in many rural communities, promoting conflicts and schisms within them". Renamo has consistently opposed aspects of the Land Law because it continues state ownership of land and gives insufficient powers to traditional leaders.

The discourse of dualism in agriculture has been a prominent feature of debate in Mozambique, emphasising the existence of two distinct producer categories within agriculture, 'private sector' and 'family sector'. The private sector is generally assumed to have substantial land holdings, to employ wage labour, have access to credit and produce for the market, enjoy secure land rights and generally having greater capacity to exploit resources than the family sector. By contrast, the family sector is assumed to rely exclusively on family labour, have little access to credit, to have only customary or informal land rights and produce solely for subsistence purposes. Myers (1994: 608) argues that these perceptions do not match reality. "In practice, many private sector farmers have little access to capital, employ family labour rather than wage labour, and consume much of what they produce. At the same time, most family sector farmers produce for the market and hire labour to augment the family workforce. Many family sector farmers have access to capital through the market and remittances from off-farm employment. These categories have been used by government, bureaucrats and some segments of civil society to deny peasant farmers access to land and other resources, while diverting these resources to a select group of individuals".

Similarly, O'Laughlin (1996) argues that both Frelimo and its critics have been relied on an unsustainable dualistic view of agriculture that tends to obscure the complex interdependence between off-farm employment, smallholder production and large-scale agricultural enterprises. This leads O'Laughlin to reject arguments for the 'autonomy' of the peasant sector and those for a purely capitalist (or socialist) model of development based on wage labour.

The powerful civil movement that emerged in support of the 1997 Land Law has articulated a series of demands on behalf of the peasant sector. These have centred around tenure security for smallholders, gender equality in land rights, protection for customary rights (but not necessarily for traditional leaders), popular participation in policy making and implementation, and improved access to state services. The passing of the 1997 law and recent directions in land policy suggest that this position has had a significant impact and has gone a long way towards weaning Frelimo off its longstanding antipathy to the smallholder sector, albeit at a time when peasants face unprecedented assault from private commercial interests.

## 4.6 Policy Formulation And Participation

As noted above, public participation has been central to recent shifts in land policy in Mozambique, and has done much to counter the pressures on the government from foreign donors. The Land Law was drafted and revised many times over a two year period as part a widespread consultation in one of the most open and democratic processes ever seen in Mozambique. Peasant organisations and trade unions were present throughout the week long debate in parliament, and active in the country-wide consultations.

Consultation and participation are also key to the implementation of the 1997 Land Law. The law calls for 'identification and definition of the limits of land occupied' by rural communities. Peasant organisers like UNAC want regulations to ensure this does not result in peasants being squeezed into tiny reserves. Those organising the Land Campaign believed that the effective application of the law would depend to a large extent on the knowledge rural families held about the law (Palmer 2000: 284) The Campaign set out to inform smallholder about their rights and duties according to the new Law. The organisers produced and disseminated 15,000 copies of a *Manual to Better Understanding of the New Land Law.* "As well as disseminating information about the new law, the Campaign sought to promote justice by enforcing application of the law, the Campaign sought to promote justice by enforcing application of the law and to stimulate discussion between the family and commercial sectors occupying the same area. The most sensitive point was the recognition of rights to land occupation on the basis of oral proof: it was necessary for all citizens to have knowledge of this legal measure so as to avoid conflicts and the violation of the

fundamental right to land" (Palmer 2000: 284). Around 15,000 volunteers had been trained as activists in the Land Campaign, including young people, religion workers, teachers, extenionists and NGO staff. In its second year, the Campaign stressed the fact that consultation with local communities was obligatory where applications are made by outsiders to acquire land within rural areas and it sought to inform citizens about the ways in which consultation with the state should be carried out. "This concern arose from a series of cases in which officials had limited themselves to collecting only a few signatures as a token attempt to fulfil the consultation requirements. In addition, there are growing number of cases of corruption in urban and peri-urban land matters. While the Campaign advised citizens to register their land, they acknowledge that, in practice, the capacity to do this does not always exist" (Palmer 2000: 284).

Dispute around consultation still continue. UNAC, ORAM and the Land Commission are pressing for mandatory consultation with community land committees rather than simply with individuals or leaders. Hanlon (1997) argues that further disputes are likely to arise around who are the legitimate leaders and around boundary disputes between leaders.

## 4.7 Issues For Further Research

A number of issues emerge from the recent literature as possible areas for further research:

➢ The extent of concession, nationally and locally;

➢ Evolving relations between concession-holders and current occupiers;

➢ Disputes and dispute resolution under the new law;

➢ Ability of smallholders to register and protect their rights under the new law;

➢ Ability of women to register and protect their rights under the new law;

➢ Role of traditional leaders and other local structures in land and natural resource management;

➢ The process of consultation between government and local communities around land matter.

# 5  SOUTH AFRICA

## 5.1 Background

The negotiated transition from apartheid to democracy in South Africa has left much of the structure of inequality unchanged, including the territorial separation of people along racial lines. The roots of territorial segregation lie in the uneven pattern of colonial dispossession and settler occupation in the nineteenth century. Sizeable tracts of land - mainly in the eastern half of what became South Africa - continued to be occupied by native peoples with aspects of their pre-existing socio-political and economic system intact (Thompson 1995: 109).  With the rise of a vast mining industry in the late nineteenth century, these so-called 'native reserves' took on a new significance as reservoirs of migrant labour, based on oscillating migration by male African workers between the mines and the rural periphery (Crush, Jeeves and Yudelman 1991: 2).

The reserves were defined by two key pieces of legislation, the so-called Land Acts of 1913 and 1936, which between them divided the country into legally designated 'white' and 'black' territories and imposed severe restrictions on the property rights of blacks, including labour tenants and share-croppers, on white-owned farms. Under the terms of the 1913 *Natives' Land Act*, 7% of the national territory was reserved for exclusive black occupation and Africans were prohibited from acquiring land outside these 'scheduled areas'. The 1936 *Native Trust and Land Act* allowed for the extension of the reserves up to a total of 13% of the national territory and also created the South African Native Trust (later Development Trust) with responsibility for acquiring the necessary land (released areas). The Trust was also charged with the economic development of the over-crowded and poverty-stricken reserves and preventing what was seen as an imminent economic and ecological crisis (Bundy 1979: 222). This led to the highly authoritarian system of 'betterment', which attempted to prevent soil erosion and control cattle numbers in the reserves and in later years was expanded into a comprehensive system of physical planning and villagisation (Yawitch 1981:1; de Wet 1995: 40).

Under the system of 'separate development' as it evolved in the years after 1948, Africans were denied all political rights in 'white' South Africa, where they would be tolerated only as long as they were deemed to be 'economically useful'. Africans were to be made 'citizens' of ten ethnically-based 'nations', situated in the reserves, where they would be encouraged to develop separate political institutions and move towards 'independence'.  Political power within the homelands rested with revamped tribal structures, composed of headmen and chiefs, under the close control of the Department of Bantu Affairs.

The imposition of tribal rule was accompanied by the extension of a much expanded form of 'betterment' to most of the reserves/homelands, involving forced resettlement, strict limits on land for cultivation and further attempts to reduce the numbers of livestock (Yawitch 1981: 23). As the homelands policy began to take effect in the 1960s and 1970s, upwards of 3.5 million 'surplus' people were forcibly removed to the homelands, including tenants evicted from white farms, residents of church mission stations and other so-called 'black spots' outside the homelands, and people 'endorsed out' of towns and cities (Platzky and Walker 1985: 9). Economically, the homelands remained extremely poor and underdeveloped, and heavily dependent on remittances from migrant workers in industrial South Africa and direct transfers from the South African government. By the final years of apartheid, the homelands were home to over half the black population of South Africa (or over 40% of the entire South African population) and were characterised by extremely high rates of poverty, infant mortality, malnutrition and illiteracy relative to the rest of the country (Wilson and Ramphele 1989: 25; DBSA 1993: 37).

Agriculture in the homelands today is commonly perceived as subsistence (or even 'sub-subsistence') oriented and extremely marginal compared to the white-dominated agricultural sector. Local studies over many years, however, have shown that agriculture continues to play a significant part in the livelihoods of large numbers of households and that the sector is highly differentiated along lines of class, gender and age, with substantial numbers of farmers producing for formal and informal markets (Bernstein 1996: 38).

### 5.1.1.1  'White' farms

The total land area of South African is approximately 122 million hectares, or 1.2 million square kilometres. There are approximately 61,000 so-called commercial farming units (1996 figures), the overwhelming majority of which are white-owned, and which occupy 68% of the total land area of the Republic. The average size of the commercial farms is 1,349 hectares overall, ranging from an average of 323 hectares in the heavily urbanised Gauteng province to 4,418 in the semi-arid and sparsely populated Northern Cape. These farms employed a total of 914,473 employees in 1996. Average gross income per farming unit was estimated at R540,406 (Statistics South Africa 1996).

### 5.1.1.2  'Coloured reserves'

Approximately 1.7 million hectares of land (1.4% of the total land area of the Republic) lies within areas formerly identified as 'coloured reserves', located in the Western Cape (12 sites), Northern Cape (8), Eastern Cape (1) and Free State (2). Many of these areas originated as mission stations in the nineteenth century and their inhabitants were largely classified as 'coloured' by the apartheid

regime. These areas combine strong individual rights, to residential and arable plots, with communal access to grazing and natural materials. They were for many years under the control of central government but are now in a process of transformation (see below).

*5.1.1.3 Former 'Homelands'*

Approximately 16.7 million hectares, or 13.7% of the territory of South Africa, was allocated to the homelands in 1985 (Nattrass 1988: 99). Within this area, the population, for 1991, was estimated at 17.4 million people, or 47% of the South African population (SAIRR 1994: 83). Approximately 99.8% of this group were classified as black (African). Official statistics suggest that approximately 1.6 million households in the former homelands are engaged in agricultural production of some kind (Statistics South Africa 2000). Some 39% of these live on a monthly household income of R400 or less.

Arable land in the homelands is distributed between a relatively large proportion of households, perhaps as high as 50% of the total. Average holdings are extremely small, in the order of 0.5 to1.5 hectares per household, but there is considerable variation in plot sizes, with a substantial proportion of households having less than half a hectare, and a small 'elite' having plots greater than five hectares. There is also considerable variation between regions and districts. While agriculture is not the principal source of livelihood for the great majority of households in the homelands it does provide an important supplementary income and a valuable source of food for many.

The great majority of land in the former homelands is held under some form of communal tenure. Other tenurial forms include freehold land held by individuals and groups, including church missions, and state land, but these account for relatively small areas. Communal land tenure in South Africa is a hybrid form, combining elements of individual and collective property rights. Although having some basis in African customary law, communal tenure has been greatly modified by successive governments over the course of the twentieth century, while alternative forms of land-holding were effectively denied to black people by law. Most communal land is nominally owned by the state, but is held in trust for specific tribal communities and allocated by the chiefs to people living under their jurisdiction on a usufructuary basis (Budlender and Latsky 1991: 121).

The communal tenure system found in South Africa is 'communal' in the sense that an individual's entitlement to land flows from membership of a socio-political community (a village or tribe), rather than from private ownership (Bennett 1995: 168). Communal tenure in this context does not imply communal (or collective) agricultural production, even on shared resources such as

communal grazing land. Under customary law, the right to land usually applies only to male 'household heads', but in practice is sometimes extended to women (Bennett 1995: 170). Once allocated, residential and arable plots are reserved for the exclusive use of the occupying household. Unallocated lands are generally available to community members as a common pool resource (commonage), providing pasture for livestock and other natural resources such as timber, thatching grass, edible fruits and plants, and materials for use in traditional medicine (Cousins 1996:168). Those who obtain land receive a permanent right to the use and benefits of that land, but no right to sell it, and can only transfer it to another family member with permission of the tribal leaders. Chiefs and Tribal Authorities have, in principle, the power to repossess land if it is abandoned, if it is needed for another purpose, if it is deemed surplus to the needs of the holders, or in order to punish a landholder for some offence. Examples of such repossession are rare, however, and the communal system is generally seen as a reasonably secure form of tenure (Bromberger 1988: 208).

A large number of apartheid- and colonial-era laws and regulations still remain in force in the former homelands, notably the *Bantu Areas Land Regulations (Proclamation 188 of 1969)* which regulates land tenure in all South African Development Trust areas, the *Native Administration Act, 1927 (Act No. 38 of 1927),* which conferred various powers on tribal chiefs, the 1951 *Bantu Authorities Act* which established the system of Tribal Authorities and the 1959 *Promotion of Bantu Self-Government Act* which strengthened the political power of the Chiefs and created a multi-tiered system of Regional and Territorial authorities (Hill 1964: 15).

### 5.1.2  Land Reform Since 1994

The current process of land reform in South Africa began in early 1990s, during the transition to democracy, but really only got underway after the election of the ANC-led government in 1994. Early measures included the *Abolition of Racially Based Land Measures Act, 1991, (Act 108 of 1991),* which repealed the Land Acts of 1913 and 1936, the *Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991),* which allowed for the conversion of certain permits to title deeds, and the *Provision of Certain Land for Settlement Act, 1993 (Act 126 of 1993)* which provided grants to communities wishing to purchase land from the state or private owners. A Commission on Land Allocation was also established to facilitate the return of state land to its former owners, with limited results.

Since 1994, South Africa has embarked on an ambitious programme of land reform, designed to redress the grave racial imbalance in land holding and secure the land rights of historically disadvantaged people. These aims found expression in the interim Constitution (*Constitution of the Republic of South Africa, Act 200 of 1993, as amended*), which provided for the

establishment of a Commission on Restitution of Land Rights (replacing the Commission on Land Allocation) and for historical land claims to be heard by a court of law.

The revised *Constitution of the Republic of South Africa (Act 108 of 1996, as amended by Act 35 of 1997)*, set out the legal basis for land reform, particularly in the *Bill of Rights* (Chapter 2). Section 25 (subsections 1, 2 & 3) of the Constitution, the so-called property clause, allows for expropriation of property only in terms of "a law of general application", for a public purpose or in the public interest, subject to just and equitable compensation. Section 25 (4) states that "the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources". Subsequent sub-sections place a clear responsibility on the state to carry out land and related reforms and grant specific rights to victims of past discrimination, viz:

25 (5)   *The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.*

25 (6)   *A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.*

25 (7)   *A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.*

25 (8)   *No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination… ".*

Since 1994, land reform has been pursued under three broad headings:

- restitution, which provides relief for certain categories of victims of forced dispossession;

- redistribution, a system of discretionary grants that assists certain categories of people to acquire land through the market; and

- tenure reform, intended to secure and extend the tenure rights of the victims of past discriminatory practices.

### 5.1.2.1 Restitution

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 of persons or communities were 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 four (later five) Regional Commissioners. In terms of the Constitution, the Commission on Restitution of Land Rights is an independent body, but in practice it falls under the control of the Director-General of the Department of Land Affairs and, ultimately, the Minister of Land Affairs. 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. Under the 1994 Act, all restitution claims are against the state, rather than against current landowners. The Act makes provision 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, by which date 63,455 claims had been received, including both individual and community claims in urban and rural areas. By February 2000, 1,651 claims, representing 12,167 households, have been settled at a total direct cost of R120 million - 11,194 households received land and 973 households received financial compensation (DLA 2000: 108). In 1997, the Restitution Act was amended (*Land Restitution and Reform Laws Amendment Act, 1997*) to bring it into line with the new Constitution, allowing claimants direct access to the Land Claims Court and giving the Minister of Land Affairs greater powers to settle claims by negotiation (the so-called administrative route). These legislative changes were followed by the Restitution Review of 1998 which saw a shake-up of the Commission and its closer integration with the Department of Land Affairs. These changes led to a considerable acceleration in the settling of claims but also to charges that the Commission was favouring urban over rural claimants and promoting cash compensation rather than actually restoring land to claimants. By mid-2000, the Commission was signaling its intention of focussing more on rural claims and on those claims involving larger numbers of people.

### 5.1.2.2 Redistribution

The purpose of the redistribution programme is "the redistribution of land to the landless poor, labour tenants, farm workers and emerging farmers for residential and productive use, to improve their livelihoods and quality of life" (DLA 1997: 36). To date, this has been achieved mainly through the provision of the Settlement/Land Acquisition Grant, a grant of R16,000 supplied to qualifying households. Most projects have involved groups of applicants pooling their grants to buy

formerly white-owned farms for commercial agricultural purposes. By the end of 1999, a total of 301 such projects had been implemented nation-wide and many more were in the pipeline. Less commonly, groups of farmworkers have used the grant to purchase equity shares in existing farming enterprises. By the end of 1999, a total of 20 such projects had been implemented. A separate grant, the Grant for the Acquisition of Municipal Commonage, has also been made available to municipalities wishing to provide communal land for use (typically grazing) by the urban or rural poor. By the end of 1999, a total of 77 municipal commonage projects has been implemented and 75 more were in the pipeline. The legal basis for redistribution remains the Provision of Certain Land for Settlement Act, 1993 (Act 126 of 1993), which was amended in 1998 and is now titled the *Provision of Land and Assistance Act, 1993 (Act 126 of 1993).*

The coming to office of a new Minister of Agriculture and Land Affairs in 1999 led to a six-month moratorium on redistribution projects, followed by a flurry of new policy proposals. While the exact details of the new policy direction are still not clear, it is a apparent that it will focus largely on the promotion of commercial agriculture amongst self-selecting black entrepreneurs. The emphasis on a 'demand-led' approach and dependence on market mechanisms look set to continue.

### 5.1.2.3  *Tenure reform*

Tenure reform is generally seen as the most neglected area of land reform to date, but it has the potential to impact on more people then all other land reform programmes combined. Tenure reform, in the current context, is general taken to mean the protection, or strengthening,  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. Attempts to draft a law for the comprehensive reform of land rights and administration in communal areas (the so-called Land Rights Bill) were abandoned in mid-1999 and tenure reform generally would now appear to have stalled. Recent proposals by the Department of Land Affairs include suggestions to transfer land to groups, communities or tribes (now referred to as 'African traditional communities') upon request, to transfer land to occupiers of state land with IPILRA or ESTA rights, to allow for the sale (privatisation) of communal land and attempts to revive the collapsing land administration system in the former homelands.

The principal components of tenure reform to date are as follows:

- The *Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991), (as amended),* allows for the conversion of informal land rights into formal ownership (title deeds or Deeds of Grant). This Act was initially used mainly by business people to acquire title deeds for business premises in

communal areas. Since amendments to the law in 1997, its use has largely been restricted to householders in new township developments.

- The *Land Reform (Labour Tenants) Act, 1996 (Act 3 of 1996)* is intended to protect the land rights of labour tenants on privately-owned farms, and provides a process whereby such tenants can acquire full ownership of the land they occupy. Labour tenants are generally small-scale (black) farmers who obtain agricultural land from private owners, usually on a long-term basis, in exchange for (unpaid) labour on the owner's farm. Labour tenants are largely concentrated in the provinces of Mpumalanga and KwaZulu-Natal, and by early 2000 approximately 1,200 labour tenant cases had been registered under the Act (DLA 2000). A wave of evictions of labour tenants preceded the promulgation of the Act in 1996, and have continued on a reduced scale since.

- The *Extension of Security of Tenure Act, 1997 (Act 62 of 1997)* is intended to protect occupants of privately owned farms from arbitrary eviction and to provide mechanisms for the acquisition of long-term tenure security. While some farm occupants have been able to use the law to prevent their eviction from farms, evictions remain widespread and the Act is widely ignored by landowners, magistrates and police. Few cases of illegal eviction come before the courts and few, if any, landowners have been prosecuted under the Act. Section 4 of the Act allows farm dwellers to apply for grants for on-farm or off-farm developments (e.g. housing), while Section 26 grants the Minister of Land Affairs powers to expropriate farm land for such developments. By the end of 1999, a paltry nine such developments had been approved.

- The *Interim Protection of Informal Land Rights Act, 1996  (Act 31 of 1996)* was intended as a temporary measure to secure the rights of people occupying land without formal documentary rights, pending the introduction of more comprehensive reforms as demanded by Section 25(9) of the Constitution. In the absence of such legislation, the Act has been extended annually and remains in force. The main impact of the Act to date has been to provide a legal mechanism whereby informal occupiers of state or communal land can grant permission to government departments (or, less commonly, private investors) to use land for development purposes. While the Act can be seen as restricting the powers of traditional or community authorities in matters such as evictions, there is no evidence that this has occurred in practice. No mechanisms are in place to enforce the provisions of the Act and no cases under the Act have yet come before the courts.

- The *Communal Property Association Act, 1996 (Act 28 of 1996)* created a new legal mechanism whereby groups of people can acquire and hold land in common, with all the rights of full

private ownership. Previously, groups could only gain title to land through forming a trust or a registered company. The Act specifies that a Communal Property Association (CPA) must be run along democratic lines, in terms of a written constitution, and registered with the Department of Land Affairs. All members of a CPA are entitled to an equal say in the running of the association and to an equal share of the benefits. CPAs have been established by groups receiving land under both restitution and the redistribution programme. By August, 2000, a total of 239 CPAs had been registered. While CPAs are largely concerned with creating a legal entity to hold land, they have also become involved in agricultural production and other land-use activities, with mixed results. In many areas, CPAs have found themselves in conflict with traditional leaders, who tend to see these democratically-based structures as a challenge to their authority on land matters.

- The *Transformation of Certain Rural Areas Act, No. 94 of 1998,* provides for the repeal of the *Rural Areas Act (Act 9 of 1987)* that applied to the 23 so-called coloured reserves in the Western Cape, Northern Cape, Eastern Cape and Free State. The Rural Areas Act is to be phased out over an eighteen-month period, during which time residents of the affected areas are expected to decide to which structure land currently registered as state land should be transferred. This Act deals primarily with the transfer of commonage land but also provides for the transfer of township land to a municipality. On commonage, rights-holders can decide to transfer the land to a municipality, a Communal Property Association or another body approved by the Minister of Land Affairs. Provision must be made for a balance of security of tenure rights and the protection of use rights of residents and current and future users or occupiers of the land. Provision must also be made for the continued existence or termination of any existing right or interest in land, thereby ensuring that people cannot be deprived of their security of tenure during the transfer process.

Land reform in South Africa since 1994, in all categories, has been painfully slow, the reasons for which remain the subject of intense debate. The one bright spot is the recent (2000) acceleration in the settlement of land claims, although the Commission stands accused of achieving this through 'cheque-book' solutions and the imposition of derisory settlements on claimants. Following the moratorium imposed by Minister of Agriculture and Land Affairs Didiza on taking office in 1999, land redistribution looks set to be re-launched with a new emphasis on commercial agriculture that is likely to exclude the majority of the rural poor and landless. Substantial reform of land tenure, for the millions of households living on private farms and in the former homelands, has yet to get under way.

## 5.2 Key Actors And Networks

The key actors and networks within the land sector in South Africa are set out below under the following headings: Government (National and Provincial), Non-government (NGOs and CBOs), labour, landowners/agricultural employers, traditional leaders and research or policy institutions.

The Department of Land Affairs and the National Department of Agriculture were originally separate departments but are now combined under a single Minister of Agriculture and Land Affairs. Until 1999, land reform was entirely the responsibility of the Department of Land Affairs (DLA), with little or no input from the National Department of Agriculture (NDA) which focused mainly on its historical mission to cater to the needs of large-scale commercial farmers and agri-business. In recent months, responsibility for land reform would appear to have shifted decisively to the NDA, with a concomitant shift in favour or commercial production. Co-operation between the two departments would appear to have reached an all-time low. Under South Africa's Constitution, land is deemed to fall within the competence of the national government, while agriculture is deemed to be a provincial competence. Thus, DLA comprises a national head office, based in Pretoria, and a network of provincial offices (P-DLA) which report to the national office rather than to the respective provincial governments. The National Department of Agriculture does not have a network of provincial offices, but rather works through the relevant line departments of the nine provincial governments.

Other national departments with a substantial involvement in land matters are the Department of Water Affairs and Forestry (DWAF), Department of Defence, Department of Environmental Affairs and Tourism, Department of Housing, Department of Minerals and Energy, Department of Provincial Affairs and Constitutional Development (dealing with local government and traditional leaders), Department of Public Works and the Department of Trade and Industry.

The Land Bank, a parastatal body, has traditionally been a major source of credit for white commercial farmers, and in recent years has been attempting to extend its services to emerging black and small-scale farmers.

Responsibility for agriculture and related matters varies considerably between the nine provinces, which do not share the same department structures. Somewhat confusingly, a number of provinces have departments with responsibility for land matters although this is not, strictly speaking, within their competence. Thus, the Eastern Cape has a provincial Department of Agriculture and Land Affairs, the Northern Province has a Department of Agriculture, Land and Environmental Affairs, while KwaZulu-Natal has a Department of Housing and Agriculture.

In some parts of the country, notably the Northern Cape and the Free State, local government has been active in the provision of commonage to disadvantaged communities, but overall, local government has been quite marginal to all aspects of land reform.

A wide variety of non-governmental organisations (NGOs) and Community-Based Organisations (CBOs) are involved in land and rural development, most with a local or provincial focus and a few with a national presence. The most prominent network in the sector is the National Land Committee, a national body with eight provincial affiliates, active in the areas of policy debates, community advocacy and land reform implementation. Since 1999, the NLC has represented South African in the Southern African Network on Land, which aims to co-ordinate NGO activity in the land sector across Southern Africa. A variety of other rural-oriented NGOs, across various sectors, are combined in the Rural Development Services Network (RDSN). The national co-ordinating body for NGOs is the South African NGO Coalition (SANGOCO), which does not have a specific rural focus. Other prominent organisations in the sector are the Environmental Development Agency (EDA) and FARM-Africa. Many of these organisations, along with numerous local communities, collaborated in the Rural Development Initiative which, despite a national conference in 1999, and the launch of a Rural People's Charter, has had little discernible impact and created no lasting structures.

The labour movement in South Africa is heavily biased towards the urban and industrial sectors. The largest formation is the Congress of South African Trade Unions (COSATU), with more than 1.7 million members in various unions across all sectors of the economy. Three COSATU affiliates are active in the agricultural sector: the Food and Allied Workers Union (FAWU), the South African Agricultural, Plantation and Allied Workers Union (SAAPAWU) and the small Retail and Agricultural Processing Workers Union (RAPWU), plus a variety of small independent trade unions. Overall, less than one-tenth of agricultural workers in the country are unionised and unions in the sector are notoriously weak, both organisationally and financially.

Agricultural Employers and landowners are organised in a number of structures, the most important of which is the white-dominated Agri-SA (formerly the South African Agricultural Union, or SAAU), a federation of local farmers' unions. Other organisations include the politically conservative Transvaal Agricultural Union (TAU) and the black-dominated National African Farmers Union (NAFU). White farmers and their organisations have close links to the giant co-operatives (now in various stages of de-mutualisation) that dominate agro-processing and the supply of agricultural inputs (Amin and Bernstein 1996).

In six provinces, representatives of traditional leaders constitute the upper Houses of the Provincial Governments, the Houses of Traditional Leaders. These provincial structures are in turn represented in a national Council of Traditional Leaders, a statutory body. Traditional leaders are also organised in two other formations, the Congress of Traditional Leaders of South Africa (CONTRALESA), nominally aligned to the African National Congress (ANC), and the KwaZulu House of Traditional Leaders, aligned to the Inkatha Freedom Party (IFP).

Research and policy work on land and rural development since 1994 has mainly been concentrated within government and quasi-government institutions. Much of the early work on land and agricultural reform was carried out by the Johannesburg-based Land and Agriculture Policy Centre, with input from a range of consultants and advisors drawn mainly from the World Bank and UK universities. Considerable policy work was also carried out by the Development Bank of Southern Africa during the period 1990-1995, mainly on homeland agriculture, but of late both the DBSA and the LAPC have ceased to make any significant contribution. Prior to the emergence of PLAAS (University of the Western Cape), academic input to policy debates came mainly from the University of Pretoria, with occasional contributions from Wits (Johannesburg) and the University of Natal (Durban).

## 5.3 Discourses

Prior to 1994, the dominant discourse in the area of land, as applied to the black majority, comprised variations on the farmer settlement model, based on the creation of a relatively small class of commercially-oriented dryland and irrigation farmers. This approach was highly interventionist and top-down, with the state, through the bantustan governments, parastatals and the Development Bank of Southern Africa (DBSA),  bearing most of the set-up costs and heavily subsidising operations. In this it drew heavily on past colonial-era policies of farmer settlement, of the Tomlinson or Swynerton type. As this approach was based largely on political appeasement of the bantustan elite, little or no attention was paid to issues of economic or environmental sustainability or wider socio-economic goals. It is important to note that, despite shifts in official thinking at the higher levels, many of the assumptions of the farmer settlement model live on in the work of national and provincial departments of agriculture and among sections of would-be land reform beneficiaries.

Opposition to colonial and apartheid policies gave rise to a radical-populist discourse that tied the restoration of land to its historical owners to the wider liberation struggle. A persistent theme of  'land to the tiller' and the reversal of the colonial dispossession runs through the rhetoric of the broad liberation movement from the founding of the ANC in 1912, the Freedom Charter of

1955, the founding of the Pan-Africanist Congress (PAC) in 1959 and the unbanning of the ANC and other liberation movements in 1990. With the negotiated transition to democracy, and the formation of a government of National Unity in 1994, however, this historical discourse has been fractured, resulting in a range of competing positions.

Critical departures from the historical position of the ANC were the acceptance of the clauses in the Constitution that guarantee the rights of private property owners, and the acceptance (under strong pressure from the World Bank) of the principles of minimal state intervention in the economy and a reliance on market-based strategies to achieve land reform. The new neo-liberal direction was consolidated with the unceremonious dropping of the Reconstruction and Development Programme (RDP), in 1996, and its replacement by a new macro-economic framework, the programme for Growth, Employment and Redistribution (GEAR). As Levin has recently argued (2000: 68), "The constitutional and neo-liberal macroeconomic frameworks have given rise to a market-driven land reform programme which has inherent limitations in addressing the legacy of unequal land distribution and the widespread rural poverty and suffering which this has given rise to." While GEAR is the policy of the ANC, it enjoys support from all the main political parties and has received only muted criticisms from the ANC's alliance partners, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). The key pillars of GEAR in the land and agricultural sector have been respect for private property, deregulation of markets (national and international), reduction of state subsidies, and privatisation or reduction in state services.

The main opposition to GEAR is to be found in the NGO sector (and, to a lesser extent, among the churches), but while NGOs can articulate the needs of the rural masses, they lack a mass social movement to give political weight to their demands. Isolated examples of rural protest and land invasions have occurred in various parts of the country of late, but this has not amounted to an organised movement. In the absence of political support for radical reform, NGOs have struggled to find space for a variety of welfarist and other demands within the current system, opposing the government's focus on market-based economic growth and supporting multiple livelihood strategies that include non-market activities. NGOs have, of late, been highly critical of the poor rate of government delivery on land reform and rural development, as well as a the lack of political commitment to gender equality or popular consultation on policy making. Alternative models of small-farmer development, based on labour intensive, market-oriented production, have been mooted with academic circles (see Lipton 1996, de Klerk and Lipton 1996) but these have not found an echo within either official or popular discourses.

Limited opposition to land reform has come from organised agriculture (land owners), especially in the area of land claims and the rights of farm workers and farm residents. Some opposition has also come from the traditional chiefs, who enjoy access to the highest levels of government. The chiefs occupy a highly contradictory position as guardians of tradition, especially communalism, and, in many cases, willing agents of the apartheid government in its attempts to sustain 'separate development'. That contradiction lives on today as chiefs campaign for the restoration of their historic powers, including their land, while opposing virtually every aspect of the government's land reform programme. The latest proposals from the Ministry suggest that the government is alive to these contradictions, and is set to use the chiefs as agents of their own destruction by granting them increased powers over communal land, including the power to sell it off .

## 5.4 Links To Sectoral Policies And Decentralisation Initiatives

Land reform and rural development have remained peripheral in terms of the government's agricultural policy and its wider macro-economic programme (GEAR). A coherent rural reform strategy has remained illusive, despite the publication of a Rural Development Framework by DLA in May 1997 and repeated mentions by senior figures of an Integrated Rural Development Policy. Official agricultural policies, as articulated by the Department of Agriculture, continue to make little or no reference to land matters.

One area of policy intended to simulate cross-sectoral growth and integration has been the Spatial Development Initiatives (SDIs), which integrate infrastructural, commercial and other developments within key geographical areas, such as the Lebombo Corridor and the Wild Coast. It is significant that, in many of the SDIs, land matters have emerged as a major delaying factor, due primarily to the lack of clear policy relating to developments on communal land (Ntsebeza 2000).

Decentralisation has been hotly contested in South Africa since 1994. While the constitution promotes a division of powers and co-operation between the three tiers of government - national, provincial and local - a lack of capacity at the lower levels, coupled with political tensions between national and provincial governments, has led to a concentration of powers at the national level and a highly constrained role for local government, particularly in rural areas.

Both local and provincial governments have been notably excluded from land matters to date, although provincial governments do have considerable powers over state land within their areas of jurisdiction. Local government, however, has been consistently overlooked in key areas such as restitution, redistribution and tenure reform, and have struggled to identify their role with

respect to tribal authorities operating within their jurisdictions. Their one area of involvement was the municipal commonage programme, under which DLA assisted municipalities to acquire or redistribute common land under its control to needy members of the community. It is again significant that this is the one programme to be unilaterally dropped under the new Integrated Programme of Land Redistribution and Agricultural Development (IPLRAD), leaving no role for local government within land reform. IPLRAD does, however, introduce a major institutional shift in responsibilities for land reform implementation, from the Department of Land Affairs to the provincial departments of agriculture, with a key role for district extension officers. How exactly this will work in practice, however, remains to be seem.

## 5.5 Participation In The Policy Process

The period leading up to, and following, the general elections of April 1994 was a time of intense public debate around land and rural development, with party representatives, politicians, government officials and the general public participating eagerly in workshops, conferences and other forms of public consultation. A Community Land Conference, held in Bloemfontain in February 1994 was attended by over 1000 delegates from 350 rural communities. This was organised by the NLC in an attempt to initiate a rural social movement for land reform and influence the emerging ANC policy on land and rural development. No such social movement emerged and the Rural People's Charter adopted by the Conference appears to have disappeared without trace.

The following year, DLA, under Minister Hanekom, published a Framework Documents on Land Policy, and distributed it widely for public comment. According to the Department, over 50 organisations, including farmers' associations, NGOs, Government Departments and concerned individuals responded to this document. Their comments were incorporated into the subsequent Draft Statement of Land Policy and Principles that was tabled for discussion at the National Land Policy Conference in August 1995, which was again attended by over a thousand delegates, 400 of them representing rural communities. The results of this process of consultation and debate were incorporated into the Department's Green Paper on South African Land Policy, published in February 1996.

During 1998-99, the Rural Development Initiative called a series of provincial conferences, culminating in a national conference in Bloemfontein in March 1999. Again, a Rural Charter was adopted and there was much talk of a rural social movement, but no structures were put in place to achieve this and the initiative too seems to be a dead letter.

Participation in the implementation of policy is extremely limited. As Levin (2000: 72) put it: "While popular participation has been identified as a key objective of the land reform programme, it has not been adequately achieved in practice … The terminology of 'beneficiaries' which characterises the land redistribution programme reflects the top-down character of its implementation procedures. While there is room for participation in some of the planning processes, the systems and procedures are generally highly prescriptive, complex and disempowering". No systematic local area planning with relevant stakeholders has informed the land reform process and the high rate of failure of redistribution projects is largely attributable to a failure to involve intended participants in their design.

## 5.6 Key Issues For Further Research

Potential areas for further research include the following:

➢ The changing role of local institutions in the management of land and other natural resources;

➢ The ability of women to access land and other natural resources, and their ability to protect those rights;

➢ Preferred tenure reform options in communal areas;

➢ Inclusion of natural resources other than land in land reform planning;

➢ Means of improving land access in areas of high population density or land scarcity.

# 6    ZIMBABWE: LAND AND THE POLICY PROCESS

This paper is divided into three sections. First a very schematic interpretative history, which tries to draw out the shifting policy debates and associated interests/actors etc., is presented. The next distills out core narratives, and links these to particular actor networks. And finally some suggestions are made for key questions for future work are. These are pitched very generically at this stage, and more thought needs will be invested during the project in focusing on key livelihood-land issues which might be pertinent regionally, nationally and in relation to the study areas.

## 6.1 A brief history of the land reform/resettlement debate: 1980-2000

### 6.1.1    The early 1980s

The Lancaster House agreement signed as a settlement in 1979 set the terms for all land reform policy in the first 10 years of Zimbabwe's Independence. The British agreed that they should contribute to land purchase and £20m was pledged in 1980 (incidentally far less than the £75m put on the table by the previous Labour government in the late 1970s as part of earlier negotiations). All acknowledged that land reform had to be a central plank of post-Independence policy, but options were severely constrained. The limitations on compulsory acquisition through the 'willing seller/willing buyer' approach, with full compensation in foreign exchange meant that any resettlement was going to be slow and expensive. Lancaster House was a 'crucial capitulation'. No major agrarian reform was on the cards – this was all going to be 'carefully planned', designed to increase 'farming efficiency'. A dualistic structure of the farming sector (by 1982 the Tribal Trust Lands had been renamed 'communal lands' to be contrasted with 'commercial' areas) was not open to question by anyone except the most radical commentators.

During this period, the new government played by the rules, keen to gain international confidence and encourage 'reconciliation' with the white farming community. White farmers were seen as a 'protected species' (Palmer, 1990: 167) for much of the early 1980s. The first Minister of Agriculture (1980-85, and briefly deputy in the 1990s) was Dennis Norman, past president of the Rhodesian National Farmers Union. It is perhaps not surprising that the well organised and well resourced Commercial Farmers Union had very good access to government, and a considerable amount of influence on policy development, price setting, and (behind the scenes) land reform policy.

This did not prevent the government setting a number of increasingly ambitious targets for resettlement. In 1980 a target of 18 000 households was set. This was increased to 54 000 in 1982 and then 1 620 000 households in two years later that year. This latter figure has remained the benchmark against which the 'failure' of the 1980s resettlement programme has been judged by critics. Yet this figure was conjured up – a 'thumbsuck', but one that was important politically. The government saw the resettlement programme as necessary to "neutralise a looming crisis of expectation on the part of a land hungry population" (MEPD, 1981: 124). Resettelement was seen as a political imperative which would create stability and so promote economic growth. By 1989 some 52 000 households had been resettled and 2.7m ha, some 16%, of commercial farmland purchased. By 1996 some 71000 families had been resettled (93% on Model A schemes).

Land reform in Zimbabwe is basically seen as resettlement schemes, of which a number of models were developed in the early 1980s. While the cooperative model B schemes were the ideologically preferred options of the new government (still with its socialist colours flying), most settlers (80% in the 1980s) were resettled in the Model A village schemes. These were designed by planners in the Ministry of Agriculture and bore a striking resemblance to the earlier plans central to the Native Land Husbandry Act of the 1950s. The assumptions embedded in the technical models "left unchallenged colonial myths about African farmers as subsistence oriented and inefficient, in contrast to market oriented European farmers" (Alexander, 1994: 331). The appropriation of the same technical arguments used as the core of Rhodesian policy approaches was unquestioned (failures of past exercises were instead blamed on the ineffectiveness of the Rhodesian state at implementation). A series of commissions in the early 1980s reinforced this (notably Riddell Commission of 1980 and Chavanduka Commission of 1982). While recognising the importance of land reform, both made the case for rational planning and an emphasis on sound land husbandry etc., highlighting the supposed ills of the communal areas – communal tenure, overstocking, soil erosion, poor land husbandry, part time farmers not committed to rising the ladder to full commercial enterprises. Given the lack of challenge to these assumptions (deeply held by policymakers, technocrats and others to this day), it is not surprising perhaps that the resettlement programme was therefore very much in the mould of the previous attempts at technocratic intervention in the rural areas in Zimbabwe. While perhaps the rhetorical gloss of development had changed by the 1980s (participation, for instance, be de rigeur), this was perhaps only skin deep: "Popular participation in planning was reduced to an exercise in convincing people that experts new best" (Alexander, 1994: 332)

During the 1980s plenty of land was made available for sale under the willing seller arrangements. However these were often only the marginal sections, as farmers retained their productive core. Particularly as farming enterprises shifted from extensive production on maize or

cattle to high value activities such as horticulture or tourism, the need for large land areas decreased. As confidence returned, the economy grew and the government seemed to provide all the support (and sometimes more) that the Rhodesians did to the commercial sector, land prices escalated. The government did not buy all the land available, however. During the 1980s around 1m ha of land changed hands on the private market, with many of the new black elite buying land.

### 6.1.2 The slow-down: mid-1980s

It was clear by the mid 1980s that the great plans for mass resettlement were not going to happen. A number of factors combined. Depending on their position, different commentators emphasise different elements in the explanation of the 'failure' of the resettlement programme in the 1980s.

By 1983, in the midst of a major region-wide drought, high costs of food relief, major resource commitments to the war in Mozambique and increasing budget allocations to post-Independence promises for building a social infrastructure (schools, clinics etc.), the government hit a major domestic budget crisis. Budgets for resettlement (particularly the supply of support services and infrastructure) were slashed.

The bureaucracy did not help either. There was intense competition between different departments responsible for land, agriculture and resettlement. The Department of Rural Development (originally in the Ministry of Land, Agriculture and Rural Resettlement, and later transferred to Local Government under Physical Planning) was responsible for planning resettlement (strictly according to the models), and supply resettlement officers to the new areas to oversee the settlement process. Agritex (the extension arm of the ministry) was to oversee agricultural support, but with limited extra support. Contests over authority and disputes over technicalities ensued, with those committed to land reform and resettlement (often newer civil servants in the Lands section) competing with (often older guard technocrats) in the extension/planning sections.

The 'target beneficiaries' for resettlement were during the 1980s largely resource poor farmers in the existing communal areas, returning war veterans, and those displaced by the war. Very often these people had few assets of their own (physical, financial, social etc.) and found it difficult to get started on new resettlement areas, particularly when the models assumed an ability to farm a relatively large plot, have access to oxen and be able to farm full time. The idea was to transform the poor, 'backward', 'inefficient' farmer from the 'reserves' to a full time farmer who followed all the recommendations stipulated by the planners and extensionists. But incentives to join resettlement schemes were not high. Resettlement plots were offered on a permit basis, with

strict adherence to rules required. This offered limited tenure security and a considerable burden to those unable to meet the strict requirements. Being under the direct administration of the Ministry of Lands and under the control of the resettlement officer, settlers had no form of representation being not part of the District Councils. Of course there were local compromises and trade-offs made (and later explicit relaxation of the rule about no off-farm work). Alexander (1994: 334-5) notes:

> "In practice a great deal of negotiation surrounded the enforcement of regulations in resettlement schemes, often consisting of exchanges of access to land for compliance with technical rules. People were able to play on contradictions in policies, such as those accorded chiefs and the rejection of chieftancy-based claims to land, between the populist pronouncements of politicians and attempts to exert control on the part of technical bureaucracies".

The drought experience of 1982-84 also highlighted the issue of food security as a central policy imperative, given the huge investment of government in food relief and rehabilitation (the food security theme was picked up by major research projects linked to MSU/UZ through the mid 1980s which helped reinforce this). Sceptics argued that resettlement could jeopardise the food security of the country, if the commercial sector was in any way affected. The great pre-drought successes in communal area production (in the high veld among resource rich farmers admittedly) were also seen as an example of why a focus on support to existing, successful communal area farmers might be a better strategy than moving people to poorly supported resettlement areas.

This was officially encapsulated in plans for communal land reorganisation from 1985xx. With some relief of pressure in the overcrowded communal areas afforded by resettlement and major land use planning and villagisation approach was envisaged for the communal lands (based again on the technical premises, and often precise plans mapped out on air photos of the NLHA of the 1950s). Fixed village stands (usually in lines), demarcated arable areas, paddocked grazing schemes, village woodlots were the standard components. This was seen by the technical ministries (notably Agriculture) as a way of creating a modern, forward looking communal area sector which would adopt new technologies and develop a commercialised, market focused output. This vision was set alongside the perception that existing systems were backward, conservative and anti-development. Some of the key culprits were chiefs, headmen and other 'traditional' elements of rural society who were seen to be holding things back. A 1983 DERUDE report noted:

> The resettlement process discourages spontaneity in settlements and fights against attempts at reversion back to traditional methods of agriculture…. Resettlement can never be about extending the boundaries of existing communal areas.. creating new power bases for the restoration of traditional authorities, such as chiefs, headmen etc. (Alexander, 1994: 334)

This of course had a political dimension too, as the communal area reorganisation was to be centred on new administrative structures – vidcos, wadcos etc.- established by Prime Ministerial decree in 1984. These structures were to parallel the party cell structures and provide a means for political control as well as bottom up planning. From the very beginning this sat uneasily alongside other strategies, adopted by some politicians and particularly the Ministry of Local Government, which saw the co-optation of 'traditional leaders' as a key route to the legitimisation of the new state. These tensions (which have varied hugely across the country) remain an issue today, although with new complexions (see below).

Combined with the budgetary, administrative and logistical difficulties faced by the resettlement programme, a new narrative began to emerge which suggested that resettlement was not after all a route to a major restructuring of the agricultural economy, but was merely a social welfare sideline, useful for political purposes but little else. This suited an increasingly diverse range of actors – the CFU/commercial farmers, the new black farm owning elite who were cashing in on new land purchases, the NFAZ who represented the better off communal area farmers keen on increased service provision in their home areas, the Ministry of Finance, the implementing ministries who were getting overwhelmed by the task, and the donors (and especially the British who were lukewarm about being involved in land reform anyway).

But this impasse in the formal resettlement programme did not prevent land hunger increasing, and demands being made. This increasingly was not through formal applications for resettlement land. Stories of the hard work, poor conditions etc, had filtered back to the communal areas by this time. Many decided this was not for them, although some younger male relatives were sometimes persuaded to take up the option in order for access to grazing to be gained by relatives. Instead people adopted more informal options – poaching, squatting, and rural-rural migration. It is difficult to know how much of this was going on of course, but anecdotal evidence and some surveys of in-migration into Gokwe/the Zambezi valley show that informal resettlement was significant during much of the 1980s.

Squatting of course was seen as a major 'problem' in the immediate post-Independence era, as the government tried to reinstate 'order' and 'control'. 'Freedom farming' (madiro) had been an important strategy during the liberation war, opening up new areas for settlement (and so guerilla access) and disrupting colonial regulations and restrictions on land use. However a few years into Independence this was all deemed illegal, and many evictions occurred and colonial laws on resource use enforced with extreme vigour. Despite these attempts though 'squatting' remained important throughout the 1980s. In terms of overall numbers of people however migration to different parts of the country was probably more significant. This informal resettlement, organised

through exchanges between relatives, negotiations with chiefs and headmen, resulted in significant movements of people into previously unpopulated areas, usually on the margins of the country. These were often formally communal areas, but included various forms of state land - forest lands, safari areas etc. In some sites the new settlers did very well – the cotton boom in Gokwe for instance was in large part driven by the arrival of often relatively young farmers from the crowded communal areas to the south.

### 6.1.3  The late 1980s

With the approaching end of the Lancaster House constitutional arrangement, land was once again on the political and policy agenda. Questions were asked about why nearly ten years after Independence so little had been done.

The British government commissioned an evaluation of the resettlement programme in 1988 (Cusworth and Walker, 1988) which was very upbeat about the programme. While commenting on the lack of attention to service provision, the lack of a gender focus, and the inadequate response in parallel communal area development initiatives, the report assessed the achievements of the resettlement programme on technical grounds. A 21% internal rate of return was proclaimed for Model A schemes. (Model B schemes had largely been discredited by this stage and the government had long abandoned their ideological commitment to them; Model C schemes were very limited and the various Model D schemes had not really got off the ground, partly because most were aimed at the dryland areas of Matabeland where the army was deployed in the fight against 'dissidents'.) This report was favourably received by both the British and Zimbabwean governments, and Lynda Chalker then head of ODA seemed ready to support the idea of a major new commitment to land reform post-Lancaster House.

But as 1990 approached, the debate shifted back to a political discourse. Interventions by the British High Commissioner (Prendergast) upset the Zimbabwean government, and behind the scenes lobbying by the CFU and others . Palmer noted at this time that there was: "Every sign that the British government is striving behind the scenes to perpetuate Lancaster House beyond April 1990 and so prevent significant land reform from taking place (Palmer, 1990: 163-4).

In the lead up to the 1990 elections Joshua Nkomo highlighted the land issue in a number of high profile interventions, including an address to the CFU. Mugabe picked this up and land became (as before) a core issue for the election (with the usual racial, anti-British slant). As never before now unified ZANU-PF government was under threat and the land card had to be played

hard. Corruption scandals (Willowgate), the threat of ZUM and the maverick Tekere were all key issues.

In parallel to the political hype, a new policy agenda was developed for the post-Lancaster House era. This included the abandonment of the willing seller-willing buyer principle in favour of the option of compulsory acquisition with compensation on the basis of the original purchase price and value of permanent improvements. New incentives for the release of land were to be added, including a land tax, ceilings on land area ownership, restrictions on multiple ownership, penalties for absentee landholders etc. A 1990 conference recommended the setting up of a Land Commission to look at the whole debate thoroughly. A shift back to the technical debates was seen, engineered by the technocrats in the ministries, key academics and the CFU (who now included 10 cabinet ministers among their membership apparently (cf. Palmer, 1990)). As an NGO representative commented at the time: [This] resulted in land becoming regarded as a technical question to be settled by professional experts and overseen by civil servants in private, and certainly not be debated by the general public" (Palmer, 1990: 180-1).

With the election over and duly won, this is exactly what happened. The early 1990s saw the combination of another major drought period (1991-2) which had devastating effects on the agricultural economy (and cost the government a lot of money in drought relief), with the advent of the economic structural adjustment programme (ESAP) from 1991. Being seen in a favourable light by the World Bank/IMF was key for the successful negotiation of loans. Financial and political stability was all, and land reform of any sort might rock the boat. A neoliberal, export oriented, free market agenda was firmly adopted by the core ministries of government (notably Finance). Broader reform of agrarian structures (and biases against nationalisation or compulsory acquisition by the state) was off the policy agenda (Moyo, 1999).

This is not to say that the World Bank were (or are) anti-land reform. For many years they have been strong advocates of a market led approach which sees a key component of agricultural growth and poverty reduction being centred on the employment of agricultural labour on small farms (see Lipton, 1996, Binswanger and Deineger, 1993). The World Bank Agricultural Sector Memorandum of 1991 made a strong case for continued land reform and a shift in approach (with consultants like John Bruce, Roth etc from LTC making perhaps a more radical case than the mainstream Bank would formally accept). Around this time the debate on what to do about land reform in South Africa was hotting up, and the World Bank were heavily involved there too. However the policy advice from the Africa Technical Division conflicted in some ways with the mainstream country economists and those in charge of lending portfolios. The compromise saw redistributive land reform as a social welfare complement to hardnosed economic reform, and the

major strand of land reform being the creation of a new entrepreneurial class of small scale farmers, assisted in their endeavors to acquire land through market assisted mechanisms. Rather than a wholesale reform, a market friendly neoliberal option could still be advocated, without offending the neoliberal agenda based on market liberalisation, modernisation and trickled down effects of growth (Moyo, 1999). A market assisted approach supported by the international donor community was acceptable to a key local constituency made up of the new elite: the large farmer unions (both black and white), banks and financial interests, NGOs and others keen on providing support services as part of donor funded projects, as well as elites who could speculate on land markets (Moyo, 1999)

Land reform did not go off the policy agenda during this period, therefore, but it had to be seen to be compatible with ESAP reforms, and despite the continued political rhetoric (usually focussed most intensely around election periods), the policy narrative shifted significantly. Land reform/resettlement was seen as key in the Second Five-Year National Plan (1991). A new land policy was developed in 1990 which laid out the government's views on a post-Lancaster House arrangement, and in 1992 a Land Acquisition Act was passed to support this. In 1992 the President commissioned a wide consultation on land tenure policy under the chair-personship of Professor Rukuni (then of UZ). This reported in 1994, following an elaborate (although in some people's views very flawed) process of consultation across the country and with multiple stakeholders. The report was launched with much fanfare, with posters pasted across walls in government offices and public places explaining the key findings. Again the report concluded that resettlement and land reform were key, but new conditions must apply to settlers (less restrictions, leasehold options etc.), and that this must be combined with an overhaul of land administration in the communal areas, involving the creation of village assemblies and the reinstatement of some powers of chiefs and headmen (in parallel with the formal abandonment of the vidco/wadco system, which in most areas had become defunct by now in any case).

Despite the flow of policy proclamations, little happened on the ground in this period. This suited many. Land became available to government which it duly was rented out at nominal rents to key political officials, civil servants, army personnel and others. Government continued to blame the lack of funds, technical, legal and bureaucratic delays etc. (reported in a variety of evaluations during this period) for the slow pace of implementation (only 20,000 households were resettled between 1990 and 1996). Others less keen on the resettlement programme highlighted other apparent costs – potential production losses, market confidence and stability, unemployment knock-on effects. Few evaluations looked at the positive gains made (and the opportunity costs of not doing anything), and the general prognosis from most commentators (both the usual suspects:

CFU, the British government, etc.) and others (many academics, other donors, government officials) was often highly negative.

It was only in the late 1990s that longer term systematic research on resettlement scheme performance (notably Kinsey's panel data survey results) showed that – despite the bad press – resettlement schemes were performing rather well. Households in resettlement schemes had higher incomes, lower income variability and more evenly distributed incomes (but worryingly higher childhood malnutrition levels) than their counterparts in the communal areas (Kinsey, 1999). Kinsey argues that there had been a key lag time from early settlement to the present when settlers got organised, managed to develop their holdings and gained access to services of various sorts (1999). This type of analysis (along with influential books such as Moyo etc.) took a while to make it into the mainstream of the debate. This had to wait until the next round of politically driven interventions leading up to and following the presidential election of 1996.

It is worth noting too that through the 1990s broad economic and livelihood changes were underway that changed the nature of the land-livelihoods question for many. This has rarely been reflected on, as the debate has largely focussed on resettlement strategies to redress colonially inherited land inequalities. But the boundaries between different land types and changes in uses and tenure regimes have been under considerable flux for some time. This accelerated in the 1990s particularly because of the responses to ESAP and drought, which forced both commercial and communal farmers to switch strategies. The concentration of commercial farmers on high value export commodities (flowers, vegetables, plus eco-tourism ventures) accelerated in the 1990s, resulting in large parts of farms previously used for extensive cropping or ranching no longer being used. For nearby communal area farmers, this allowed new deals to be struck – for grazing, for wood collection, and even sometimes for cultivation. These were often informal arrangements made with farmers (often prompted by the extreme conditions of drought) which persisted 'in the spirit of neighbourliness', or 'to keep the peace'. Such investments in 'social capital' often paid off in the subsequent developments. Boundaries between communal and state land also was becoming more blurred, as resource sharing schemes (e.g with the Forestry Commission), CAMPFIRE arrangements and others became popular. Communal lands were also becoming 'privatised' in some ways through the introduction of joint venture tourism arrangements through CAMPFIRE in communal areas, the penetration of commercial companies operating outgrower and contract farming schemes. Of course alongside these more formalised arrangements the illegal, covert practices of poaching, stealing, squatting etc. persisted. But all combined to make the spatial distinctions, so embedded on the minds of Zimbabweans and the maps that describe the land uses and designations of the country, less concrete. Land reform (including tenure reform) was ongoing, but often outside the formal policy process, and often unnoticed by policymakers.

### 6.1.4 Designations, listing, delisting and the emergence of the new land reform programme: 1997-98

In November 1997 (under the powers of the Land Acquisition Act), the government engaged in a sweeping designation of 1471 farms. The criteria for listing were: multiple ownership, absentee ownership, derelict or underutilised, farm borders a communal area. These were of course controversial and open to interpretation. By 1998 510 (plus some mistakes) were degazetted on the basis of incorrect assignation. A further 841 were challenged in the courts, with only 85 being uncontested. In November 1998 acquisition orders were signed for all 926 farms.

The programme was officially focussed on two target groups (a shift encapsulated from 1990 in the new land policy): poor, landless rural farmers from the communal areas, and potential entrepreneurial farmers (with appropriate qualifications, including college training, Master Farmer certificates). Various models of resettlement participant selection were explored, including the 'Malaysian approach'. Implicit in this strategy was the maintenance of a dualistic structure, with the policy approach seeing welfarist support to the rural subsistence sector as distinct from creating a new commercial small scale farming sector.

The whole process of listing, delisting, court wrangles and so on became highly contentious, time consuming and expensive. A complex policy process involving political posturing, combined with legal procedures with 'street level' bureaucratic maneuvers. Accusations of political, regional, ethnic and other biases were made (some accurately, others patently not). With declining political loyalties among previously staunch supporters, the opportunity for political patronage to bolster support for the party and government was clearly important in the process in some instances. Local deals were made with negotiations among politically influential land holders and land registration committees, either encouraging listing (of undesirable 'outsiders') or preventing listing of key locally important and politically well connected figures (Moyo, 1999). The whole process got embroiled in an inordinately complex bureaucratic process involving the tracing of inaccurate land deeds and registration etc, creating delays and confusion. For some 'Mugabe's land grab' was a means of diverting political attention from rising discontent with the government and party, centred on economic mismanagement and corruption and unpopular foreign forays in the DRC.

Donor community officials were skeptical. Kinsey reports that they remarked in private that "they had been asked to assist a programme for which there was no goal, no plan, not timetable, not budget, no capacity and no transparency" (1999: 174). Media comment, donor

disquiet fed into a growing apprehension amongst would be investors, both domestic and foreign. The result was much uncertainty, and a growing lack of trust in the government's policy approach.

Yet as Moyo (1999) points out much of this concern was not based on any insight into the hard facts. The rhetorical play-offs were obscured by an attachment to a particular, emotive vocabulary. For example, 'white farms' being expropriated were in the main owned in multiple units by large companies (often with SA connections) – Anglo, Zimazco, Lonrho and (formerly Nkomo's) DTZ. Company owners were largely a few key families (often associated with the mining industry). Around 50% of the large scale farming area was multiply owned (often by the same people).

But behind the scenes other discussions were going on (often involving the same groups who maintained a publicly negative stance). The Shivji Commission was established to rethink the land reform programme, and some careful diplomatic maneuvering was achieved that brought together a number of different stakeholders. Within government this resulted in the creation of a new land reform proposal (GoZ, 1998b) – the Land Reform and Resettlement Programme, Phase II (Policy Framework and Project Document) which was presented to a donor's conference in late 1998. This saw a sea-change in opinion. The World Bank came on board, with a commitment of US$ 5 million for a Learning and Innovation project linked to the main land reform strategy, and a number of other donors committed funds.

The Phase II document has many familiar elements – a number of the recurrent narrative justifications (sometimes with contradictions unacknowledged) are repeated: communal areas are overpopulated and environmentally degraded; an efficient rational structure for the small scale agricultural sector is needed; smallholder production has great potentials, and colonial legacies of land alienation must be rectified. The objectives are stated as:

- Acquire 5 million hectares from the Large-Scale Commercial Farming sector for redistribution;
- Resettle 91 000 families and youths graduating from agricultural colleges and others with demonstrable experience in agriculture in a gender sensitive manner.
- Reduce the extent and intensity of poverty among rural families and farm workers by providing them adequate land for agricultural use;
- Increase the contribution of agriculture to GDP by increasing the number of commercialised small-scale farmers using formerly underutilised land;
- Promote the environmentally sustainable utilisation of land;
- Increase conditions for sustainable peace and social stability by removing imbalances in landownership.

The poor past performance of resettlement is put down to the usual list of problems – failure to relieve Communal Are (CA) pressures, lack of progress on CA reorganisation, inappropriate targeting (initially to the resource poor who could not make much of the potentials); the permit system resulting in insecurity; restrictions on land subdivision; the failure to implement a land tax; inadequate support services; lack of professional capacity; and poor inter-ministerial coordination.

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**Box 1 – Resettlement Models for Phase II**

**Model A1**
Settler households are allocated Individual arable and residential land but share common grazing land, woodlots and water points. The target beneficiaries are the landless and poor households in overcrowded areas and retrenched farm workers who opt for resettlement. The land allocations per settler household vary depending on Natural Region as follows: three to six hectares for residential and cropping uses; 24 to 180 hectares for grazing.

**Three-Tier Model**
Settler households will be allocated 180 hectares to be used as follows: three hectares for residential and agricultural use; 177 hectares pooled into communal grazing and utilised in three tiers. The First Tier comprises a cluster of villages with arable land and social services, the Second Tier is the near grazing area, where each benefiting household keeps livestock units for day-to-day use and the Third Tier comprises the grazing area for commercial purposes.

**Model A2**
Settler households are allocated self contained farm units for cropping, residential, grazing and for woodlots. The allocations per settler household under Model A2 will be as follows: Natural Region II – 50 hectares; Natural Region III – 150 hectares; Natural Region IV & V – 300 hectares.

**Communal Area Reorganisation Model**
This will apply to the decongested Communal Areas. Land Allocation under this model will be the same as the Model A2, as they apply in Natural Region II, III and IV.

**Irrigation Schemes Model**
This model will b e based on the National Master Plan for the construction of dams.  Wherever dams are constructed, land will be made available  in order to settle households willing to engage in farming enterprises appropriate in those areas.   The land allocation per settler household will depend on the recommended farming enterprise whose requirements range from one to 10 hectares, and may include grazing rights.  Each qualifying settler household will be allocated an irrigable plot and a residential unit separately.

Source: GoZ (1998). Land Reform and Resettlement Programme Phase II. P. 12.

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Yet again no questioning of the basic technical premises of the resettlement models is put forward. A series of (now familiar) models are suggested (with planners diagrams attached to show how it will all look). These are outlined in Box 1 – Resettlement Models for Phase II (above).

Again an ambitious target of resettling 91,000 families in five years was set, and a complex institutional framework (involving linking eight Ministries) was elaborated. Concurrently, a new focus on a decentralised, community led approach (responding to some degree to criticisms of the top-down nature of the earlier approaches) was instituted.

By all accounts the donors were impressed that (at last) the government had got serious. The opportunity for a parallel 'learning' opportunity to be led by NGOs pleased both donors and NGOs. And the 'consultative' and 'participatory' nature of the process leading up to the conference was seen as a break from the past (comments on 'participatory process' 'community-led approaches', 'PRA as a key evaluation tool' and 'NGOs as central partners' was all music to the ears of the ever populist donors). The careful blocking of any mention of the political and a concentration on technical details, budgetary considerations and implementation issues made the whole event palatable to a wide audience. Everyone seemed happy, and press coverage was positive and upbeat (both locally and abroad).

A number of subsequent donor assessments recommended that donors should move ahead with government on the basis of the inception phase proposal (which would start with the acquisition of 118 farms on offer – around 200,000 ha, with an inception phase target of 1 million ha), and continue dialogue along the way on the variety of alternative/complementary approaches (market based, beneficiary initiated, land tax, relaxation of subdivision etc.). In government a national land policy framework was distributed to cabinet (following a national land policy stakeholder workshop held in June 1999) which would establish both a National Lands Commission/Board in which all statutory land would be vested and village assemblies in which village lands would be vested. Plans for deregulation of subdivision rules were laid out, and maximum farm sizes by natural region (SI 419/December 99) were specified. This would form the basis for a graded land tax system and a Land Tax Bill was passed to Cabinet. All looked set for moving forward, nearly 20 years after Independence

However the British remained reticent about paying for land acquisition (no other donor had offered), although they might have been persuaded (despite ongoing political tensions between Mugabe and the new British government) if a series of pronouncements by senior politicians had not sent warning signals to the diplomatic and aid communities. The signing of acquisition orders

for 2 million ha by the Minister in November 1998 sent the wrong signal (as this seemed much larger than that agreed by the conference). Despite the fact that the government followed the 'fair market value' approach to compulsory acquisition (i.e. completely above board and legal), some saw this as problematic. The IMF threatened to withhold a tranche of new payments due in early 1999. However events took another turn in the following months, and the land reform phase II plan quickly unraveled.

### 6.1.5 War veterans, land invasions and the elections: 1999-2000

With the faltering of the land acquisition process in 1999, the war veterans lobby (who had already been engaged in major strikes and protests around compensation claims in 1997) began to demand more direct action. Land invasions started in 1999, but accelerated significantly in the lead up to the much delayed elections in 2000. Land invasion and squatting, of course were not new, but this time such protests were more overtly political and aimed to gain national (and international) attention.

Quite how the land invasion process started no one can be sure. It almost certainly differs from place to place. In some areas, local farmers were already squatting on land, or making use of farm resources illegally. These now became 'land invasions' as such existing processes got noticed. In other areas, organised war veterans carried out protests and invaded farms. In other areas, ZANU-PF party officials organised such protests. In some areas, no doubt, all elements were involved.

It is difficult to tell whether the events of 1999-2000 were the result of a ground-up social protest movement which took hold, or whether the whole process was set up and manipulated by ZANU-PF who, following the failure to win on the constitutional referendum and in the face of increasingly organised opposition from the MDC, were running scared about the forthcoming election. Whatever the origins, the land invasions took on a symbolic character in the political debate around the elections, with Mugabe and elements of ZANU-PF supporting them (and while not officially condoning, not doing very much about the associated violence and intimidation). The war veterans (and Hunzvi in particular) had the party in a political stranglehold.

The international (and much South African) press comment was condemning, often playing up the racial nature of the protests. Most western governments have shown disapproval of this move and the support given to it by the President. International aid agencies have put programmes on hold, with the British government (particularly through the Foreign Office) being especially vocal about their condemnation of Mugabe and his tactics. With loans from the Bank, the

Fund and others seriously overdue, the government was digging itself into a political position with potentially dire economic consequences.

Land invasions escalated from March/April (often with temporary settlements being established, but no farming it being the dry season), with over 1,000 farms (out of around 4,000 commercial farms in the country) 'invaded' by the time the elections were finally held in late June. With the continued rhetoric emerging from the President about the need for radical land reform, political support for the land invasions continued after the elections.

The last act performed by the outgoing parliament on April 6, 2000 was to amend the constitution to allow for more rapid land reform (Presidential Powers (Temporary Measures) (Land Acquisition) Regulations, 2000). The 1992 Land Acquisition Act was subsequently amended in May. These changes allow the government to pay for land improvements only.

On July 15 Msika announced the fast track programme which was to start immediately on 804 gazetted farms. He argued that "contrary to our detractors' blatant lies that land distribution is being implemented in a way designed to benefit politicians, government officials and ZANU-PF supporters" a range of committees would provide "checks and balances". He went on "those who cry foul of this Programme do not have the interests of this country at heart. They are either people who reside outside Zimbabwe or are influenced from outside".

On July 31 Msika announced the identification of additional farms for the 'fast track' resettlement programme. Rather than the 804 gazetted farms (gazetted on July 2nd) a total of 3,041 farms would be acquired (amounting to over 5m ha) with farmers settled by the start of the rainy season (in October!). It seems that rather than returning to the proposals of 1998, these have been torn up and the political rhetoric of land seizure normally left only to election periods has been carried on into the post election period. With the Presidential elections due in 2002 and local elections due sometime before then, the technical debates are now well off the agenda, and the present policy processes look to be dominated by political calculations and whims.

Since that time, the implementation of the fast track approach has started. It is difficult to interpret the commentaries in the press and elsewhere, without corrobation on the ground. But inevitably this has not been an easy process, and much debate continues as to the viability and desirability of the approach both in Zimbabwe and more widely. The implications for livelihoods of the rural poor, however rarely seems to feature in the discussions, charged as they are with political rivalry and often virulent claims and counter-claims. It is therefore in this highly charged context that this research must start.

## 6.2 Narratives, actor-networks and policy positioning

A number of core narratives can be identified which have a 'storyline' on land reform and resettlement. These may be used in combination, with different elements tied together. Some are contradictory, others are not. A number of keywords typify each position, each of which has multiple and contested meanings. Unpacking these is a key task for the further analysis of each analysis.

All narratives are associated with a set of policy actors, which have often been linked together in networks within and across the periods outline above. The ascendancy and decline of different narrative emphases (e.g. political vs. technical vs. populist) has, as the above has shown, changed over time.

A number of narratives provide general support for land reform (varying from wholesale agrarian reform, to land reform to resettlement schemes):

### 6.2.1 The political narrative

Redressing the imbalances of colonial land alienation is critical to the future political stability of the country. A state led land reform process is required which transfers land to blacks (rural poor, 'indigenous' commercial farmers etc.) in an orderly, rational manner. The result will be a revitalised, efficient farming sector which will encourage growth with equity.

This has been the long-running stance of the ruling party, ZANU-PF and the underlying political rationale for much of the essentially technical activity of the Ministries. Distinct shifts in emphasis over whom the proposed beneficiaries might be can be seen (e.g. from the rural poor/landless/displaced to emergent commercial farmers) reflecting the changing political base of the party, and the need to accommodate a new black elite in party positioning.

**Keywords:** land reform, resettlement, rural poor, indigenous commercial farmer, state-led, planned, orderly, rational, growth with equity

### 6.2.2 The war veteran narrative

*Land taken by the colonialists rightfully belongs to the indigenous people of Zimbabwe. Stolen land should be returned to the rightful owners. This is what the war vets fought the liberation struggle for. Land should be seized*

*through popular protest and the invasion of farms. White colonialist farmers should be removed and the farms taken over by the people. This needs to happen immediately without bureaucratic delay or unwieldy technical planning and intervention.*

**Keywords:**  white farmer, colonialist, stolen, invasion, war veteran

This radical populist vision has most recently been associated with the war veterans, but has also been key to some ZANU-PF rhetoric, particularly around election times over the last 20 years. It certainly was central to the messages of the 'comrades' during the liberation war and has been picked up by both rural and urban youth, who feel let down by the more mainstream political positioning of the party.

### 6.2.3  The technocratic narrative

*Resettlement is an important part of development priorities. Existing communal area agriculture is unproductive and unsustainable. In order to develop a technically advanced, modern form of agriculture, resettlement – combined with internal land reorganisation and planning in the communal areas – must be pursued. There are good economic arguments for transferring land in a carefully planned, judicious manner. Technical models based on sound land husbandry principles should be followed, supported by scientifically based technical support for the management of land to increase productivity and ensure effective environmental management. Farmers should be full-time, sufficiently well resourced, follow extension recommendations and be allocated a farm area (and linked grazing) which forms a basic economic unit. Ideal beneficiaries are those who have the knowledge and skills for effective farming gained through the Master Farmer scheme or through agricultural college training.*

**Keywords:**  unproductive/unsustainable, modern, advanced, planned, scientifically based, models, full-time farmers, economic unit, farming skills/knowledge, Master Farmers.

This has been the focus for most of the policy statements emanating from the Ministries (of Lands an Agriculture) over the years. While it has changed in emphasis over time (e.g. from more to less top down, from rural poor beneficiaries to Master Farmers), the focus on technical solutions to a development problem has remained. With the increasing emphasis on 'skilled farmers' as beneficiaries, this has also been supported by the ZFU.

### 6.2.4  The neo-liberal narrative

*Small scale farming is potentially highly efficient, productive and an important source of rural employment. With guaranteed tenure security and effective technical support (in terms of improved seeds, irrigation etc.), significant*

*productivity gains can be achieved, as well as redistribution objectives. Land reform is potentially an effective poverty focused policy objective, which does not contradict potentials for economic growth. Land reform and resettlement should be based on market assisted transfer, where the market incentives drive the process. Land taxation, subdivision regulations and support grants for settlers provide an enabling policy framework.*

**Keywords:**     efficient, productive, tenure security, market-led/assisted, enabling framework

This has been the line promoted by the technical experts of the World Bank, and many other donors. Following 1994 the influence of South African support for this model has been important. Many academic commentators argue for elements of this approach (although there is more dispute about the relative emphasis of the market based approach, vis a vis other policy mechanisms). With its emphasis on the market mechanisms it is essentially silent on political issues. The CFU, financial interests and some NGOs also support this approach for different reasons. New black elite farmers (including elements of the ZFU) also see this as a suitable model for giving them a start in commercial farming. Although their policy is poorly elaborated, the MDC seems to associate itself with this sort of stance.

### 6.2.5   The populist narrative

*There is a strong demand for land from the rural poor. Current conditions in the overcrowded communal areas prevent them from realising their potential, and a cycle of poverty persists. Releasing people from this requires a flexible, demand-led approach which is based on locally identified needs. A participatory, decentralised planning approach is required that allows local people to identify, plan, design and negotiate land reform options within their own area. Many existing initiatives already exist, including spontaneous resettlement, resource sharing arrangements with the state, or exchanges between communal lands and commercial farmers, from which lessons can be drawn. Technical support is required, but may be based on a range of alternative and complementary options and may be offered by multiple stakeholders - the private sector, NGOs or the state. Overall management of the process should come from the community level, supported by rural district councils in close consultation with chiefs and headmen in the areas. Women's priorities may require special attention, and a gender focus is essential.*

**Keywords:**     flexible, demand-led, community focused, participatory, decentralised, resource sharing, women/gender, multiple stakeholders

This narrative has been promoted by NGOs and other activist groups (including women's groups). It is also supported (to some extent) by donors who are keen to see a decentralised, locally led approach which gets away from state control and patronage. The details of what this actually entails remains vague, and so it is often appealing to a wide range of actors (including local

government, chiefs and others who see a potential for a transfer of control (and resources) for land allocation and development to the local area.

A number of narratives also exist which provide arguments against resettlement and land reform (or at least down-playing its importance vis a vis other options).

### 6.2.6  Economic and environmental cost narrative

*The costs of effective resettlement are significant. If settlers are to be give the appropriate capital resources and be provided with services to make farming viable this will require significant investments. Given current constraints on government finances these may prove prohibitive. If the additional costs of resettlement are added in – including those incurred through environmental degradation – then the advantages of resettlement look limited. The costs to lost production in the commercial sector may also be significant, especially for high premium foreign exchange earning agricultural outputs. Given the range of costs, investment focused elsewhere might provide greater returns.*

**Key words:**  Costs; opportunity costs; returns to investment; capital/service requirements

Many of the early critiques of the resettlement programme were framed in standard economic language of costs and benefits. While a number of reviews showed that benefits were significantly larger than many presumed (especially if a longer time frame was taken), these did not permeate much of the mainstream discourse promoted by some academics, some donors, the CFU and others.

### 6.2.7  Political/investment stability narrative

*Major, radical land reform initiatives may result in significant instability. This may result in deterring foreign and domestic investors, if the stability of commercial sector is undermined. The reconciliation obtained following independence where significant number of white commercial farmers stayed may be jeopardised and political instability may result.*

**Keywords:**  investment; reconciliation

This position has become a major theme of recent discussions, especially as government has pursued its more radical agenda. Elements of the press, some donors, the CFU and opposition parties, have, in different ways, put this argument.

## 6.3 Alternatives are better bets narrative

*The proposed resettlement models may not be the best solution in any case. They are potentially too resource intensive, and based on top-down modes of planning and implementation which are often poorly carried out. Other more flexible alternatives might be appropriate. Putting equivalent investments into existing communal areas (e.g. through support to irrigation investments) may result in higher returns, and protect the environment. Other resettlement models may be tried out, including contracting arrangements, linking commercial and communal infrastructure and support;  urban land reform and so on. These may be more practical and feasible.*

**Keywords:**     alternative resettlement models; returns to investment

A number of commentators have been critical of existing models of resettlement and some have offered alternatives. NGOs took up the challenge to explore some of these in 1999, although progress has been limited. The CFU also has offered various alternatives over the years.

## 6.4 Analysing the policy process: key issues and questions

A detailed analysis of the changing policy process will be central to the next phases of the project. Linking this to local livelihood concerns will be a key challenge. Next steps in such an analysis might be:

- What are the core policy narratives? What are their origins, embedded assumptions, chosen terminology etc.?
- Which narratives are dominant in the policy debate at particular times? Which are excluded?
- How do these relate to livelihood issues?
- Who supports these (which actors and networks)? Who is excluded from policy debates?
- For what reasons (political, financial and other interests)?
- Why have narratives become more or less dominant?
- What new combinations of narratives emerge, and how?
- What might a livelihoods focused land reform policy look like?

# APPENDIX 1

## Time-line of interventions and policies on land in Zimbabwe: 1886-2000

| Date | Policy Instrument | Notes / Impacts | Source |
|------|-------------------|-----------------|--------|
| 1888 | Lobengula's Concession (Oct. 1888) | Gave Charles Rudd et al. Concessionary rights over Zimbabwean land and rights to seize land. | Chenje 1998 p. 19 |
| 1889 | Lipert Concession | White settlers to acquire land rights from native Zimbabweans; BSA Co. buys concessions & uses as bases for land appropriation. | GoZ (Vol 1) 1994 p. 10 |
| 1894 | Land Commission of 1894 | Start of official racial land allocation. Establishment of Gwaai (3 000 sq km) and Shangani (3 500 sq km) native reserves. | Chenje 1998 p. 150 |
| 1898 | Southern Rhodesia Native Reserves Order-in-Council | Extension of native reserve to all of Zimbabwe by British Parliament in response to Shona and Ndebele uprisings (1896-1897). By 1899, 6 320 sq km of land had been alienated for Africans. By 1902 there were 96 African reserves. Native reserves were created in low potential areas (later became CA's) | Chenje 1998 p. 150; GoZ (Vol 1) 1994 p. 10 |
| 1908 | Estates Department | Establishment of department to look after land requirements of settlers | Chenje 1998 p. 150 |
| 1914 | Native Reserve Commission (to 1915) | Responsible for reviewing amount of land for African reserves. Reduced amount of African land by about 4 047 sp km. | Chenje 1998 p. 150 |
| 1920 | Native Reserves Order-in-Council | Placed African reserves under the jurisdiction of the resident High Commissioner to address concern by British that Africans would not be adequately cared for. Institutionalised segregated land distribution. | Chenje 1998 p. 150 |
| 1925 | Morris Carter Land Commission | Recommended segregation as most desired arrangement and led to Land Apportionment Act (1931) | |
| 1930 | Land Apportionment Act | Separated, by law, land between black and white; high agricultural potential areas became white large scle private farms. | GoZ (Vol 1) 1994 p. 10 |
| 1923 to 1953 | Consolidation of Formalised Segregated Land-use | With self-government status (1923) control over land and decisions over its use were consolidated into hands of settler government. | Chenje 1998 p. 150 |
| 1930 | Villagization Programme | Intended to locate linear villages along watersheds, separate grazing from agricultural land, put more people onto native reserves, conservation | |
| 1941 | Natural Resources Act | Forced contouring of land & de-stocking, abandoning wetlands, prohibited cultivating land outside 'arable block' and cutting live trees. | |
| | Fall out of the Land Apportionment Act | A new land tenure category, Native Purchase Areas, where Africans could buy land under specific conditions was created. This action:<br>*  set rigid land allocation structure in Zimbabwe<br>* led to further movement of Africans<br>* left inadequate and marginal land for indigenous people<br>* introduced centralised planned villages with land-use zones | Chenje 1998 p. 150 |

# Time-line of interventions and policies on land in Zimbabwe: 1886-2000

| Date | Policy Instrument | Notes / Impacts | Source |
|---|---|---|---|
| 1951 | The African (Native) Land Husbandry Act | Enforced private land, de-stocking & conservation practices of white settlers on black small-holders; In response to 'detrimental' African practices, limited number of cattle stock according to carrying capacity; allocated arable and grazing land into economic units, set notion that private tenure was prerequisite for 'correct' land use & conservation; set aside land for towns and business centres (implementation abandoned in 1960's due to rural resistance). Provoked widespread black resistance which led to the law being scrapped in 1961. Stated Aim: 'to provide for the control of the utilisation and allocation of land occupied by natives and to ensure its efficient use for agricultural purposes; to require natives to perform labour for conserving natuarl resources and for promoting good husbandry.' (Ref Southern Rhodesia, *Native Land Husbandry Act* (Acto no. 52), Salisbury, 1951 p. 1) | Chenje 1998 p. 150; GoZ (Vol 1) 1994 p. 10; Jones 1999 p. 560. |
| 1965 | Tribal Trust Lands Act | Changed name of Native Reserves and created trustees for the land; population pressures on TTL's --> degraded homelands. | GoZ (Vol 1) 1994 p. 10 |
| 1969 | Tribal Trust Lands Act | Aimed to enforce mechanical conservation works in all cropped areas; tried to localise the process of land allocation with chiefs | Chenje 1998 p. 150 |
| 1969 | Agricultural Land Settlement Act | | |
| 1969 | Land Tenure Act | Replaced LAA of 1930 dividing land 50% each to blacks & whites; combined with the TTL Act effectively amounted to Apartheid in Zimbabwe. | GoZ (Vol 1) 1994 p. 10 |
| 1970 | Zimbabwe Development Fund | Anglo-American initiative in 1970's with GB contributing £75 million to help buy out white farmers. Change of UK government in 1979 meant the proposal was essentially shelved/ compromised throughout 1980's. | Palmer 1990 p. 166 |
| 1970 | Land Occupation Conditions Act | | |
| 1970 | Land Redistribution Act | | |
| 1976 | Regional, Town and Country Planning Act | Permits subdivision & consolidation of freehold tenure land (LSCS). | Kirk 1998 p. 1520 |
| 1979 | Tribal Trust Lands Act Amendment | | |
| 1979 | Rural Land Act | | |
| 1980 | Resettlement Programme (Phase One) | 1980 target set to resettle 18,000 families, in 1981 54,0000, 1982 Transitional Plan aimed at 162,000 families. | Alexander 1994 p. 333 |
| 1981 | Communal Lands Act | Changed Tribal Trust Lands to Communal Areas; changed land authority from traditional leaders to District councils. | GoZ (Vol 1) 1994 p. 10 |
| 1981 | Riddell Commission Report | Set the tone for agrarian reform debate in the eraly 1980's' endorsed land distribution, proposed technical development policies. Recommended consolidation of arable land into blocks, fencing grazing areas, registering land with title, abolishing labour migration. | Alexander 1994 p. 332 |

**Time-line of interventions and policies on land in Zimbabwe: 1886-2000**

| Date | Policy Instrument | Notes / Impacts | Source |
|------|-------------------|-----------------|--------|
| 1982 | Chavanduka Commission report | (Released publicly in late 1984) Also influenced agrarian reform - blamed land degradation and low productivity in CA's on traditional tenure, poor farming practice & labour migration & recommended expanding agricultural extension & changes in tenure. | Alexander 1994 p. 332 |
| 1982 | Communal Lands Act | Laid down communal tenure rights giving households property rights for residential and arable land with rights to subdivide, bequeath and inherit. Natural rangelands resources are (including grazing) are held on communal basis, communal farmers have usufruct rights, may not xfer or alienate ownership to another individual or community. | |
| 1984 | Proposals for a National Land Use Programme | Put forth by Ministries of Agriculture and Lands | Alexander 1994 p. 332 |
| 1985 | Land Acquisition Act | Empowered government to purchase lands given to white farmers under grants, gave government right of first refusal on all land sales and set up Derelict Lands Board allowing government purchase of derelict land without compensation. Impact on resettlement programme was limited. | Moyo 1995, p. 244; GoZ (Vol 1) 1994 p. 10 |
| 1985 | Communal Lands Development Plan | Put forth by Minsitry of Lands which relied on 1970's research and recommendations, ignoring 'increased CA contribution to marketed crops' and criticised communal tenure and recommended demarcating 'economic units', consolidated villages and more state tenure and leasehold control to exclude non-full-time farmers. | Alexander 1994 p. 332 |
| 1985 | First Five Year Plan | Following publication of Chavanduka Report, set definition of agrarian reform to mean 'translocation resettlement' and 'internal resettlement (within communal areas.) | Alexander 1994 p. 339 |
| 1990 | National Land Policy | * target of 5 million more ha to resettle 110 000 households<br>* intended to review land tenure situation in communal, resettlement and SSCF areas<br>* revision of settler selection and land use models to emphasise economic rather than social criteria<br>* intended to promote blacks in capitalist farming through training and agricultural support services<br>* planned introduction of land tax | Moyo 1995, p. 245 - 246 |
| 1990 | Land Acquisition Act | Acquisition of 5 million ha. Of land for resettlement. | GoZ (Vol 1) 1994 p. 10 |
| 1990 | Indigenous Commercial Farmers Union | Formed as 'an association of concerned indigenous commercial farmers' affected by unfair post-colonial commercial farming practices and laws prohibiting their entry into large scale commercial farming. (Registered as *Union* Feb. 1996). | ICFU 1998 (SOAS Workshop) |

**Time-line of interventions and policies on land in Zimbabwe: 1886-2000**

| Date | Policy Instrument | Notes / Impacts | Source |
|------|-------------------|-----------------|--------|
| 1992 | Land Acquisition Act | Laid out principles and process for land acquisitions, repealed Land Acquisition Act (1985), further enhances state power over land acquisition process. Allowed compulsory purchase of used as well as underutilised land for fair price, in local currency and within a reasonable period. Enabled gov't to fix compensation for acquisition through appointed committee of 6 persons following valuation guidelines. | Moyo 1995, p. 244 |
| 1993 / 1994 | Land Tenure Commission | Appointed Oct. 1993 to open land tenure to public debate. Published LTC Report of 1994. | Moyo 1995, p. 245 |
| 1998 | Donor's Conference on Land Reform | (Sept. 9 - 11, 1998) Agreement reached on 'merits of land reform in Zim' and policy principles to govern the process - poverty reduction; orientation; transparency; respect for law; beneficiary participation; consultation. | Brink 2000 p. 4 |
| 1998 | National Land Policy Framework Paper | Ministry of Lands and Agriculture, Dec. 1998. (June 1999 National Stakeholder Workshop; March 2000 status: distributed to Cabinet but not yet discussed). Key elements: establishment of (I) National Lands Commission in which all statutory land would be vested (now freeholds) and (ii) village assemblies in which all village lands would be vested (presently with President); introduction of land tax for large commercial farms; agro-climatic zone defined land size. (N.b. Land Tax Bill at Cabinet stage March 2000). | Adams 1999 p. 1; Brink 2000 p.2.; GoZ 1998. |
| 1998 | Land Reform and Resettlement Programme - Phase II | Policy framework & project Document (Sept 1998) due to begin later in 1998 as a key tool to land policy dialogue, planning & resource mobilisation process. Main aims see below (IPFP 1999). | GoZ 1998 |
| 1999 | Inception Phase Framework Plan (IPFP) 1999 to 2000 | Implementation plan for land reform and resettlement phase 2 (Second Draft March 15 1999). In support of inception phase, Bank Learning and Innovation Loan (US$ 5 million) signed but not yet effective. (N.B. from Sept 1998 - March 2 2000, acquisition of 59 farms ~ 90 000 ha at fair market value = Z$200 million and 1 700 families resettled but without necessary infrastructure. | IPFP pp. 2-5 in Adams 1999 p. 1; Brink 2000 p.2. |
| 1999 | Land Reform and Resettlement Programme (LRRP-2) | Main objectives (as set out in IPFP 1999 to 2000) for 'inception phase' are to: Acquire 5 million ha of land from the LSCF sector for redistribution; re-settle approx. 150,000 families; reduced extend & intensity of rural poverty; increase agricultural contribution to GDP by increasing number of commercialised small-scale farmers on otherwise under-utilised land; promote the environmental sustainable utilisation of land; improve prospects for peace and social stability by removing imbalances in land ownership. | IPFP pp. 2-5 in Adams 1999 p. 1 |
| 1999 | National Stakeholder's Workshop | | Mbaya 2000 Box 8 |
| 1999 | Draft National Land Policy | Present status (May 2000): awaiting cabinet approval | Mbaya 2000 Table 1 |

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