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**UNIVERSITY OF KWAZULU- NATAL**

# **Land Policy in Southern Africa: Towards Human Security? A Case Study of South Africa and Zimbabwe**

By

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A research paper submitted in fulfilment of the requirements of the degree of

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Signed

M I Mbwadzawo

Supervisor

Prof NI Okeke-Uzodike



To God be the glory. Without His help, this research project would never have been possible.

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**ABBREVIATIONS**

ANC	African National Congress
AU	African Union
BSAC	British South Africa Company
CRLR	Commission on the Restitution of Land Rights
DLA	Department of Land Affairs South Africa
DRC	Democratic Republic of Congo
EU	European Union
FTLRP	Fast Track Land Reform Program
FAO	Food and Agriculture Organisation of the United Nations
GATT	General Agreement in Tariffs & Trade
GDP	Gross Domestic Product
GoZ	Government of Zimbabwe
Ha	Hectares
HDI	Human Development Index
IMF	International Monetary Fund
IFIs	International Finance Institutions
LCC	Land Claims Court - South Africa
MDC	Movement for Democratic Change
RDP	Reconstruction and Development Program
(E)SAP	Economic Structural Adjustment Program
UDI	Unilateral Declaration of Independence
UNDP	United Nations Development Program
World Bank	International Bank of Reconstruction and Development



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Willing-buyer, willing-seller

World Trade Organisation

ZANU

Zimbabwe African National Unity

ZANU-PF

Zimbabwe African National Union- Patriotic Front

ZAPU

Zimbabwe African People's Union

<i>SECTION 1: Background of the research problem</i>	10
1. CHAPTER 1: Introduction	10
i. Historical background	10
ii. The land question in Africa: the importance of the land resource	10
iii. Land in Southern Africa under colonial rule a historical perspective	13
a. <i>Land policy in Zimbabwe—the minority rule era</i>	14
b. <i>Land policy in South Africa—from colonialism and apartheid</i>	18
iv. The aftermath of the Cold War epoch- human security issues	22
v. Problem statement	26
vi. Research hypothesis	28
vii. Objectives	29
viii. Key questions the study seeks to address	29
2. CHAPTER 2: Literature Review	30
i. Preliminary literature study	30
ii. International institutions and land rights a human security concern	36
iii. Human security issues: an objective of land policy?	37
3. CHAPTER 3: theoretical framework and research methodology	43
i. Principal theories upon which the research project will be constructed	43
ii. Human security paradigm	44
iii. Linking human security to land policy	45
iv. Research methods and methodology	46
v. Case study and comparative design: reasons for selecting Zimbabwe and South Africa as cases	47
vi. Limitations of the study	50

	<i>independence (apartheid) land policy issues</i>	51
4.	CHAPTER 4: Zimbabwe: Land policy and the makings of political instability	52
i.	The negotiation table: setting the standardô The Lancaster House Agreement	54
ii.	Phase I: A market-led land reform (redistribution) in Zimbabwe (the willing-buyer, willing-seller principle)ô 1980 to 1989	57
iii.	Economic Structural Adjustment Program, land reform in Zimbabwe: pressures on Zimbabwe's land redistribution planô 1991 to 1995	61
iv.	Hunzvi era: War veteransô the forgotten comrades? Influence on land reform in Zimbabwe	64
v.	Phase II: from Land Acquisition Act to Fast Track Land Reform Program in Zimbabwe (1992 to 2000)	65
vi.	Phase III: Sanctions and land reformô an overview of the situation in Zimbabwe from the year 2000 to 2010	66
5.	CHAPTER 5: South Africa: the post-apartheid era	68
i.	Land policy in South Africa transforming South Africa into a more equal society?	69
	<i>The World bank on land affairs in South Africa</i>	72
ii.	Redistribution	72
iii.	Restitution	73
iv.	Land tenure	75
	<i>SECTION 3: Evaluation and conclusion</i>	79
6.	CHAPTER 6: Comparative evaluation: South Africa and Zimbabwe	80
7.	CHAPTER 7: Conclusion and recommendations	89
8.	Reference List	99

Crises of food production, poverty and deepening inequality are common problems around the world and constitute the distinctive features of the global social landscape including the poorer regions. In the poorer regions and in Southern Africa particularly, land is a key asset in sustaining livelihoods. Ironically, the majority of the people in these poorer regions are landless. The land resource is however of crucial importance to the economies of the Southern African region contributing a major share of the Gross Domestic Product (GDP) and employment. Colonial land policies institutionalised racial inequality with regard to land in southern Africa. Recent attempts to confront the consequences of historical land expropriation and to redress contemporary land-based inequities, discriminatory legislation and institutions have generated renewed racial conflict in the sub region and created a life of insecurity on the continent, particularly in the southern African region. The objective of human security is to achieve safety from chronic threats such as hunger, disease etc, and secure protection from sudden and hurtful disruptions in the patterns of daily lives. Land policies are of paramount importance in pursuit of human security. Access to land in this regard determines who lives or dies. The study explores post independence and post apartheid land policies in southern Africa using South Africa and Zimbabwe as case studies. It interrogates the linkage between land policy and human security; in particular determining how land policies affect human security. Recent activities in both countries - land invasions and economic collapse in Zimbabwe and high rate of unemployment, inequality and poverty in South Africa - attest to the land issue and clearly spell out the need for land reform. The study shows that Africa's disadvantaged position (in power and wealth terms) in the international system has made it difficult for African states to address local or national preferences on the issue of land access.

Major donor countries and international finance institutions such as the World Bank and the IMF have tended to prevail on African governments to adopt market liberalization mechanisms in tackling the land question. The argument behind this is that land should be given to those who can work it the most and productively while the returns can be distributed to all. As such, the market should be left to





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and. But the market oriented economic policies which African  
to adopt through structural adjustment programmes are essentially  
designed to strengthen multi-national corporations and to integrate elites in the southern African region  
into the international capitalist system. The reward-and-punishment system facilitated by the free  
market economy may benefit the local elite but it alienates the poor and undermines human security.  
Human dignity, food security and poverty reduction demand development agencies, governments and  
other organisations responsibly devise policies and strategies that will enable assets building and  
promote self-reliance of poor people and communities. Human security comprising food security,  
environmental security of individuals, and social and political security among others is critically  
affected by access to land.

## *Section 1: Background of the research problem*

# Chapter 1

## Introduction

### **Historical background**

#### **The land question in Africa: the importance of resource**

Crises of food production, poverty and deepening inequality are common problems around the world, and constitute the distinctive features of the global and social landscape including the poorer regions. In the poorer regions and in Southern Africa particularly, land is a key asset in sustaining livelihoods. Ironically, the majority of the people in these poorer regions are landless (African Union, 2009: 9; Clover & Eriksen, 2009: 56; Evers et al., 2005:11; Mutangadura, 2007: 187; Thomas, 2000: 23; Thomas, 2001: 159). Most people in this impoverished region live without the freedom of action and choice associated with land ownership; exposed to ill-treatment by society and state institutions and often lack adequate food, shelter, education, health facilities. Thus, they are kept from a life everyone values. Adding on, these people remain poor because most of them live and work on lands that do not have sufficient property claims and these conditions are insecure for human livelihood.

tical to the economies of the Southern African region contributing a major share of the Gross Domestic Product (GDP) and employment (Cotula, et al, 2004:1; World Development Report, 2000:1).

The struggle for land and natural resources remains one of the factors fuelling instability in Africa. Although many of the conflicts are relatively new, they continue to change and are extremely complex and embedded. Securing equitable access to, and control over, land means securing peace. Secure land rights are also central to enabling both women and men to exercise their fundamental economic, social, political and cultural rights, including the right to be free from hunger and poverty (Alden & Anseeuw, 2010: 1). Land policies and laws in Africa are, in theory, increasingly capable of serving the needs of ordinary land users by accommodating difference, plurality and decentralised forms of land governance.

Although with variations from sub-regions, the land issue in the African historical context is a legacy of colonial land policy which has influenced the frameworks for sustainable livelihoods at country level (ECA, 2004:3). Notwithstanding, the fact that unresolved land issues have frequently lead to violence, civil unrest or even civil war demonstrates how strong these notions of land inequality are (Binswanger et al., 2009:3). Rapid population growth, environmental degradation, and slow rates of economic development that leave many people dependent on small-scale farming, livestock raising and foraging have transformed Africa from a continent of land abundance to one of land scarcity. Environmental, epidemiological, and political crises, together with volatile world markets,

ises, open warfare, have combined to render life on the continent profoundly insecure, both physically and economically. These tensions are acute in the southern African region and they have political implications both at national and regional level since they engross fundamental issues like control of land and its distribution among the weak and the powerful within societies. Inequality has been on the rise in sub-Saharan Africa for the past five decades; attracting public attention in light of the Rwandan genocide, the Zimbabwe crisis, conflicts in South Africa and the Darfur crisis. These conflicts have been attributed to the severe pressure on land and its unequal distribution (Sekeris, 2010; 1). Land carries a fundamental value and is becoming an increasingly scarce resource due to a variety of pressures caused by increased competition for land between different groups. Amongst these groups are the urban elites, foreign investors and multiple land users (farmers, herders, etc). (Cotula et al, 2004: 1).

Events in Zimbabwe, particularly, have had strong significance for political parties and those who do not have access to land in some countries in the region -- notably in South Africa and Namibia -- where racial inequalities in land holding persist. In the context of post-minority rule, nation building and governance struggles, as well as competition over land, has not only driven up prices, sharpening real and perceived inequalities of income and wealth, but also intensified public debate over the legitimacy of governing institutions and accountability of public officials to the citizenry (Berry, 2002: 638).

## Colonial rule- a historical perspective

The greatest threat to security in the southern African region lies in the unequal land ownership patterns, especially in those countries where land is the prime resource and where the poor people depend on farming (Moyo, 2004: iii). European colonialism, whether manifested as settler type, indirect rule, or the plantation type introducing new dimensions to land ownership and administration on the continent, precipitated one of the most dramatic revolutions in the history of Africa (ECA, 2004: 4). Prior to colonialism, land holdings in the region were based on the laws and culture of different language groups and dominant land use patterns. This kind of arrangement meant that land was held on corporate entity basis (tribe, extended family or village). Ownership was exercised jointly and land was shared by multiple users, for grazing and (or) for gathering products (Clover & Ericksen, 2009: 57).

The colonial governments had the aimed at rapid economic development through European enterprise. Consequently, land which was seen as sacred by Africans became an economic object which could be sold or bought (Fowale, 2009). The colonial governments also institutionalised racial inequality with regard to land in Africa (Moyo, 2004: 1). The best agricultural lands were largely reserved for European commercial farmers and formal private tenure, while the dispossessed rural Africans were confined to ecologically marginal overcrowded lands under communal ownership, and were labeled "communal" areas. In order to reinforce this, the colonists administered a legal structure that undermined, disregarded, and criminalised the traditional claims to rights of access and use of natural resources. A minority held rights of occupancy in terms of a statutory land regime, while the

rights of occupants with marked difference in what rights the individuals concerned could enjoy. As such, this system created an individualist system of allocation of rights that sought to privilege white settlers at the expense of the indigenous population (Clover Eriksen, 2009: 56).

### ***Land policy in Zimbabwe – the white minority rule era***

Throughout the history of Zimbabwe land remains the most important political and economic instrument in the country. It is important to acknowledge that the recent economic crisis in Zimbabwe is rooted in the key phases in the country's history dating back from colonialism. Therefore, in order to situate the recent dynamics of land policies in Zimbabwe there is need to explore the important events in the history of Zimbabwe, as well as the different policies and laws that were implemented leading to the unequal land ownership in the country.

Prior to colonisation, Zimbabwe was organised into communities in which traditional chiefs were the designated authorities to organise land. Amongst the Shona people, land was a communal process that operated at different levels: familial, clan and the village. In this set-up chiefs were primarily the functionaries who had the responsibility to allocate land in the best interests of their constituencies. This set-up was not the same with the Ndebele people. The king and his chiefs had a more direct power to how land was allocated amongst the people. But both people believed that real land ownership was couched in the ancestors and as such, land was regarded as sacred or considered sacred (Chitiyo, 2004: 48). With the *Lippert Concession of 1889*, this custom was ignored by the British colonists. The British

Under the leadership of Cecil Rhodes, bought concessions from the British Crown-Monarch and sold them to the settlers (Mushimbo, 2005: 18; Pazvakavambwa & Hungwe, 2009: 138). The implication was that the indigenous existing governance structures were ignored granting rights to would-be British settlers to acquire as much land as possible regardless of the indigenous people who were living on the land. In this process, the black people's input or their objections to the intrusion of their society, land and culture was disregarded. The colonists considered the Africans (blacks) incapable of formulating opinions and defining positions consistent with the application of human logic on important issues (Mungazi & Walker, 1998: 6). The revenue from the land (through mining and farming) accrued to the British Monarch-Crown. Within ten years, from the date of entering into the country, one sixth of the land in Zimbabwe, totaling to an amount of about 16million acres, had been seized by whites (Lawton, 2002: <http://portland.indymedia.org/en/2002/11/35733.shtml>; Norman, 2004: 17).

The *Natives Reserves Order of 1898* created reserves that were designed for blacks on land that was of low quality while, at the same time, whites were appropriating the most fertile land for themselves (Moorehead, <http://www.iacenter.org/Africa/bush-africa.htm>, Arnold and Wiener, 2007: 23). The order defined and set the stone for grossly unequal ownership of land between private, state and communal property based on who lived and practiced farming on it. The aim of the Act was to protect and strengthen the vast and privately owned settler farms situated in the Highveld-high rainfall, productive and fertile land. As such, 51% of the land was reserved for about 3 000 whites and about 1.2 million African natives were confined to 30% of the poorest agricultural land. This obnoxious law also stipulated that no

own land in white area (Lawton, 2002:  
<http://portland.indymedia.org/en/2002/11/35733.shtml>;

Moorehand,

<http://www.iacenter.org/Africa/bush-africa.htm>; Norman, 2004: 17).

The *Morris Carter Land Commission* of 1925, whose ideas and recommendations were highly reflected in the *Land Apportionment Act* of 1930, established the principle of racial segregation within the colony's land- Zimbabwe (Masiwa, 2005: 217; Worby, 2001: 480-481). The end of the first *Chimurenga* (war of colonial resistance/ rebellion), pronounced this Act. It followed that the Act created Pan- African purchase areas that were adjacent to the earlier created reserves. Its objectives were to absorb the demands of those Africans who aspired to own land challenging the favorable access to land by whites (Worby, 2001: 480-481). By the eve of the World War II in 1944, land in Zimbabwe was divided amongst a total population of 864 000 (836 000 black people and 28 000 white people) as follows: blacks - 24 million acres; BSAC - 48 million acres; white settlers - 13 million acres and private companies - 9 million acres. This means that 3% of the population had 75% of the economically productive land while the remaining 97% of the population was confined to 23% of the lower graded land in scattered native reserves (Lawton, 2002: <http://portland.indymedia.org/en/2002/11/35733.shtml>; Norman, 2004 ; 17; Pazvakavambwa & Hungwe, 2009: 138; Scheuermaier, 2006: 2).

African (indigenous people) produce became dominant in the early grain market in Southern Rhodesia (modern day Zimbabwe). By the end of the First World War, state policy that was



settler farmers fostered the development of European commercial farmers. This eventually induced reliance of African peasants on laboring for settler- farmers rather than their own farms. Due to the continued forced removals, land also became scarce with only a few native residents who could afford the move into designed small Native Purchase Areas where there were larger plots available for farming (Duggan, 1980: 227). As a result of the land shortage, blacks suffered from continual and relentless poverty which was neither resolved when a few achieved poor-paying jobs in the factories or the mining industries (Herbst, 1989: 44). The *Native Husbandry Act – 1951* placed further restrictions on the natives by classifying land and agricultural produce on racial basis- black or white. Subsequently, a dual system emerged as supported by the law whites continued to have private titles and access to land while the natives were governed by customary law. The Act also restricted Africans from selling their produce on the market since the produce was considered inferior. Consequently, whites had a monopoly and enjoyed exclusive benefits their economic benefits were protected and they would make huge profits. The act was however met with mass resistance and nationalistic politics and was scrapped in 1961 (Lawton, 2002; Dorman et al, 2007; Norman, 2004: 40; Mungazi, & Walker, 1998: xxiv- xxv Pazvakavambwa & Hungwe: 2009: 138;).

With the mounting pressure to grant blacks full political rights - from both the British government and nationalist movements - the colonial government (under Prime Minister Ian Smith) declared the Unilateral Declaration of Independence. The dual economy that was already there was however further affirmed through the *Land Tenure Act- 1969*. This eventually left the indigenous population of Zimbabwe systematically deprived of most of

hectares of good quality land was under 6 100 white settler  
families, leaving 10. 4million or less fertile land occupied by a 800 000 indigenous families  
(Deininger,et al, 2004: 1697; Kinsey, 1999: 17).

### ***Land policy in South Africa - from colonization to apartheid***

Land dispossession in South Africa during the colonial era, combined with decades of apartheid rule, culminated a highly unequal pattern of land ownership and deep poverty. Unlike Zimbabwe, South Africa has a longer and more complex history of colonialism and apartheid dating back to the 1600s. European settlers moved into South Africa in search of fortune defined in terms of minerals. However, the most important and critical events with direct effects on South Africa, can be traced back to 1910 and the long history of apartheid.

In administering their territories in South Africa, the British colonial government was concerned with creating favorable conditions that would facilitate an English capitalist class. As such, African land rights were confined to small marginal territories that were ethnically defined on the borders of the colony's mining and commercialized agrarian zones (Koch, et al, 2001: 131). The Union of South Africa gained independence from the British rule in 1910. Feinberg and Horn (2009: 41), in this regard, estimate a population of 70% Africans in South Africa as against 20% white people. Notably, the white population dominated South African politics, and by the year 1910, 90% of land in South Africa was under the firm

Union of South Africa had been granted independence, critical questions regarding African natives arose, especially with regards to how Africans could regain land that had been lost as a result of colonization. In order to deal with these emerging concerns, the Native Land Act of 1913 was passed. *The 1913 Land Act*, - formed the racial basis on which land in South Africa was divided. This Act was crucial in that it constituted the first major piece of legislation that later comprised the legal structure of apartheid (Feinberg, 1993: 66).

Although opposed by various members of society including the Ministers in Parliament in South Africa then and various organisations who felt the bill had future implications and that it implied territorial segregation the bill was passed. The Act divided South Africa into areas where black people could own land the native reserves. This piece of legislation scheduled and delineated boundaries of the reserves-- land areas scheduled for Africans while regulating who could live on white-owned farms. Worthy of note is the provision of the Act that stated that Africans could not buy, lease or acquire land outside their scheduled area (this also applied to Europeans they could not buy or lease land outside their scheduled areas) (Feinberg, 1993: 66; Feinberg & Horn, 2009: 42; Ntsebeza, 2007: 108). As a result, about 22million acres (7% of the South African territory) was reserved for Africans who constituted the majority of the population.

A number of explanations have been provided for the passage of the act. Harley and Fotheringham argue that the Act was passed in order to frustrate competition from peasant

territorial segregation, and insure an increased inflow of cheap labour for white farmers (Harley & Fotheringham: 1999:13). Some writers attribute the intentions of the Act to cater for white farmers who felt that the passing of the Act meant that African and European separation entailed more land and labour for them. Some authors and historians argue that mining industries supported the Act, since it would mean that they would have more labour supply for their mines (Feinberg, 1993: 66). Whatever the merits of these claims, there is no end in conjecturing as to why the Act was passed. However, what is important to capture is the fact that the Act formed the basis of land and racial segregation that resulted in the present day unequal land division. Moreover, it was very much concerned with the supply and distribution of labour as with territorial segregation (Maylam, 1986: 143). The Act also restricted African cash croppers, replacing this form of livelihood with labour tenancy (Thwala, 2003: <http://www.landaction.org/display.php?article=60>).

In the years that followed the passing of the Act the Reserves that had been created witnessed rapid underdevelopment characterized by òí infant mortality; malnutrition, disease and debility; social dislocation expressed in divorce; illegitimacy, prostitution and crime; soil erosion desiccation and infertility of the soilí ö (Bundy, 1979: 221). African peasant areas showed serious signs of agrarian degeneration. Those areas that had been able to provide a livelihood for themselves in those cases of favorable seasons had been reduced to a state of insecure self reliance or over dependency on imported food and wages from migrant laborers (Bundy, 1979: 221). Maylam (1987: 144) points out that the fundamental problem that spurned all this was overcrowding in the Reserves that arose from population increase and land shortage since these reserves had been allocated a mere 7.3% of the total land area. In

...e added to the reserves through the provisions of the 1936 Native Trust and Land Act. In the mid-1930s in South Africa, the principle of territorial segregation firmed the notion that native Africans in South Africa could retain a meaningful place in the running of the country was lost and African influx and urban control policies were tightened. Despite this, increased number of Africans migrated to the urban areas (Maylam, 1987: 144). The Native Trust and Land Act of 1936 set aside an extra 7 250 000 (raising the 7.3% to 13%) of land to the African reserves and also tried to remove rent-paying native tenants on white-owned farms by penalizing white farmers who kept such tenants (de Beer, 2006: 26; Maylam, 1987: 165; Lahiff, 2009: 170). In as much as there was an increase in the size of land for natives, there was chronic shortage of land in the reserves (Ntsebeza, 2007: 108).

These past land policies were a major cause of insecurity, landlessness, homelessness and poverty in South Africa resulting in inefficient urban and rural land use patterns and a fragmented system of land administration (White paper on South African Land Policy, 1997:5). Land reform in this regard is seen as a means by which the South African state would provide redress for past injustices and at the same time promote human security (Moyo, 2003: 214). With this in mind, human security in the country can only be pursued through the restoration of land rights to those who were dispossessed by segregation and the consequences of apartheid by the restitution programme. On the other hand, the goals towards human security may be pursued by securing and upgrading the rights of those with insecure rights by implementing land tenure reform programme and also changing the racially skewed ownership of land patterns through a land redistribution programme.



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## **The aftermath of the Cold War epoch: human security issues**

The end of the Cold war generated a major re-evaluation of normative and policy assumptions in terms of their application in international relations. Initially, the concept of security was defined in terms of state security (on threats to state sovereignty and territory) in the international system (Gilberts, et al, 2009: 266; Michael, 2004: 3). Since threats were assumed to come from external forces, security issues in the international system were examined in the context of 'state security'. This meant the protection of the state, the boundaries, people and the values from outside forces. From this point of view, the referent object of security was the state. Accordingly, if the state is secure, so too will its citizens (Owen, 2004: 16). Thus, state boundaries could not be violated and interference from external entities was prohibited. Military systems were set up in order to defend states and as a result people were considered safe through the protection extended by the state (Fell, 2006: 1; Gilberts, et al, 2009; 266; Michael, 2004: 3; Ogata, 2001:2; Owen, 2004: 16).

This 'classical' formulation of security has constantly been under scrutiny from different scholars. In this classical formulation, security pertains to how states use force to manage threats (Bajpai, 2000: 4). Critics of this formulation argue that this conception of security is too unilateralist in its emphasis on force in a world characterised by interdependence and weapons of mass destruction. This kind of conceptualising security, the critics argue, errs in restricting the scope of security to military threats from other states without looking at other kinds of threats that rival states may deploy on each other's territorial integrity and political

l, economic and cultural threats. Threats may not only come from other states, but also should be seen from various non-state actors and even natural catastrophes (Bajpai, 2000: 4).

It is evident that the traditional state-based security paradigm has fallen short of its primary objective which is to protect people (Fell, 2006: Owen, 2004: 17). Millions of people die every year due to ðcommunicable disease, civil war, environmental disasters and famineö none of which fall under the rubric of the traditional formulation of security (Owen, 2004: 374). The scholarly attempts on normative and policy assumptions that emerged with the end of the Cold War were undertaken to explain what made people ðsecureö. Scholars like Liotta have argued that the international system may need to worry less about protecting the state and focus on individual citizens (Liotta, 2002: 474). This would mean the protection of individual rights as well as the way of life - including access to the resources people need for human dignity and survival. In this regard, the language of security extends to the legitimate concerns of the ordinary people who stand in need of security in their everyday lives (Axworthy, 2001: 3; Hussein et al, 2004: 6; O'Brien & Leinchenko, 2009: 4, Tow & Thomas, 2002: 177).

Therefore what is human security? In attempting to answer this question there are questions that need to be answered (Amouyel, 2006: 10). Security for whom and for which values? Security from what threats? Security by what means? In answering the question *security for whom and which values*, human security deviates from making the referent object as the

Security is not about states and nations but about individuals and people (Howard-Rassmann, 2010: 2; Thomas, 2000: 5). The principal goal of human security is premised on extending the concept of security beyond national security and as a means to compel states to be more attentive to the needs of their citizens. As Ramcharan argues "individual security must be the basis for national security... National security cannot be achieved without the respect for individual security" (Ramcharan, 2004: 40). Subsequently, human security is a condition that is rooted in the lives of people pertaining to the safety and well being of all people everywhere - in their homes, their streets, their jobs, their communities and in their environment; not the weapons of a country (Hussein et al, 2004: 6; Owen, 2004: 17).

*Security from what threats?* As Thomas Hobbes once described it, the nature of the state is a form of an institution that is defined by prominence and sovereignty. In this institution, there is a form of social contract between the state and the citizenry where citizens confer on the state the right to control their defined territory make decisions for the citizenry and enforce rules as deemed necessary. This is all in exchange for military, economic and political security. This conception of security is however losing its primacy in the 21<sup>st</sup> century considering the disintegration of many states and conflicts apparent on the continent. These have actually demonstrated the exposure of vast numbers of people not only to the dangers of violence from contending bands of warriors but to hunger and disease on a catastrophic scale (Poku & Graham, 2000: 1). The UNDP Report, 1994 established human security's scope describing it as having two principal aspects: freedom from chronic threats for example hunger, disease etc., and also the protection of individuals from sudden and hurtful



Report also identified seven components of human security: food security<sup>o</sup> having access to food; economic security<sup>o</sup> constitutes freedom from poverty; political security<sup>o</sup> which implies the enjoyment of civil and political rights as well as freedom from political oppression; environmental security<sup>o</sup> which involves the protection from dangers such as, environmental pollution and depletion; health security<sup>o</sup> having access to health care and protection from diseases; community security<sup>o</sup> which implies the survival of traditional cultures and ethnic groups, and personal security which involves physical safety from physical torture, war, criminal attacks, domestic violence (Owen, 2004: 18; Paris, 2001: 90; UNDP, 1994). The term security cannot be applied to people in the midst of starvation. As peace may not be built without alleviating poverty, so freedom may not be built on foundations of injustice (Annan, 2001: ix). Hence security is no longer a focus on the absence of conflict in the international system nor is it a concern with weapons. Rather, security concerns human life and dignity.

In response to the concern, *security by what means/ which measures?* As mentioned earlier, it is clear that the security discourse has shifted attention from the state to ordinary citizens (in states) who are in search of elementary needs. Therefore what is to be done and how can governments achieve human security? Fundamentally, human security will only be achieved through *development...not through arms* (Bajpai, 2000: 11). This requires a conception of human development that emphasises equity, sustainability and grassroots participation. This framework should also involve a partnership between the North and the South that relies on justice not charity, equitable access to the resources necessary for human livelihood and a



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at considers a reform of international institutions (Bajpai, 2000: 11).

Centred on the question “how safe are we as humans?” human security is about how people live and breathe in a society, how much access they have to the market and social opportunities and whether they live in conflict or in peace. It encompasses a sense of personal choice and surely about the future and of personal efficacy and opportunity. In essence, human security is concerned with the capacity to identify imminent threats, how to avoid them and mitigate the effects of the threats if they do occur, including helping the victims cope with the consequences of the insecurities resulting from conflict, sudden downturns and underdevelopment (Michael, 2002: 7). So conceived, human security can be defined as “the condition of being protected from or not exposed to danger; safety is freedom from care anxiety or apprehension; a feeling of safety or freedom, or absence of danger” (King & Murray, 2002: 592). Human security is a condition in human livelihoods in which they can meet their basic needs realising dignity and meaningful participation in the life of the community (Thomas, 2001: 161).

### **Problem statement**

The legacy of colonialism and apartheid in South Africa had a devastating effect on land use patterns resulting in racially skewed distribution of land and in overcrowded communal areas affected by tenure insecurity and land degradation (Cotula et al, 2004: 1). This legacy has created the need for land redistribution and raised tenure security issues that may differ

elsewhere in Africa. As such, granting access to land to previously disadvantaged people becomes a complex mix of issues centred on how to redress the effects of colonial rule in a region where land ownership and agricultural production is often a mainstay of survival. While many of the issues like colonial occupation, appropriation of resources and the control of the economy are observed in the continent, the southern Africa region is unique in the intensity and scale of colonial interventions, the persistence of these and the late transition of the region to independence.

Colonial land policies institutionalised racial inequality with regard to land in southern Africa and recent attempts to confront the consequences of historical land expropriation and to redress contemporary land-based inequities, discriminatory legislation and institutions have generated renewed racial conflict in the sub- region. In Africa as a whole, most governments have already given up the struggle to produce enough food to feed their own growing population. For them, the task is too formidable, and costs are so prohibitive that it does not equal worth. The influence of colonialism has forced many nations to depend on Western or the developed world capital and technology (Mungazi, 1998: xxviii). There are too many blacks (Africans) who remain unemployed, landless, homeless and shut out of the agricultural economic base of the region (Moyo, 2004: iii).

It is in those situations or conditions in human livelihood where the general population has access to the resources they need that will enable them to have decent housing, health facilities, education facilities and some disposable income so then people can relax

Objective of human security is to achieve this-- safety from chronic threats, for example hunger, disease etc, and protection from sudden and hurtful disruptions in the patterns of daily lives. These are the main components that surround human security while land policies are of paramount importance in pursuit of human security. Access to land in this regard determines who lives or dies (Paris, 2001: 87; King & Murray, 2002: 585). Consequently, land policies are bound to have strong social, political and economic implications (Benjaminsen et al, 2009: 28; Clover & Eriksen, 2009: 53; Cousins, 2009:60; Nyambara, 2001: 253). Unfortunately, the relationship between land tenure policy and human security remains very poorly explored. Therefore the study's central research problem is to explore post-independence land policies in Southern Africa, see how they are linked to human security and in this relationship determine how land policies affect human security. The concerns highlighted above demand and call for social scientists to devote attention to the agricultural policies of African governments. As Bratton notes, hunger and famine do not only derive from natural catastrophe but also from the policy decisions that shape the opportunities people have to make up for their livelihoods (Bratton, 1987: 174).

### **Research hypothesis**

Post-independence land policies in southern Africa cause social inequality and undermine human security by allocating resources inefficiently and unequally.

1. To analyse the extent to which land policies in post-independence Southern Africa lead to unequal resource allocation which undermines human security with specific reference to case studies (Zimbabwe and South Africa)
2. To assess why, and the degree to which land policies in post-independence Africa have been influenced by exogenous factors and how this has affected human security in southern Africa.
3. To assess land policy, the long term effects on human security and the responses of endogenous groups and communities in the case studies (Zimbabwe and South Africa).

### **Key questions the study seeks to address**

1. How do different forms of land policy and implementation affect human security in post-independence southern Africa?
2. In what ways have exogenous organizations and donor countries influenced post-independence land policies and to what extent do these affect human security?
3. In what ways, if any, have endogenous communities and social movements affected government policy?
4. What lessons can there be learnt from land policies in South Africa and Zimbabwe and what regional recommendations can be made on the basis of these lessons?

## Chapter 2

### Literature Review

#### **Preliminary literature study**

Land policy has been the topic of a large body of literature. For the purpose of this study, literature is drawn from published books, articles, theses and policy documents broken into various sections: literature focusing on definitions and description of land policy and human security; literature dealing with historical factors of land laws and land holding, policy documents and finally; literature reviewing land policies, and discussing land policies in the Southern African region, particularly Zimbabwean and South African land policies. This broad variety of literature is obtained from the internet (websites of recognised organisations, government websites, library catalogues and databases), the respective government departments and the library. This section focuses on evaluating this body of literature, attempting to critically assess it to locate ways in which southern African governments can effectively distribute the resource in order to address human security concerns in their countries.

In most agrarian countries, agriculture and its associated industries are important for human development, reducing poverty and food insecurity. Agriculture in these agrarian countries generates about 29% of the gross domestic product (GDP) while employing about 65% of the

critical in such economies as it is a source of livelihood for many. In sub-Saharan Africa - with a combined population of about 200 million who are highly dependent on land - land becomes a strong option to spur development, and reduce food insecurity (FAO, 1992: 1; Mutangadura, 2007: 176; World Bank, 2008: 3). Consequently, the African continent, including the southern region with about 60% of the population dependent on land, finds itself at a crossroads where serious consideration concerning its erstwhile tenure systems needs to be adapted to respond to human security needs (Anseeuw & Alden, 2010: 1; World Development Report, 2008: 3).

Land policies are defined as the principles or guidelines that govern the land resource (African Union, 2009: 9; Clover & Ericksen, 2009: 53; Maxwell & Wiebe, 1998: 4). They are a set of agreed principles to govern ownership (or access to), use and management of land resources to enhance productivity and contribution to social, economic, political and environmental development [and] poverty alleviation (African Union, 2009: 9). There are three dimensions to land policy -- the environmental, the spatial and the tenurial. Land tenure is defined as:

the relationship whether legally or customarily defined among people, as individuals or groups with respect to land and associated natural resources including water, minerals and wildlife. It can be defined as the terms and conditions, on which land is held, used and transacted, determining who can use what



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and under what conditions... (Maxwell &

wiebe, 1998: 4).

Examining land conflicts in Africa posits a major challenge since the contexts in which they take place are continuously changing, thus altering the nature of the conflicts themselves. Kariuki 2009; Hellum & Derman 2004; Dickermann & Evers Manatsha & Maharjan, 2010; Nyambara, 2001 2005 provide well considered historical analyses of land laws in Southern Africa, explaining the conditions of land ownership and the role played by the state. For example, Nyambara's account explains postcolonial land policy in Zimbabwe which enhances our understanding of the process of land holding in Zimbabwe and how politicians saw development in relation to land access. These modalities and the extension of the conflicts differ from one case to another. Crises in Africa have accentuated concerns about human security in that inappropriate land policies constitute serious constraints on the livelihoods of people. Anseew and Alden (2010: 2) analyse the role of land as a site and source of conflict with particular focus on the development of land policy, crisis management and post- conflict reconstruction. The central aim of the paper is to gain insight into the nature of policy-making, both at national level and in broader African state system, and the challenges that are associated with it in the quest to address human security issues.

In agrarian economies, particularly in Africa, land is considered as the central factor of production. In these economies, the entire population ekes out a living from the resource both in direct terms as landlords, farmers and as labourers to the farmers, and in indirect terms as



land services that are sold to the farming communities. Seen as an important factor of production for economic development, in some cases the symbolic benefits of holding the resource are greater to those in possession of it. This becomes evident when compared to economic benefits (African Union, 2006: 1; Bell, 1990: 143; Floyd, 1962: 566; van den Brink et al, 2006: 2). Direct access to land may be attained through individual ownership or in other circumstances; access may be attained through membership in a community that holds the land resource in common (Bell, 1990: 143). Consequently, land reform becomes intensively a political matter which involves substantial conflicts as well as interests.

Sekeris sheds light on the nexus between land inequality and conflict intensity while abstracting from both land and the geographical location, particularly the sub-Saharan region. He does this in order to capture the more general role of inequality in land and its contribution in shaping violent behaviour. Since the majority of the population derives its livelihood from land, poverty becomes the ultimate systemic threat facing humanity in the sense that the poor are left hopeless without the resources they need. Moreover, poverty undermines societies through confrontation, violence and civil disorder (Thomas, 200: 3). Since independence, southern African states have been trying to address the unequal land ownership and to rationalise discriminatory land use policies. In some states it took place in forms of nationalisation, for example, in countries like, Tanzania, Zambia and Angola (Peters, 2004: 273; Shivji, 2000: 39). In some cases, states have taken the route to reform land through market-based compensation from the former white owner for example in countries such as Swaziland, Botswana, Kenya and South Africa. Efforts to reform land

ism that they have not been successful as evidenced from cases of contestation, land conflicts and poverty apparent in countries such as Kenya, Zimbabwe and South Africa (CDE, 2008: 17; Evers et al, 2005: 2; Rangan & Gilmartin, 2002: 634).

Land may have seemed an almost inexhaustible asset, but the AU (2006) notes that population growth and market development are creating mounting pressure and competition on the resource. Bell examines the nature and distribution of property rights particularly in land and how they are changing under economic and the demographic pressures. The account tackles the question that which forms of policy intervention can be considered desirable and the possibility of these being successful (Bell 1990: 143). In agrarian settings, where people are dependent on the land resource to secure livelihoods, the most relevant measure of inequality is the unequal access to land (Sekeris, 2010: 1).

The Zimbabwean issue has made it through the international headlines and is one of the contested reforms globally. Floyd explores the historical evolution of land issues with effect of land apportionment legislation while at the same time assessing the viability of racial division of Zimbabwe as a territory at the stage of development (Floyd, 1962:566). The argument which underpins the article is that the land conflict in Zimbabwe should be understood primarily as a legacy of colonialism, and of emergent neo- classical relations between Zimbabwe and a coalition of rich countries and the international institutions that they dominate ó especially the World Bank and International Monetary Fund (IMF). In

In the same situation in Zimbabwe, Thomas makes an argument that it is fundamental and desirable to reform land for both ethical and economic reasons. It is not only right to redistribute land to the dispossessed, but also experiences in Zimbabwe and countless other countries globally demonstrate the potential for major agricultural developments through land reform. Radical reform should also be seen not only as desirable and feasible but also necessary in addressing land inequality.

In surveying land policy and land holding in South Africa, it is notable that most of the references focus mainly on the progress of land reform while some focus on the surrounding economic and social issues without relating the long term effects of policy strategies to human security. Substantive literature is available detailing the existing policies and the influence of the IFIs towards land reform and socio-economic outcomes. Binswanger-Mkhize; Cousins, 2009; Hall, 2004's account would be useful in this regard.

As Thwala points out, South Africa's land issue may not be the most defining political and development concern but it constitutes one of the most intractable in the history of the country (Thwala, 2003: <http://www.landaction.org/display.php?article=60> ). State-sponsored Land Acts and their related pieces of legislation were the most grievous human rights violations in South Africa. These laws also contributed to overcrowding in the former homelands of the country. Walker, Bohlin and Hall explore the conflicted terrain of land claims and land restitution in the post-apartheid South Africa. The account explores and assesses the land reform program in South Africa since its implementation in the year 1994.



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at the objectives of the program ó that is redressing the injustices of the past caused by colonialism and apartheid and bringing about rural development and tenure security -- have proven far more elusive than what was originally anticipated (Walker, et al, 2010: 1).

### **International institutions and land rights - a human security concern**

FAO reports, World Bank reports and policy papers are relevant materials in shedding light on the influence and stance of International Finance Institutions (IFIs) towards land holding and how this influence has shaped the laws. In a short period of time after the Cold War the international community has witnessed a rapid decline in the living standards of people. Large transnational corporations use their financial and political muscle to usher in an intense period of trade liberalization in search of what Rosset terms the "Holy Grail" of free trade (Rosset, 2006: 2). The IMF has been the linchpin of neo-liberal policies of development coordinating with the World Bank to reform national economic policies in the quest to reflect the market-led instead of the state-led development (Thomas, 200: 55).

As weaker economies are merged with stronger economies an uneven playing field is created. In this field the nature of trade agreements (including the conditions imposed by IMF and the World Bank with their loans) practically requires national governments to give up sovereignty over their domestic economies. These changes in national and global governance mechanisms have, in their sum, eroded the ability of governments in the south to manage national development trajectories that take into consideration human security of their

International reforms advocated by these International Finance Institutions (IFIs) have in their own standing altered the relationship between the state, the citizen and the market. The new forms of globalised production and the existing financial systems have in themselves forced governments to abandon their commitment to the welfare state. States ability has been emasculated to ensure the social welfare of poor and vulnerable people. It also hinders the states from achieving social justice, guaranteeing human rights, protecting and sustainably managing their resources (Larner, 2000: 6; Rosset, 2006: 4; Thomas, 200: 55).

In order to secure increased export and import of goods, promoting foreign investments, Structural Adjustment Programs (SAPs), regional and bilateral trade agreements and GATT and WTO negotiations shift the balance of governance over national economies away from governments and towards market mechanisms and global regulatory bodies like the WTO. Governments have progressively adopted the majority of the macro-economic policy tools used in the past to direct national economic development (Rosset 2006: 4). Instead of focusing on formulating policies that will ensure human security for their citizens, employment, inclusive social welfare systems, governments are now focused on economic efficiency and how they can be competitive internationally (Larner, 2000: 7).

### **Human security issues: An objective of land policy?**

The objective of human security is to safeguard the core of human lives from critical threats in a way consistent with long term human fulfillment. Human security recognises fatal

...s that are beyond their control. These threats include violent conflict, national policy that undercuts public investments and private investments in health. Alkire (2003), Kerr (2003), King & Murray (2002) Liotta (2002 and Thomas (2000) provide analyses of the concept of human security which is important for the purposes of this study. The role of land tenure arrangements in promoting economic growth is an important issue linked to human security underlined by the fact that about 60% of the people in Southern Africa derive their livelihoods and income from land (Mutangadura, 2007: 176; African Union, 2009: 20).

At the advent of colonialism, European settlers gained control over land which was put into effect through the promulgation of a number of laws and the adoption of political, administrative, as well as economic management systems (Fowale, 2009: 4; African Union, 2009: 19; Evers et. al, 2005: 2; Dickermann, 1989: viii). Crises in Africa have brought about concerns about human security in that inappropriate land policies constitute serious constraint on the livelihoods of people. Since independence, Southern African states have been trying to address the unequal land ownership and to rationalise discriminatory land use policies. In some states -- such as Angola, Tanzania, and Zambia -- it took place in the form of nationalisation (Peters, 2004: 273; Shivji, 2000: 39). Other states -- such as Botswana, Kenya, South Africa, and Swaziland -- have taken the route to reform land through market-based compensation from the former colonial masters. These efforts to reform land have been met with rigorous criticism that they have not been successful evidenced from cases of contestation, conflict and poverty apparent in countries such as Kenya, South Africa and Zimbabwe (CDE, 2008: 17; Evers et al, 2005: 2; Rangan & Gilmartin, 2002: 634).

The role of land tenure arrangements in promoting economic growth is an important issue linked to human security, which needs serious attention. This is underlined by the fact that about 60% of the population in Africa derives its livelihoods and income from farming, livestock production and the other related activities. Apart from agriculture, the land resource is significant in Africa's economy through its contribution to other sectors. Some countries, for example Angola, Egypt, Kenya and South Africa, increasingly depend on oil and minerals and yet in other countries like Namibia, Botswana and Zimbabwe, substantial proportions of land are held in nature and conservation reserves (African Union, 2009: 20; Evers et al, 2005; Nyambara, 2001). Efforts to reform land held by communities have been met with rigorous criticism that they have not been successfully corroborated from some cases of contestation, conflict and poverty apparent on the continent and particularly in countries such as Kenya, Nigeria, South Africa, Uganda, and Zimbabwe. These efforts have not also been able to address and restructure the dualistic land holding systems that were a result of colonialization (Dione & Janneh, 2006, Evers et al, 2005: 2; Rangan & Gilmartin, 2002: 634).

For the purposes of this study, reference is made to South African and Zimbabwean land policies where the issue has been a critical component of the countries' political processes. African countries are difficult to define as homogenous and accordingly the study targets countries where land tenure policies have been an important issue in the development history of the countries (Segal, 1968: 275). The selected case studies adopted remarkably different

highlight a number of differences in terms of population size, level of urbanization and the level to which agriculture contributes towards their economies (Bryceson, 2002: 726). The difference in policies in the selected countries not only sets each country on a different path but also shows the unintended consequences that follow the choice of policies. However, it is notable that the difference in post independence policies reflect colonial heritage. Notably, the experiences of white settlers in both South Africa and Zimbabwe have shown a difference in the attitudes towards land access (Segal, 1968: 275).

Zimbabwe's land matter is the most extensive and widely studied on the continent while access to land has been an important issue since the country gained its independence in 1980. During the period from political independence in April 1980 to July 1985, the government of Zimbabwe moved quickly to set price on land and deliver services that were attractive and, in return, Zimbabwe witnessed rapid agricultural production response and the achievement of national food sufficiency (Bratton, 1987: 173). The dramatic land invasions that occurred in the country in the year 2001 were accompanied by a sharp decline in food and export crop production, dramatic inflation, loss of jobs and a collapsing health and education system leaving the country a major importer of food and recipient of food aid (Anseeuw & Alden, 2010: 1; Binswanger-Mkhize & Deininger, 2009: 69; Hellum & Derman, 2004: 1785).

South Africa's land issue is more complex vis-à-vis Zimbabwe. South Africa, considered as one of the developed countries on the continent occupying a low global position in international poverty rankings, is one of the world's most unequal societies. The extreme



ch and the poor has continued to widen despite the introduction of major policy reforms since democratization in 1994 (Andrews & Jacobs, 2009). The countryside in which the majority (and largely poor) indigenous people live has always been neglected by the central state under the rubric of capitalism as part of social and spatial engineering (Andrews & Jacobs, 2009: 1; Moyo, 2005; Sihlongonyane, 2005: 143).

This study targets two issues that have received inadequate coverage in the literature by investigating the socio-political contexts within which land problems arise and linking these to human security needs. Firstly, the study aims at interrogating the influence of international institutions on national policies. FAO reports, World Trade Organisation (WTO) reports, World Bank reports and policy papers are relevant in shedding light on the influence and the stand International Finance Institutions (IFIs) have towards land holding and how this influence has shaped land policy. Utilising literature on the influence of external actors (such as donor countries, for example, China in the case of Zimbabwe, World Trade Organisation (WTO), the International Monetary Fund (IMF) and the World Bank) in the formulation of land policy in post-independence Africa, the study aims to show that Africa's disadvantaged position (in power and wealth terms) in the world system has made it difficult for post-independence states to address local (national) preferences on the issue of land access (Clover & Ericksen, 2009: 54).

The study also targets the relationship between land policy and the long term effects on human security. The literature tends to neglect analysis of the relationship between land

on human security. As Moyo (2005: 2) points out, the current discourse focuses on the short term manifestations such as land disputes, agricultural decline and the electoral misfortunes of competing political parties. In surveying land policy and land holding in South Africa, it is notable that much of the literature focuses mainly on the progress of land reform. However, focus on the surrounding economic and social issues without relating the long term effects of policy strategies to human security illustrate this tendency (Cousins, 2009 and Binswanger-Mkhize; 2009; Hall, 2004). For instance, Thomas (2001:161) explores the nexus between good governance, development and human security. At the core of her analysis is the argument that material sufficiency lies at the centre of human security. Thus, the problems of poverty and deepening inequality are central concerns. However relevant her study is, the analysis ignores the relevance of land holding as one of the major concerns related to human security.

## Chapter 3

### Theoretical framework and research methodology

#### Principal theories upon which the research project will be constructed

Political scientists have come up with a vast array of theoretical frameworks to study access to land. Among these are neo-liberal theory, neo classical-theory and human security theory. The neo-liberal approach attributes universal conception of freedom and advocates for the privatisation of land ownership to sustain capital distributed to all, leading to a greater degree of accountability and transparency (Bratton, 1897: 174; Thomas, 2001:161). The theory contends that land should be placed in the hands of those who can work it most productively. The market is seen as capable of distributing land more efficiently than the state (Clover & Eriksen, 2009: 53; Rosset et al, 2006: ix). The neo-liberal theory is open to criticism. For instance, it does not significantly reform pre-existing agrarian structures in favour of the rural poor but often results in variegated and uneven outcomes among individuals favouring the few landlords and the elite players (Borras, 2008: 53)

The neo-classical approach looks at land as a crucial part of strategy and policy of economic development. Land tenure institutions have a direct bearing on questions of development and help to shape the pattern of income distribution (Byres 2004: 19). In developing societies,

class structures and relations. When defects in a tenure system hamper economic and social development, land reform is usually necessary to reorganise the institutional framework of tenure structures and to eliminate the impediments (Abu Zarin & Bujang, 1994: 10). The approach however ignores the fact that the state is the decisive edifice in the post-colonial era and the resources that are at its disposal are the largesse by which political leaders maintain themselves in power. Political pragmatism tends to play a formative role in terms of how policies are structured which leaders often use for the distribution of resources as a means to attract political support, nullifying the opposition in order to remain in control (Bratton, 1987: 175; Barrows & Roth, 1990: 268). Hence, the approach facilitates land as a propaganda mechanism rather than security resource for the poor.

### **Human security paradigm**

This study employs the human security perspective since the theory is relevant in situations where poverty and inequality are primary concerns (Clover & Erikson, 2009: 56). The United Nations Development Report (UNDP) identifies the basic elements of human security namely safety from chronic threats (for example hunger, disease and repression) and the protection from sudden disruptions in the pattern of daily life, whether in homes, workplaces or communities (UNDP, 1994: 2). The concept describes a condition of existence in human livelihoods in which human dignity can be recognised (Jockel & Sokolsky, 2000: 3; Thomas, 2001: 161). Therefore, human security is ãa condition when and where individuals and communities have the options necessary to mitigate or adapt to risks to their human and

freedom to exercise these options and actively participate in attaining these options (O'Brien & Leichenko, 2009: 3). In this regard, human security can therefore be considered as an outcome of land policies solely created to recognise it.

### **Linking human security to land policy**

Land stands as a main source of economic and political power, seen as a vehicle for human development as well as a resource for food production (Clover & Eriksen, 2009: 56). The shaping of lives concerns the processes in which people's lives and experiences are constructed by access to the resources they need (Wilkin, 1999: 35). Therefore, access to land addresses social injustices of the past while focusing not only on the quality of life in general but also insecurity, powerlessness and low self-esteem, crowded homes, alienation from the community and so forth (Clover & Eriksen, 2009: 56). If human security is concerned with human emancipation, then the possibility of attaining such a goal depends on the nature of policies constituted solely to realise it (Clover & Eriksen, 2009:56; Ghimire, 2001: 2; Wilkin, 199: 33).

The human security approach, however, has been criticised and regarded as controversial since it introduces many variables which at times are not necessarily linked together. To some, the concept seems attractive, though it lacks a precise definition hence the existing definitions are expansive and vague rendering the concept analytically weak (King & Murray, 2001: 587; Paris, 2002: 87; Tadjbakhsh, 2005: 88). This study, nonetheless favours the approach because it goes beyond mere definition and includes the normative claim that

individuals' lives including a reasonable degree of stability. The strength of the approach is that it conceives security on the basis of real-life and everyday experiences of human beings, linking together different issues and leaving room to look at power politics as well as the contextual factors that creates insecurities (Onuoha, 2009: 372; O'Brien & Leichenko, 2009: 3; Paris, 2001: 87). Accordingly, it recognises the existence of various world views and presents an analytical tool for understanding the outcomes of complex situations, suggesting adequate policies to resolve issues and means for sustainability (King & Murray, 2002: 587; Onouha, 2009: 372; O'Brien & Leichenko, 2009: 3; Paris, 2001: 89; Tadjbakhsh, 2005: 88).

### **Research methodology and methods**

As Welman, et al (2009: 6) state, there are two main approaches to research in social research: quantitative and qualitative. The quantitative approach to research holds that research should be limited to what people can observe and measure objectively, concerned with the quantification of data and its analysis (Mouton & Marais, 1996: 155). By contrast, the qualitative approach to research emphasises 'words' instead of quantity in terms of data collection, aiming at establishing the constructed nature of reality while stressing more emphasis on the generation of theories (Denzin & Lincoln, 2003: 4; Bryman, 2008: 22; Morse & Field, 1995: 2; Welman et al, 2009: 8).

The qualitative approach will be utilized in this study given its inductive character. As Denzin & Lincoln (2003: 4-5) have observed, the approach enables a nuanced study because

...ive practices to gain a better understanding of the subject matter. This study is solely literature based, and will employ an analytical approach to compare, contrast and evaluate the findings revealed by the available literature and to arrive at conclusions about land policy and human security in post-independence southern Africa. The study does not intend to develop a quantitative causal linkage between state control of land through land policies in place and human security but intends to provide a qualitative assessment of the prevailing land policies in the case studies and how they affect human security.

### **Case study and comparative design: Reasons for selecting Zimbabwe and South Africa as cases**

A case study is defined as research that investigates a case or cases in considerable depth in order to answer specific questions, seeking a wide range of evidence, especially evidence that is available in the case setting that would answer the questions (Dixon, et al, 1987: 104; Gomm, et al: 2000: 3; Yin, 1998: 229). Comparative studies are useful in revealing origins and the development of social phenomena in order to locate them in a certain time and place. In comparative case studies, the researcher compares experiences of different societies in order to better understand and appreciate what the experiences have in common (Dion, 1998: 127; Walliman, 2005: 114). African countries are difficult to define as homogenous; as such, the study targets the southern African region, in particular, countries where land tenure policies have been an important issue in their development history (Segal, 1968: 275). The selected cases are chosen in accordance to their development status as measured by the

programme (UNDP) Human Development Index (HDI).  
HDI is a comparative measure or aggregate index consisting of measures of three components that are considered to be central to development: income (gross domestic product per capita), education (adult literacy rate) and health (life expectancy at birth). The index is useful in measuring the development status of a country as well as the impact of economic policies on the quality of people lives (Human Development Report, 2009; Morse, 2003: 184; Morse, 2003: 283; Sanusi, 2008: 384- 392).

Using the HDI enhances our understanding of land policies and how they may have impacted on the lives of people. HDI categorises countries into four different bands of human development: Very High, High, Medium, and Low. The study will be undertaken in such a way that reference can be made to South African and Zimbabwean land laws where the issue has been a critical component of the countries political processes. The two countries (Zimbabwe and South Africa) represent different development positions with South Africa at a better HDI (medium development) and Zimbabwe at the bottom (low human development). Also, they differ in terms of population sizes, levels of urbanisation, and the level to which agriculture contributes towards their economies. The countries have adopted remarkably different land policies (Bryceson, 2002: 726). The two countries exhibit different forms of human security challenges with different degrees of severity for their citizens. Depending on the development status, it is expected that land access in all countries will play out differently.



Contested and controversial topic, both continentally and globally. Access to land has been an important issue since Zimbabwe got its independence.

During the period from political independence in April 1980 to July 1985 Zimbabwe witnessed rapid growth in agricultural production and the achievement of national food sufficiency (Bratton, 1987: 173). The dramatic land invasions under the Fast Track Land Reform Program (FTLRP) in the year 2001 were followed by economic decline to an extent that made the country a major importer of food and recipient of food aid (Anseeuw & Alden, 2010: 1; Binswanger- Mkhize & Deininger, 2009: 69; Hellum & Derman, 2004: 1785).

Although one of the most advanced countries in Africa, South Africa occupies a low global position in international poverty rankings and it is one of the world's most unequal societies. Since 1994, an extreme gap has developed (and continues to widen) between the rich and the poor of the country with the countryside, where a majority of people live, being neglected by the state under the rubric of capitalism and due to apartheid's social and spatial engineering. Addressing parliament, the then Deputy President, Thabo Mbeki described the country as divided into two nations:

One of these nations is white, relatively prosperous, regardless of gender or geographic dispersal. It has ready access to a developed economic, physical, educational, communication and other infrastructure. The second and larger nation of South Africa is black and poor, with the worst affected being women in the rural areas, the black rural population in general and the disabled. This nation lives

essly underdeveloped economic, physical,  
educational, communication and other infrastructureí (Mbeki, 1998)

The country is also characterised by õmassive urban slums and marginal rural areas overpopulated, long political struggle to gain independence as well as the complex nature of land expropriationö (Andrews & Jacobs, 2009: 1; Sihlongonyane, 2005: 143).

### **Limitations of the study**

The research is literature based and contains no field-work component. However, it is important to note that substantive and wide ranging literature is available which will enable the analytical and comparative trajectory of the study.



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## *Post-independence (apartheid) land policy issues*

This section of the paper focuses on efforts to reform land in Zimbabwe and South Africa as an initiative to alleviate poverty. First, the events in Zimbabwe at independence and afterwards are interrogated so as to situate the land reform process as a policy strategy aimed at enabling meaningful human security. The role of IFIs in the land reform efforts in Zimbabwe by advocating for open market system of economic governance and how these plans helped in making the poor more vulnerable in terms of access to resources is also interrogated.

Second, the policy strategies towards land access in South Africa that have been implemented since the end of apartheid will be interrogated. Land issues in South Africa appear better managed than in Zimbabwe. Nevertheless, there are growing indications of disquiet among many within the African population who are unhappy that land distribution has remained skewed against them even after nearly two decades of post-apartheid government. The role of international organisations have played, and continue to play, in influencing land policies and implementation in South Africa at the wake of what happened in Zimbabwe will constitute important areas of focus for this study.

## Chapter 4

# Zimbabwe: Land policy and the makings of political instability

Land is a very important natural resource that has remained contested for decades in the history of Zimbabwe (formerly Rhodesia) and among investors, people in and outside Zimbabwe. From the period of early occupation into the mid 1900s, forced dispossession continued to occur in Zimbabwe fuelling a civil war which lasted for almost two decades. The Unilateral Declaration of Independence in 1965 that was issued by Ian Smith, the then Prime Minister, followed a harsh and violent history in Zimbabwe. Cownie (1984: 39) acknowledges that the factors that led to the crisis in Zimbabwe were quite varied. He notes that privileges that were based on race created huge inequalities amongst races in Zimbabwe (Cownie, 1984: 39). Educational services that were seen as important and affordable amongst the white minority were not seen as mandatory or affordable within the black populations, except those ones that were offered by missionaries. The denial of political, social as well as economic rights to the black majority reflected the unequal treatment between races in the country (Cownie, 1984: 39; Herbst, 1989: 44). It is clear that these iniquities and inequalities in the allocation of resources, especially the land resource, and forced labour were the primary motivations behind the liberation war for the indigenous people. Led by ZANU and ZAPU in the struggle (even though they were not in power yet), the two parties managed to elicit support from the peasants and the guerrilla fighters in the rural areas. These liberation parties promised the masses radical land reform that was going



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stices of the colonial system (Lebert, 2006: 44; Palmer, 1990: 103).

In the effort to curb the situation and stem the tide of the growing crisis, the British made various attempts to no avail. While the Smith government derailed these efforts by the British government to reach a negotiated settlement, changes were occurring in Rhodesia (Zimbabwe). The war on the side increased in its intensity, economic sanctions on the country began to take their toll on the economy and Mozambique's gaining its independence mounted pressure on the Smith regime to offer concessions to the African population (Cownie, 184: 39). In March 1978; Smith, Muzorewa and Chirau signed an internal settlement. The settlement provided for majority rule in the country on the basis of adult universal suffrage in the new constitution that was scheduled for the end of that year 1978. It provided that in an assembly of 100 members, 28 seats would be reserved for whites. This provision would not be changed for at least ten years. In this agreement, the Land tenure Act was to be scrapped as well. Although this was signed, the settlement did not bring any change for the African population. Little was actually done to repeal the discriminatory laws with the exception of petty forms of discrimination. It did not alter anything in the way things were run -- white minority privileges were maintained and continued, land redistribution did not take place and so did the judiciary and the bureaucracy in the present did not change (Matthews, 1990: 310; Cownie, 184: 39). It is these obvious inadequacies of the settlement that led to the Lancaster House Conference of 1979- a conference that would set the future of Zimbabwe.

### **The negotiation table: setting the standard – The Lancaster House Agreement**

It is evident that land in Zimbabwe was the sole reason for the liberation war (Deininger, et al, 2004: 1697; Kinsey, 1999: 173; Waeterloos & Rutherford, 2003: 537). To end this conflict, both of the belligerent parties (guerillas and the colonial government) were forced to the negotiation table at the Lancaster House Conference in 1979 (Herbst, 1989: 44), where land was the bone of contention (Fowale, 2009: <http://www.suite101.co...>). The purpose of the conference was to discuss and reach a consensus on the independence of Zimbabwe and ending minority rule while at the same time paving way for majority rule in the country (Herbst, 1989: 44). It was also a constitutional conference whose purpose was to decide the proper basis of rightsô legal independence to the people of Zimbabwe (Rhodesia). The Conference hoped to lay foundations for a free, fair, independent and democratic society in which all the people of Zimbabwe -- regardless of their racial status or political orientation -- would be able to live together in peace and harmony. As such, the conference was designed to approve a new constitution, set an agreement for a ceasefire, and organize democratic elections (Sutton-Pryce, 1989: 7; Report of the Constitutional conference, 1979).

The earlier situation in Kenya remained influential in all the independence negotiations that were happening in Zimbabwe. Kenya had been faced with a comparable land problem to Zimbabwe's with the Mau-Mau guerilla war of liberation that was fuelled by land grievances. In order to deal with the situation, the British government had offered to buy out white farmers who were reluctant to continue living in Kenya after independence. This duly

and hopes that the same would happen at Rhodesia's independence. Recognising the need for land reform and considering the fact that the majority of the farmers were of British origin, the British government acknowledged its responsibility to purchase and compensate those white farmers who wanted to leave (Lebert, 2006: 44; Palmer, 1990: 166). Consequently, in the mid 1970s during the secret diplomatic maneuvers that were aimed at settling the conflict in Rhodesia (Zimbabwe) the notion of the Anglo-American Zimbabwe Development Fund was promoted. To support this Fund, the British government agreed to contribute an amount of £75million which was meant for buying out farms from white farmers (Lebert, 2006: 44; Masiwa, 2005: 218; Palmer, 1990: 166).

By the time of the Conference in 1979, there had been a change of government in Britain. As a result, the earlier proposal of £75million was used as bait so as to get the rival parties to the negotiating table. Subsequently, the proposal was scratched and replaced by a new British government undertaking with respect to land redistribution: if the Zimbabwean government would guarantee existing property rights, the British government would underwrite half of the resettlement costs (Kanyenze, 2003: 53, Meredith, 2002: 120). Financial assistance would be provided, given that the British government was convinced that there was an orderly and properly planned resettlement program that will enhance prospects for political stability, allowing an immediate normalization of people's lives. These costs were to involve the purchase of land from white farmers and also for the development of infrastructure that would help the newly settled people to establish themselves. As such, the British government pledged an amount of £20million (Meredith, 2002: 120, Palmer, 1990: 166-167;

ence, the British government pushed for “sunset clauses” that sought not only to protect white settler private property from compulsory acquisition but also required that land reform was to happen through the lens of the “willing-buyer, willing-seller” principle (Raftopolous & Compagnon, 2003: 17, DeGeorges & Reily, 2007: 574; Williams & Taylor, 2002: 549).

Every person will be protected from having his property compulsorily acquired except in the interests of defense, public safety, public order, public morality, public health, town and country planning, the development or utilization of that or other property in such a manner as to promote the public benefit or, in the case of under-utilized land, settlement of land for agricultural purposes. When property is wanted for one of these purposes, its acquisition will be lawful only on condition that the law provides for the prompt payment adequate compensation and, where the acquisition is contested, that a court order is obtained. A person whose property is acquired will be guaranteed the right to access to the High Court to determine the amount of compensation. Compensation paid in respect of loss of land to anyone who a citizen is of or ordinary resident of Zimbabwe (or to a company the majority of whose shareholders are such persons) will, within a reasonable time, be remittable to any country outside Zimbabwe, free from any deduction, tax or exchange in respect of its remission. (Lancaster House Conference 1979- Annex C)



sory acquisition of property except under-utilised land required for resettlement purposes or other public purposes. In cases where acquisition had to happen, compensation was to be done in foreign currency (Clover & Ericksen, 2008: 64; Koch, Massyn & Niekerk: 2001: 154). Throughout the negotiations, the British government (since it had taken the role to oversee the transition from colonialism to independence in Zimbabwe) emphasized the willing-seller, willing-buyer principle. Adding to these provisions, this Independence Constitution was to be left without amendments for the first ten years. In other words, no changes were to be done to the Constitution until the ten years were over (Masiwa, 2005: 218; Meredith, 2002: 119, Sadomba & Andrew, 2006: 5; Thomas, 2003: 697).

### **Phase I: A Market-led land reform (redistribution) in Zimbabwe (the willing-buyer willing-seller principle)—1980 to 1989**

In negotiating the independence conditions, land was the first priority and high on the agenda of the Zimbabwean leaders. Speaking to the Herald on 20 December 1989, Robert Mugabe acknowledged that one of the critical issues the majority government still had to resolve was that of land reform (Mugabe, 1989 in Palmer, 1990: 166). As the government acknowledged the need for land reform, the set objectives of the program were to redress the past injustices and land alienation. Kinsey (1999: 176) outlines the objectives of the land reform program as follows:

1. To alleviate population pressure in the communal areas;

the base for productive agriculture in the peasant farming sector,

3. To improve the level of living of the largest and poorest sector of the population;
4. To provide, at the lower end of the scale, opportunities for people who have no land and who are without employment and may therefore be classed as destitute;
5. To bring abandoned or under-utilised land into full production as one facet of implementing an equitable programme of land redistribution;
6. To expand or improve the infrastructure of economic production; and
7. To achieve national stability and progress in a country that has only recently emerged from the turmoil of war

The above would have to be achieved through promoting an equal access to the land resource for the majority of the population in Zimbabwe. As such, the program aims at: creating a relatively stable political and acceptable property rights regime; promoting economic growth through wider equity and efficiency gains from land redistribution, as well as promoting national food security, self sufficiency and agricultural development through labour intensive small farmer production , optimal land productivity and the returns to capital invest (Lebert,

...willing-sellerö (WBWS) principle was to be a guiding force for land redistribution in Zimbabwe as was agreed to at the Lancaster House Conference on negotiating independence (Laasko, 2003: 3; Lebert, 2006: 44- 46; Kanyenze, 2003: 53, Meredith, 2002: 119). The öwilling-buyer, willing-sellerö principle denotes a complete voluntary transaction between the parties, that is the buyer and the seller. It also implies the non-compulsion of the owner of the property to sell the respective property (Laasko, 2003: 3; Meredith, 2002: 119).

At independence, the Government of Zimbabwe (GoZ) adopted the östate-centered, market-basedö approach to land reform. This process entailed that the state would purchase land following the WBWS guidelines and procedures. On the other hand, the private sector controlled the identification and supply of the land which the state would purchase for land reform. This approach was seen as appropriate since it was feared that the radical approach would lead to an exodus of most commercial farmers as it had happened in Mozambique (Kanyenze, 2003: 53). Under Phase I of the resettlement/ land reform program (1980- 1990), Government of Zimbabwe set to acquire 8.3 million hectares of land to resettle 162 000 families (Kinsey, 1999: 178; Sadomba & Andrew, 2006: 5). In this program, two schemes were proposed as for the resettlement areas: Models A & B. Model A was to consist of individual households which were to receive a 5- 6 ha area of farmland and grazing land of about 20- 200 ha depending on the region, while Model B comprised those abandoned farms that the government would take and assign to cooperatives with the goal of creating 51 000 small to medium commercial farmers (DeGeorges & Reily, 2007: 576; Zikhali, 2008: 4; Palmer, 1990: 197). The criteria for choosing these farmers emphasized the selection of the

ly disadvantaged, and those who were affected by the liberation war. Kinsey acknowledges that in as much as the records of the earliest resettled settlers are no longer available, an estimation of 80% of these resettled settlers fell into the categories of those in dire need of land, such as the refugees, the landless, those who had been affected by war as well as those who did not have enough land to sustain themselves (Kinsey, 1999: 181). To avoid nepotism and favoritism, beneficiaries or the resettlement families were chosen on a random draw.

Unfortunately, the constitutional constraints agreed to at the Lancaster House Conference along with the economic importance of large-scale farming together and the huge costs associated with land redistribution combined to contribute to the slow pace of land reform. In this way, the WBWS principle effectively restricted the government to purchase land and, often, those offered voluntarily for sale were largely of poor quality (Addison & Laasko, 2003: 460; Breytenbach, 2004: 47; Meredith, 2002: 119). While the main objectives of land reform were to alleviate poverty, this was partially negated because the willing-buyer, willing-seller principle allowed white farmers the autonomy to do as they wanted. As previously noted, the net result was that they often chose to sell lands that had been abandoned during the war or that were of poor quality ó thus weakening the key national objective and priority of poverty alleviation. This state of affairs was made possible by a constitutional constraint to the government: the amount, quality, location and cost of the land to be purchased were determined by the white landholders. Given this context, the white commercial farmers were not willing to sell their property at the price the government could afford. Clearly then, neither the government nor the target beneficiaries were in control of

Laasko, 2003: 3; Meredith, 2002: 119, Moyo, 2000: 14; Kantsopoulos & Compagnon, 2003: 17).

### **Economic Structural Adjustment Program, Land reform in Zimbabwe: pressures on Zimbabwe's land redistribution plan- 1991 to 1995**

At independence in the year 1980, Zimbabwe had a relatively sophisticated industrial economy, higher levels of entrepreneurial talent and general human capital (Kawewe & Dibie, 2000: 80- 84, Kanyenze, 2003: 35). This allowed for the use of import substitution to better effect compared to its neighbours (Laasko, 2003: 5). Although the Zimbabwean economy exhibited characteristics of a developed country, it also had the characteristics of neglect and backwardness of the majority of the people, as well as the debt adopted from the previous government and the war (Kanyenze, 2003: 35). Bond and Manyanya (2003: 9) point out that even though the ZANU PF government under Mugabe had genuine intentions to overturn the colonial power relations through an effective land redistribution process and economic strategies aimed at responding to the needs and capacities of the people, the government inherited several kinds of debt from the colonial government (the legacy of colonial development through loans). Pressure from different international organizations and western governments to control agricultural land in Zimbabwe continued to build in Zimbabwe (Sadomba & Andrew, 2006: 7). Debt in Zimbabwe rose sharply, accompanied by a decline in socio-economic infrastructure.

confronted with advice from the World Bank and the International Monetary Fund (IMF) insisting on the market-led reform. In the period from 1991 to the year 1995, Zimbabwe was also advised by the World Bank to mobilize its resources the Economic Structural Adjustment Program (ESAP) era. Since the economy was under strain, as envisaged by the World Bank together with the IMF, the adoption of ESAPs would improve the national economic growth which would be structured to help the GoZ pay the debt (Bond & Manyanya, 2003: xv; Groves, 2009: 51). The World Bank and the International Monetary Fund (IMF) capitalist model of development operationalized through these ESAPs and also emphasized by the World Trade Organization (WTO), prioritized export production over cultivating a diversified domestic economy (Kawewe & Dibia, 2000: 80- 84; Moyo, 2000: 12, Raftopoluous & Compagnon, 2003: 21). The popular belief by the World Bank and the International Monetary Fund (IMF) was that,

...5% economic growth annually; the overall budget deficit would shrink to 5% of GDP; although Zimbabwe's foreign debt would initially increase from US\$2.4Billion in early 1991, repaying the debt would become easier, private sector investment would rapidly overtake government investment, doubling from levels of the late 1980s; total investment, which averaged less than 20% of GDP from 1985-1990, would reach 25% by 1993 and remain there; inflation, running at 20% in early 1991, would be down to 10% by 1994; relative to the rest of the economy, exports would grow by about one third from late 1980s levels specifically, mining exports would increase from less than US \$400million in 1990 to more than US\$500 million in 1994, manufacturing exports would double from US\$400 million in 1988 to

agricultural exports, which were in decline since 1988, would grow steadily through 1995; except for 1991, Zimbabwe would have better terms of trade in its dealings with the world economy over the subsequent five years; new direct foreign investment would flood in (US\$30million a year from 1992- 1995). (Adapted from Bond & Masimba, 2003: 31)

Generally, these finance institutions argued that repayments using up exports earning would decrease as the economy grew. Despite the highlighted benefits the ESAPs were supposed to give to Zimbabwe, in reality, this program failed Zimbabwe dismally (Bond & Manyanya, 2003: 32; Sadomba & Andrew, 2006: 7). The era had an effect on Zimbabwe's land reform program in that it entrenched and introduced an extremely inequitable land structure. In this asymmetrical structure, only white commercial farmers benefited from the new export-orientated land use practices that were facilitated by the program. This economic structure also facilitated new demands for land in which white and black elites competed for land and new capital. ESAP also opened gates for international interests in Zimbabwe's land since some of the farmers were involved in land-stock owning and shareholder arrangements. As such, the ESAP era failed to integrate land reform in its initial design and restricted new flows of international finance. This also aggravated land conflicts among people since only the elite and a few blacks benefited from the program (Moyo, 2000: 14-15). In essence, these economic reforms that were advocated by the World Bank which the GoZ adopted entrenched mass economic disaster while, on the other hand, it exacerbated the HIV/AIDS devastation of the most productive population of the country. Prioritizing export also led to



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(Kawewe & Dible, 2000: 83)

ing an environment that threatens peace and social justice

## **Hunzvi era: War veterans-- the forgotten comrades? Influence on land reform in Zimbabwe**

The WSWB principle, the drought, as well as the ESAPs made it impossible for the GoZ to plan to reform land since the GoZ could not settle its target of 10 million Ha of land meant to resettle 162 000 families (Chitiyo, 2004: 59). Shortly after independence, most ex-combatants were disarmed and demobilized without financial support forcing them to reintegrate into civilian life as compared to their Rhodesian Security Forces (RSF) counterparts. Of the 65 000 guerrillas, 20 000 of them were incorporated into the army and the rest were not. Among these numbers some had difficulty earning a living and were affected by poverty and AIDS (Sadomba & Andrew, 2006: 3). Bearing in mind the peasantry, in comparison to the initial target numbers and the deadlines that were set, the land reform program in Zimbabwe was far behind its implementation plan. Of the 162 000 families that were set to be resettled between the years 1980 to 1990 the GoZ only managed to resettle 71 000 families (Raftopolous & Compagnon, 2003: 15). The foregoing highlights the developed tension between the state, the peasantry and the ex-combatants.

During the war, the peasants and the war veterans had been the most powerful voting constituencies for the ruling party. With the idea that the liberation struggle had been fought to redress the land and colonial grievances- the slow pace of land reform made the war



to feel that the government had failed them. As a result, pressure to step up the pace of the program started internally in the political parties as people were becoming impatient with the pace of the program (Chitiyo, 2004: 59; Kinsey, 1999: 178). Tired of waiting, the war veterans under the leadership of Dr. Chenjerai Hunzvi, organized themselves decisively to demand welfare and economic benefits from the government, most importantly land for resettlement. A strike was organised that disturbed the daily activities of the government (Sadomba & Andrew, 2006: 8). In some instances, in those areas that had borders with commercial farmers, communal farmers from these areas started settling themselves haphazardly and randomly (Mupepi, 2007: 20). Chitiyo recounts that in certain areas like Marondera- Mashonaland East Province of Zimbabwe, hundreds of peasants moved into commercial farms which eventually triggered other invasions in the country (Chitiyo, 2004: 61). In response to this, Z\$ 50 000 gratuities were given to the war veterans plus 20% land was promised to the war veterans (Sadomba, & Andrew, 2006: 8).

## **Phase II: From Land Acquisition Act to Fast Track Land Reform Program in Zimbabwe (1992- 2000)**

As highlighted earlier, the underlying principles behind ESAP were deregulation, privatization and reduction of government expenditure on social services meant to benefit the economy. Also, the implementation of the ESAP program coincided with the 1990-1993 drought which increased inflation rate, unemployment, high prices and rural problems (Chitiyo, 2004: 60). In order to deal with the mounting pressure on the government and the

communal farmer settlements were established on the commercial farms, the GoZ passed the Land Acquisition Act of 1992 to fast track land reform program in Zimbabwe. Because of the WBWS principle, the GoZ could not designate the land for resettlement<sup>6</sup> the private sector controlled the identification and the price of the land. However, the Land Acquisition Act allowed the government to designate the land for resettlement<sup>6</sup> the government would give notice that it would be acquiring commercial farms for redistribution purposes (Chitiyo, 2004: 60; Raftopolous & Compagnon, 2003: 17).

### **Phase III: Sanctions and land reform—an overview of the situation in Zimbabwe from the year 2000 to 2010**

The actions of the war veterans in the year 1997 were a major force for the government to shift into the land reform program seriously listing 1471 farms for compulsory acquisition although most of these farms were delisted following litigation and appeals leaving 102 farms for resettlement. Unfortunately, of these 102 farms the government could not afford the market price due to financial constraints. As a result 50 of these farms could be acquired for resettlement. From the period of the dispatching of the \$50 000 gratuities for the war veterans, Britain withdrew financial support as aggravated by the GoZ support of the war in the Democratic Republic of Congo (DRC). To clear the air and as a way forward a donors conference was held in order to finally deal with the land issue in Zimbabwe. At the conference, The World Bank, European Union (EU), IMF promised support for land reform although Britain insisted on returning to ESAP. When the funds did not materialize, the

stitution removing obligations to compensate white owned farms to be acquired except for capital improvements (Sadomba & Andrew, 2006: 10). In the year 2000, the ZANU PF cabinet lost in the constitutional referendum to the then opposition party Movement for Democratic Change (MDC). This was also a sign of disappointment in the pace of the program from the people. In response to this, the GoZ launched the Fast Track Land Reform Program (FTLRP). The program was meant to accelerate the land redistribution program in Zimbabwe (Zikhali, 2008: 2). The period from the late 1990s, Zimbabwe faced radical transformation characterized by an increasing rate of HIV/AIDS, low population growth, decreasing life expectancy, inflation on the economy and insecurity of life (Groves, 2009: iii).

## Chapter 5

### South Africa- the post-apartheid era

Colonial powers and European settlers dominated the property and land ownership arena in South Africa. Today, the indigenous people who were previously placed at a disadvantage are pushing for land restitution and redistribution, arguing that the existing legal security of property rights and land ownership serve to encase their continued socio-economic distress and perennial marginalization within the political economy (Berry, 1992: 327; Vorster, 2006: 685). In South Africa, land, production, poverty and power have been the key coordinates of the terrain of the agrarian question and of prospects of agrarian reform. Given this, land reform becomes a burning issue taking into cognizance the country's history of land dispossession not only from the early years of colonization but also during the long decades of apartheid and the post-apartheid era. This section of the paper interrogates land policy in South Africa as an attempt by the post-apartheid government to redress land inequality and injustices of the apartheid system. The role of IFIs is also examined with respect to its advisory role on land redistribution in South Africa and how far these efforts have gone to reach the objectives of land reform. With this in mind, a key question that forms the *raison d'être* of this chapter is: as a policy objective, how has the land reform program in South Africa addressed the intractable question of human security?

## **transforming South Africa into a more equal society?**

The earlier discussions highlighted the differences and inequalities in terms of landownership and access to adequate resources for meaningful livelihoods in South Africa. Also highlighted is the fact that at the end of apartheid in 1994, land and associated resources (such as minerals) in South Africa were largely in the hands of the white minority. By contrast, the African majorities of the population were confined to tiny strips of infertile lands which were mainly in overcrowded homelands. This made it difficult for the African people to earn a dignified living, thus raising the rate of poverty. At the end of apartheid in 1994, Africans who made up more than 83% of the total population occupied 13% of the total land area while approximately whites who made up about 16% of the population occupied 85% of the total land area (Clover & Eriksen, 2009: 57; Lahiff, 2009: 170).

Elections in the year 1994 raised hopes amongst the people in South Africa, especially the majority who had been previously disadvantaged through apartheid laws. Many within the electorate believed that on gaining power the new government would enable them to recover their lost citizenship and find concrete realization through economic empowerment. This was to be achieved through access to land, space for homesteads, and also an opportunity to start a livelihood by farming (Leyshon, 2009: 756). When the majority government in South Africa, spearheaded by the ANC (African National Congress) under Nelson Mandela, came into power, major concerns and foci were on addressing land inequalities and related injustices of the apartheid system. The broad vision of the democratic government here was

... a program that was going to contribute to reconciliation, stability, growth, and development in such way that there would be sustainability (Cliffe, 2000: 273; Leyshon, 2009: 756; Ramutsindela, 2007: 45).

In attempting to comprehensively repeal or reverse the discriminatory policies of the apartheid system, the newly elected government of South Africa had to contend not only with unequal land redistribution but also the lack of a government structure, widespread absence of administrative capacity, a highly indebted large farm sector and fear that redistribution would wreak havoc with agricultural productivity and jeopardize national food security (Deininger, 1999: 664).

As such, a number of land policies were devised articulated in the White Paper so as to reach the objective of addressing past grievances which included:

Redistribution of land; restitution of land to those who were removed; large scale formal housing development for low income groups; re-structuring the cities and towns; giving land rights to labour tenants; securing customary rights holders; upgrading and giving title to informal settlements; unifying the land delivery legislation and procedures; rationalising administrative structures; facilitating group registration approaches; changing inferior titles to freehold; gender equality; providing a comprehensive, user friendly, affordable, accessible, transparent land information system, especially to the historically disadvantaged (Fourie, 2000: <http://users.iafrica.com...>)



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A person or community dispossessed of property after 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; 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; 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 (The Constitution of the Republic of South Africa)

The three central components of the program were restitution, redistribution, and land tenure (Cliffe, 2000: 273; Deininger, 1999: 664; Bernstein, 1998: 6). Following recommendations from the World Bank, the government of South Africa targeted the reform of 30% of the commercial land embracing all the components of land reform -- tenure, restitution and redistribution (OECD, 2006: 2; Ntsebeza and Hall, 2007: 8; Lahiff, 2009: 179; Lahiff, 2009: 171; Ramutsindela, 2007: 44).



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## *South Africa*

As a finance institution and a major advocate for private property rights, the World Bank has been actively involved in the drafting and implementation plans of the land reform program in South Africa. Earlier, in the 90s, the Bank warned the newly elected government that unless major restructuring of the rural sector was undertaken – a structure that will be centred on significant land transfers – the country was at risk of rural violence and even a possibility of a civil war (Rosset, et al, 2006: 65). The Bank gave policy advice to the ANC, attempting to recruit South Africa as an attractive client for its funded projects. As such, the Bank promoted the market-based approach to the land reform program in South Africa, arguing that potential farmers would have to purchase land using their own resources and loans. Where market price for land exceeded its productive value, the state had to stand in for the farmers and provide subsidies or vouchers. Another assumption was that, given the opportunities, beneficiaries would use land acquired under the programme for agricultural purposes. This would allow them to exploit inverse economies of scale and South Africa's comparative advantage in labour-intensive production (Anseeuw & Alden, 2010; & Weiner, 1997: 15; Ramutsindela, 2007: 45; Levin).

## **Redistribution**

Redistribution of land in South Africa relies on the willing-seller, willing buyer policy (see discussion on Zimbabwe) which entails that the government cannot access land that is in the private hands unless the owner of that land is willing to sell the land at the negotiated land market price (Ramutsindela, 2007: 45). Redistribution focuses on redressing the historical



(Lahiff, 2009: 175). Redistribution is guided by S. 25 (5) of the Constitution which stipulates that the state "must take reasonable legislative and other measures, within its available resources to foster conditions which enable citizens to gain access to land and equitable resources..." (Rugege, 2004). Land redistribution in South Africa aims at providing land for residential and productive purposes to the landless and the disadvantaged according to the Provision of Land Assistance Act and the Development Facilitation Act of 1995. The Provision of the Land Act gives the Minister of Land Affairs the responsibility to make available grants that will be used consequently to purchase land and also cater for the related purposes to individuals, households or municipalities. The Development Facilitation Act introduces measures that are designed to speed up the development of land especially serviced land for low income housing (Cousins, 2007: 152; Cliffe, 2000: 273; Hall, 2004: 7; Lahiff, 2009: 178; Ntsebeza & Hall, 2007: 87).

## **Restitution**

The land question in South Africa is linked to the problem of dispossession and past-apartheid injustices. Among those who were subjected to the brutal realities of dispossession and dislocation, there is evidently a widespread and intense desire to forge independent and secure existence based on access to land. Land access will allow them to establish decent lives by securing adequate space for food production and residence (Thwala, 2003). Restitution of land ownership in such instances becomes a central issue. Without land, people remain poor and cannot execute their family rites. In essence, access to land becomes a

erty and its harsh effects (Vorster, 2006: 685). The restitution component of the program in South Africa addresses the legacy of forced removals as well as recognising how important the land resource is. As a result, the focus is on restoring land to those who were dispossessed of their land since the year 1913 when unjust and discriminatory laws were enacted. This does not only focus on the resource (land) as an economic asset but also looks at it as a constitutive element of identity, culture and tradition (Cliffe, 2000: 276; Rugege, 2004). Restitution is expected to advance reconciliation and redress historical injustice by undoing some of the legacies that came about as a result of dispossession while simultaneously mitigating the social strife it entailed (Cliffe, 2000: 276; Hall, 2004: 12). The link between such concerns and the imperative of restorative justice is registered in the procedures for restitution that are set out in the *Restitution and Land Rights Act* 22 of 1994. The Act also establishes the Commission on the Restitution of Land Rights (CRLR) and Land Claims Court (LCC) that would act as implementing bodies for the restitution program (Bernstein, 1998: 6). These bodies are meant to solicit and investigate the claims that are lodged for restitution and arbitrate claims to make orders on the form of restitution for the beneficiaries.

Following the passing of the Act, members of the public were invited by the government to lodge claims before the set deadline of December 31 of the year 1998. It is useful to note that these are claims against the state rather than the previous landowners (Darroch & Lyne, 2003: 2; Lahiff, 2009: 172). By this cut-off date, the Department of Land Affairs received 63 455 claims, which included individual as well as the community claims in both rural and urban areas. Over the years, this number increased to about 79 687 claims (Cliffe, 2000:

settled about 655 claims resulting in about 394ha of land given to claimants. Approximately 4 296 claims were outstanding in the 2009 financial year (Department of Land Affairs, 2009). Amongst these, those classified as rural claims presented major challenges to officials due to:

í high levels of illiteracy among rural claimant communities; many claimants lack identity documents, death certificates or records of marriage which makes validation processes more complex; distance and communication problems create difficulties in bringing scattered claimants together to make decisions; the patriarchal nature of rural society; unregistered and un-surveyed land in former homeland areas which creates difficulties for identification of land parcels and archival research; and difficulties/complexities in calculating material value of land under claimö (<http://www.dla.gov.za/documents...>)

## Land Tenure

Land tenure reform refers to öí a planned change in the terms and conditions on which land is held, used and transactedö (FAO, 1999: 4). The most important goal of tenure reform is to enhance peopleö land rights so that they may have tenure security. This is necessary in situations where there is need to avoid the suffering and social instability that may have come as a consequence of öí arbitrary or unfair evictions, landlessness, and the breakdown of local arrangements for managing common property resourcesö (FAO, 1999: 4). Tenure

law of *de facto* land rights in order not only to verify and secure these rights for people who already have a demonstrable claim to the land but also to replace doubt and contention with positiveness and certainty and, thus, inspire confidence and encourage investment and development (FAO: 1999: 4).

In South Africa, conquest, colonial and apartheid legislation, forced removals, and unequal development resulted in many people losing not just the ownership of their land but a sense of dignity due to compelled existence in what the apartheid regime dubbed as 'homelands' and the associated insecurity (Wisborg, 2007: 116). Tenure reform in South Africa refers to '...the protection and strengthening of the rights of occupiers of privately owned farms and state land and to the reform of the system of communal tenure prevailing in the former homelands...' (Lahiff, 2009: 173). Therefore, tenure reform is meant to address the rights over the resources and the power relations between individuals within the South African state, their age, gender groups, communities as well as the state. In essence, tenure reform was expected to deal with issues regarding land holding, land rights and the forms of land ownership (Mc Cusker, 2004: 52). Despite tenure reform in South Africa being the most neglected area of land reform, it has a potential to impact on people's lives as compared to the other components of land reform. To regulate the implementation of the program, there are 5 key laws that are enacted, namely:

- Land reform (Labour tenants) Act 3 of 1996- which protects the land rights of labour tenants on privately-owned farms and provides a process whereby such tenants can

and they occupy. These are largely concentrated in the  
Mpumalanga and KZN provinces.

- Community property Association Act of 1996- this is a legal mechanism regulating that a group of people can acquire land and hold it in common.
- Extension of Security tenure Act 62 of 1997- the Act stands to protect those individuals who occupy private owned land from arbitrary evictions and provides the mechanisms for the acquisition of long term security
- Interim Protection of Informal Lands Rights act of 1996- the Act is intended to work as a temporary measure to secure rights of people occupying land without formal documentation giving them the right to.
- Transformation of Certain Rural areas Act of 1998 stipulating that the Rural Areas Act should be repealed

(Information adapted from Lahiff, 2001: 2; Cliffe, 2000: 275)

According to the report presented by the DLA, the department had targeted for reform 1 500 000ha in the financial year 2008/9 which was subsequently reduced to 608 060 as a way of going in line with the resources available. Even so, a total of 443 600, 4886ha were actually settled which was about 72% of the target (Department of Land Affairs, 2009).

This scenario relates to planning based on the current Medium Term Expenditure Framework (MTEF), in terms of which the Department will be able to deliver land as follows:

the baseline of R2.616 billion the Department will only be able to deliver 647 125 hectares. Set against the target of 1.5 million hectares an additional R2.325 billion is needed.

- 2009/10 financial year: Within the baseline of R3.308 billion the Department will only be able to deliver 914 570 hectares. Set against the target of 2.8 million hectares an additional R6.819 billion is needed.
- 2010/11 financial year: Within the baseline of R3.789 billion the Department will only be able to deliver 954 168 hectares. Set against the target of 3.8 million hectares an additional R11.301 billion is needed.
- In terms of the current baseline up to 2011, the Department would only be able to deliver 2 515 863 ha as opposed to 8 100 000 ha. (Department of Land Affairs, 2009)

Given such statistics, it is clear that the program is falling far behind its implementation plan. Also, given the current statistics on rural poverty and inequality, how long will there be peace in South Africa? For how long can the masses be patient while living under stressful conditions that are harmful to their wellbeing, health and condition of food insecurity? The following chapters of this paper compare the current statuses of land reform programs and how far they align with human security components (such as economic security, food security, political security, and health security).



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## **Conclusion**

Informed by the outline set above on the case studies, the overriding aim of this section is to give a comparative evaluation of land redistribution programs in Zimbabwe and South Africa. Moreover, the section intends to show how crucial land redistribution is in terms of human security, particularly with respect to poverty reduction and human development objectives. The section hopes to proffer recommendations on how human security maybe achieved through effective resource allocation, in this case the land resource.

## Chapter 6

### **Comparative evaluation, South Africa and Zimbabwe**

Access to land by the rural poor continues to remain a social challenge many parts of the world. This is especially so in many parts of southern Africa because of the region's unique colonial experience and history. This is despite much effort by postcolonial governments to redress the problems with an array of land reform initiatives (Borras, 2003: 367). Perhaps because of this awareness, the World Bank entered into a series of debates with the prospective policymakers in South Africa in preparation for the post-apartheid leadership order. Although the Bank presented alternative policies for restructuring rural South Africa and poverty alleviation in the country, the directions and policy preferences clearly spell out political and economic liberalization (Williams, 1996:140). The comparisons of South Africa and Zimbabwe show similarities and differences. Land reform programs in both countries have been subjected to state-directed social engineering which, in turn, has tended to protect settler farmers and their successors. As mentioned in the earlier chapters, developments in the period before independence in Zimbabwe and during apartheid in South Africa were characterized by racial segregation of landownership. In both countries, minority governments enshrined a series of laws and administrative arrangements that constrained severely the ability of the majority groups to make dignified livelihood (Williams, 1996: 140). Not surprisingly, the ensuing struggle for a more just distribution of land and opportunities embroiled both countries in protracted civil conflicts and violence that spilled into (and severely affected) surrounding countries.





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In this way, the land question in Southern Africa has become internationalised not only because it raises the important questions relating to the incomplete processes of decolonisation in both the continent and the region but also because it equally reflects and suggests the longstanding differences between the global North and South (Moyo, 2003:1). The land question in the two countries and region, and the persistent and associated rural poverty bares clearly the unequal control in land use and access as well as the skewed nature of natural resource control within the region. This situation has been exacerbated by the neo-liberal reform policies and agenda that underscore and give definitive shape to African political economies. In other words, the skewed colonial arrangements have been further complicated by the weaknesses of African governments as laid bare by the external dominance of their reform policies (Moyo, 2003: 1). Given the context of rationalization of activities and the cost-benefit preferences advocated by neoliberal reform policies, reforming states have tended to emplace less ideologically driven policies with respect to land issues. For instance, the òwilling-buyer, willing-sellerö model has served not only to reduce the amount and quality of available land but also to slow down the pace of land transfers by limiting what is available in various states for redistribution. Thus, as competing groups stake out their claims -- motivated by many factors ranging from the need for the restitution of lost lands and redressing past injustices to factors related to equitable access to resources that will lead to a secure livelihood -- the potential for conflict or violence may be worsened with outbreaks awaiting a social trigger.

and the end of apartheid in South Africa, the need grew for new policies on land access. Necessarily, this entailed land reform policies that took cognisance of tenure, redistribution and restitution imperatives. In these arrangements, tenure represents changes in tenure arrangements or regulations (strengthening the rights of tenants and legal recognition of customary land rights). Redistribution, on the other hand, entails the redistribution of private land and state land in order to pave way to avail land to the poor. For its part, restitution caters to those people who were dispossessed of their land due to colonial policies or apartheid. In both South Africa and Zimbabwe, because of the market approach, land transferred to the beneficiaries has often been of low quality and unsuitable for agriculture, which have often left recipients struggling to eke out a living and very vulnerable. In Zimbabwe, although land access was enhanced, the redistribution program itself experienced major challenges due to limited nature of available land, financial resource constraints, and severe inconsistencies in policy implementation. For instance, many beneficiaries of the program, especially in model A1, had little or no access to requisite training in farm management or associated skills development and, thus, have been forced to engage primarily in subsistence farming (Clover & Eriksen, 2009: 64). Obviously, this has palpable implications for the national economy, particularly with respect to the instances where productive commercial land areas are redistributed to beneficiaries that are unable to translate such access to continued commercial activity.

Despite the efforts of some governments, land reform has not successfully addressed the social insecurity widespread in the Southern African region. This is especially made worse in a number of states such as Namibia, South Africa, and Zimbabwe where current

formed by racial considerations. As with the case of Zimbabwe, national efforts made at redress have not only had racial undertones but also have engendered the interest and, sometimes, public intervention of western governments keen to protect the interests of European settlers who would be most affected by drastic policy reversals.

Instead of focusing on poverty alleviation and human development, the focus has shifted to privatization. Also, ðconfused, weak and at times corruptö governance systems have complicated these land issues, hampering progress (Clover & Eriksen, 2009: 61). Since the focus has shifted from land reform governance issues, this results in mounting land pressure and conflicts leading to a life of insecurity. Despite the similarities between Zimbabwe and South Africa, it is important to note some of the differences between the two. While Zimbabwe's economy is primarily agricultural, the South African economy is based more on its mineral wealth and industry. In Zimbabwe, although many landless people managed to access land, the disorderly phase of the program -- the FTLRP -- ensured that little attention was paid to infrastructural developments such as roads, health services, educational facilities, and key farm support services such as surveying and agricultural extension. Some authors attribute the significant losses in food production in the years that followed the FTLRP to such administrative challenges. (Sachikonye, 2004: 76).

In both South Africa and Zimbabwe, there has been some kind of debate advocating market assisted land reform which historically has proven infeasible, politically problematic and

able (Moyo, 2000: 2). Unlike Zimbabwe that went through an outright war of liberation, the process of decolonisation and freedom from apartheid in South Africa occurred under different circumstances -- via a negotiated settlement. Politically, the consequences of this negotiated settlement left intact much of the power and wealth already accumulated by the white minority. Perhaps because of this as well as the influence of neo-liberal orthodoxy, post-apartheid South African governments have not been keen to push for radical changes (for instance, along the Zimbabwe line) with respect to land redistribution goals. By contrast, Zimbabwe eventually opted out of the market approach to land reform (advocated for her by international financial institutions (IFIs) and supported by key western governments) when it became clear that it was woefully ineffective as it failed to deliver adequate land for resettlement, thus defeating the key national objective of human security.

Zimbabwe's land reform program can be seen as a pilot case study in which a market-led land reform program was implemented. Having been implemented for almost two decades (1980- 1997) with inadequate financial assistance from key players within the international system (in line with the Lancaster House Agreement), the weaknesses of the market led reform strategy was laid bare. Indeed, it was its failure that gave birth to the FTLRP, which served as the government's response to the need for urgent land transfers to many of its landless people (Moyo, 2000: 10). Given that the ESAPs (SAPs) introduced to reverse Zimbabwe's declining economic fortunes had proven ineffective in achieving national targets for economic growth and development -- hence unable to provide needed benefits to the masses --the redistribution program (FTLRP) was an important strategy for boosting human

...a victim to the ESAPs as it was unable to attract adequate support mechanisms from the state that may have shielded it from the emergent economic malaise enveloping the country (Bond & Manyanya, 2003: xv). However, some scholars discount the financial constraint thesis by maintain that although the government could not purchase land in the free market -- and despite the fact that this constituted a major impediment to the pace of the land reform program in Zimbabwe ó the failure of the redistribution programme could be attributed to other factors. For instance, Raftopolous and Compagnon (2003: 17) believe that financial constraints cannot account for the shortcomings of the program; rather, they point to Harare's failure to provide enabling conditions for resettlement. Beyond the finance problem, Raftopolous and Compagnon argue that the resettlement procedures that were implemented by the GoZ ignored the modest but vibrant black small scale farming sector (Raftopolous & Compagnon, 2003: 17).

However, the foregoing argument cannot necessarily dismiss fully the fact that the program in Zimbabwe had been successful in some ways. In other words, to an extent, the program can be said to have achieved the objectives of human security as it allowed access to land resources to many people previously disadvantaged and rendered landless as a result of the colonial and apartheid structures. Initially, the program targeted the poor and the landless. Indeed, Scoones's study of the Masvingo area in Zimbabwe shows that two thirds of the people who received land were ordinary citizens with low income ó the key target group for the program. However, the remainder of the program beneficiaries included civil servants at 16.5%, former white commercial farm workers at 6.7 %, business people at 4.8%, and the security services servants at 3.7% (Winter, 2010: <http://www.newzimbabwe.com/news...>).

the fact that unstable macro-economic factors, until the year 2009, undermined opportunities for capital development. However, Scoones (2010: 17) insists that impressive strides have been made in clearing the land, purchasing livestock, equipment and transport and in building new settlements.

As with any other program, the Zimbabwe land reform program has faced many hurdles including political, social and financial challenges. Some of the challenges have a variety motivations and motives: chagrined and dispossessed white farmers, organized interest groups linked to these dispossessed farmers, those in the diaspora, and international lobbies. Their common thread is that they have all made contributed willingly or coincidentally through their activities to the crippling of the economy (Sadomba & Andrew, 2006: 20). With the implementation of the FTLRP, agricultural production crashed. This is a worrying factor given that the agricultural sector employed more than 70% of the labour force, accounting for 9 to 15% of the country's GDP and 20 to 33% of the export earnings. This impact can be attributed to various factors such as: the newly resettled farmers with little experience replacing the experienced ones; low land-related investment because of the unwillingness of the private sector to invest; and insecurities associated with land investments. Zikhali observes that the program actually increased the income of the beneficiaries while reducing their income variability (Zikhali, 2008: 4). The FTLRP considerably inverted the racial land-holding that existed during the colonial era, despite the economic and the political dynamics of the country in which a total of 141 000 families received A1 plots and 14. 500 received land under model A2 of the land reform program. In



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ged the racial land holding of the colonial era (Sadomba & Andrew, 2000: 20).

As in Zimbabwe and elsewhere, the World Bank in South Africa is more concerned with restructuring the country's agricultural markets so that they can become more competitive – defined as open to world trade and responsive to international prices. This would mean that import controls and monopolies and tariff protection would have to be replaced in line with the General Agreement in Tariffs and Trade (GATT), which implies the “...substantial reduction of tariffs and other trade barriers and the elimination of preferences, on a reciprocal and mutually advantageous basis...” (<http://www.law.duke.edu> ...). Indeed this sounds appealing given a situation where South African farmers who have been protected from international competition would have to compete internationally. Far from dismissing the protection of agricultural production in South Africa, this same market opportunity and recommendation was put in place for Zimbabwe during the ESAPs as recommended by the World Bank. These, in turn, worsened the situation in Zimbabwe. Capital inflows that were anticipated never accumulated while companies ran away to invest in other countries and, in so doing, opening gates for international interests in the country's land since some of the farmers were involved in land-stock owning and shareholder arrangements. In the end, it exacerbated poverty and instigated conflicts amongst the masses while threatening peace and security (Kawewe & Dible, 2000: 83; Moyo, 2000: 14-15).

ance land policy, South Africa's apartheid policy was a directed social-engineering project, which was specifically designed to protect settler farmers and their successors. On attaining freedom by dismantling apartheid, South Africa's newly elected democratic majority government had ambitions to reform land in an equitable and sustainable way focused on the values of reconciliation, stability, development, and growth (Ramutsindela, 2007: 45). The National Land Committee, being an active body of organisations responsible for the promotion of justice in South Africa in terms of issues related to control over land and other resources, supported this policy initiative. The organisation viewed land reform as an imperative process that would expose and change the power relations and the unequal land holding and ownership that existed in the country. While the World Bank was also actively involved, the Bank's recommendations for redistributing land do not involve any real redistribution. Those who are already in control and ownership of land are being asked to relinquish the land through the 'willing-buyer, willing-seller' policy. This would be exchanged through pensions or cash. What this implies is that redistribution is a transfer of ownership of land from one individual to another and as such some are not willing to let go of this land (Levin & Weiner, 1997: 259). Eventually, land available for redistribution to the landless will be agriculturally inferior.



## Chapter 7

### Conclusion and recommendations

Coming to power at independence, the newly elected governments had varying degrees of land issues. These new governments had to deal with the skewed and unequal patterns of land ownership, landlessness, food insecurity and rural development as well as growing unemployment and the demands of IFIs. As such, the post-independence governments are faced with pressure to rein in the role of government with effects on potentially radical agrarian land reform program. Through their policy framework known as structural adjustment programs, the IFIs have also had an impact on land reform policy framework through their advocacy for a market-driven approach to access. This thesis has reviewed the available literature on Zimbabwe and South Africa's land reform/redistribution efforts (while acknowledging the complex nature of the political and economic situations in both countries). Given the current land policy trajectories in these two countries, how safe are ordinary human beings (particularly the poor and landless) from the poverty and wretchedness often associated with the lack of access to land resources? How far have land policies in southern Africa in general and in the two case studies in particular addressed the intractable question of human security? Given the neo-liberal politics that tend to characterise the modern world, is there hope that human security may be achieved through addressing the land question? What should be the role of IFIs with respect to land issues in Africa? Given this list of questions, the study has tried to tackle the questions in order to show the paramount importance of land to human security and the necessity for African



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pertinent questions carefully and diplomatically ó and emucany.

The harsh realities of colonialism are often most revealed after a country attains independence. In the case of Zimbabwe, for example, the fact that the BSAC (British South Africa Company) improved on the country's infrastructure -- building railway lines, roads, bridges, schools, hospitals and the like (of course using Zimbabwe's own mineral, agricultural and labour resources) is good in itself. However, the scale of land deprivation and economic backwardness ó the underdevelopment and deepening poverty inflicted on the African population despite prolonged colonial legacy ó is so horrendous that it will take time for the African population to attain meaningful economic and human development (Chikuhwa, 2004: 205). The fact that some Africans have amassed wealth does not obviate the reality of crushing poverty for the majority of Africans who still toil and live in dire poverty and financial strain. In essence, economic independence remains an elusive dream for most Africans due to policy strictures and despite decades of developmental colonialism (ostensibly) and political independence.

Regardless of the different legal systems that were applied by the white minority governments in southern Africa, land tenure policies of the concerned parties (the colonists) propagated similar effects (Roth, 2002: 2). The minority governments in the region typically adhered to the principle that all occupied lands were held in communal tenure while ownership of customary lands were vested in chiefs and trustees. Individuals were only

ant lands were expropriated and reserved for colonial use and ownership. For example, under British colonial rule, African lands were divided into different categories: Crown land, Native lands and reserves (Fowale, 2009). In these arrangements, fragmented holdings, collective use and rules of various kinds were viewed as obstacles to modernisation and various devices were created and enforced so as to simplify and make the colonial practices more legible and useful for state institutions (Benjaminsen et al, 2008: 28).

While dualistic systems still prevail in Africa, there are differences in the way colonial policy treated customary tenure systems. British colonial law served primarily to acquire land for public purposes and to administer leases to investors and settlers, while customary law applied to indigenous people in reserves (Roth, 2002: 2). During the first decade after independence, a number of land reform programmes were carried out in order to address the legacy of colonialism; in the case of South Africa, the apartheid legacy deprived millions of South Africans access to land. While it is possible to identify some trends prevailing throughout the continent, the land question in Africa -- particularly the southern African region -- presents great diversities and specificities, as it is vastly dependent on local historical, geographical, economic, social, political and cultural factors. As such, the region presents a wide spectrum of land policies embracing a broad array of redistributive and tenure-related reform initiatives, utilising methods ranging from consensual, market-based approaches to forcible radical (confiscational) approaches (Lahiff, 2003: 1).

have been at the forefront of land policy issues in southern Africa with dedicated advocacy for market liberalization in terms of land access. The underlying argument is that land should be given to those who can work it productively while the benefits will accrue to all through a "trickle down" process. As such, the market should be left to determine who has access to land. In this sense, arguments that small-scale farming can be a crucial source of development and human security are either largely ignored or not supported fully. Those loath to land and agrarian reforms argue that land reforms are normally for the least productive farmers in the rural areas and thus are undeserving of the land given to them (Kinsey, 1999: 174). However, these economic policies are essentially designed to strengthen multi-national corporations and to ensure the integration of elites in the southern African region through the reward-and-punishment facilitated by the system while alienating the poor (Kawewe & Dibie, 2000: 80).

Events in southern Africa attest to the fact that land issues in the region are presently not only some of the most defining political and developmental factors but also amongst the most intractable phenomena. Events in Zimbabwe serve as a reminder that the land issue in southern Africa is an extreme and volatile factor in the region's political and developmental agenda. In South Africa, the slow economic growth rate in the rural areas, predictably, has been accompanied by insignificant economic development. This has stimulated desperation in the rural areas manifested in increased stock theft from commercial farmers and increased levels of tension and violence. The resulting tensions have been further exacerbated by high unemployment rate, rising poverty, growing inequality and black empowerment programs which only benefit the elite. As a result, all these tensions have subjected southern African

from the interested elite within and outside of the countries  
often at the expense of the rural poor (Koch, Massyn & Niekerk, 2001: 131).

In South Africa, the newly democratically elected government in 1994 set to transfer a target of 30% (about 24 600 000 hectares) of existing agricultural or commercial farmland (approximately 82 million hectares) by the year 2014 (Lahiff, 2000: 1; Southern African Catholic Bishopø Conference, 2010: 1). Unfortunately, sixteen years after the implementation of the program 6.9% (about 5. 67 million hectares) of agricultural land has been transferred to 1.78 beneficiaries (Southern African Catholic Bishopsø Conference, 2010: 1). This slow transfer of land since the new democratic dispensation, the growing inequalities between the rich and the poor, and the rural (often race-tinged) violence show the continued sensitivity associated with the land issue. Clearly, given the situation in both countries -- Zimbabwe (market-led and slow-paced, fast-tracked and land invasions, and the collapse of the economy) and South Africa (market-led land reform and its slow pace, the growing impatience in the farms, rising rural tensions and violence, persistent high rates of poverty, and widening gap between rich and poor) -- land policy now requires urgent and broad-based approach.

Perhaps, national conferences on land policy with the goal of achieving a permanent solution to the land issue might provide opportunities for all stakeholders to contribute to formal policy. Obviously, such policy would need to consider what Anseeuw & Alden (2010: xii) argue aptly as: õrights and power relations, culture and value political frameworks. Ignoring

to resolve the land question but further fuel land-based  
commitment. The experiences of Zimbabwe and South Africa show that securing land for the  
poor is just one element in an effective agrarian reform -- albeit the most important, if the  
alleviation of poverty and the achievement of human security are deemed worthy national  
objectives. Evidence from Zimbabwe show that despite the arguments against small holder  
farms, resettled farmers had better living conditions vis-à-vis non-resettled peers during the  
early years of implementation in Zimbabwe and before the economic and the political  
decline. For example, in resettled areas, farmers had access to services such as seasonal  
credit, agricultural extension and veterinary assistants. (Kinsey, 1999: 182-189) The  
program also allowed for a wide range of facilities such as portable water supplies, dip-tanks,  
schools, clinics and improved sanitation. Although the initial reason for the resettlement of  
these families was to alleviate poverty, most of these people were granted access to superior  
resources and actually used it to build up a base of assets, particularly livestock (Kinsey,  
1999: 182-189).

One of the conceptual components of human and political security are threatened by political  
repression in which members of society are forced to move or do not have any role to play in  
terms of matters that concern their lives. Land is a primary and fundamental resource but  
also highly symbolic for the vast majority of African people; thus, it represent a building  
block for these traditional societies. Ancestral land impacts on people's identity in terms of  
the ways they bind themselves to land, and how they relate to their natural surroundings. In  
this regard, the land problem (particularly in Africa) is not only confined to access to land  
and inequitable distribution thereof but also touches on the unique perceptions of, and the



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While the capitalist model (economic values and individualistic values) emphasizes private ownership, for Africans, land (or soil) is the medium through which people feel attached and linked to their ancestors (de Beer, 2006: 24). So conceived, access to the soil or land assures them of that inextricable link with the ancestors while leaving them assured that they have a role to play in the everyday happenings of their social lives. Furthermore, land reform is a crucial means of undoing the legacy of racial land ownership. Simultaneously, land reform is crucial in that it remedies the low-esteem of the African natives that came as a result of land dispossession. In some states (particularly Zimbabwe and the apartheid regimes in the case of South Africa), the colonial governments used land as a means and pillar for racial segregation (Ramutsindela, 2007: 45).

In response to concerns for food security and poverty reduction, development agencies, governments and organisations have a responsibility to strategise policies that will enable the building of assets that promote the self-reliance of poor people and communities. Concerns such as food security, environmental security of individuals, and social and political security are affected by access to land. Failure to consider this factor has implications for human security as there are likely to be unanticipated and unpleasant responses to the concerns. Therefore, the eradication of poverty and hunger requires increased access to food production resources for people. This depends on the opportunities the people have to increase their access to land, markets, and economic opportunities.

and to ensure development and human security it will have to be fundamentally redistributive, benefiting not only those who are currently involved in agriculture but also those who have long been dispossessed (Lahiff, 2007: 1578). Extreme inequalities and inequities in South Africa were a result of colonialism and apartheid. Equity and fair access to the necessary resources required to address these colonial and apartheid structures can only be achieved through state-led redistributive and restorative land policies. If market-assisted approaches to land reform advocated by the IFIs and major donor countries and organizations are not revised, land access issues may not be resolved after all. This is because the poor do not have the necessary resources to participate in the free-market. Colonial and apartheid systems not only crippled the capacity of many national majorities to reach their potential in life but also actually impoverished them both psychologically and materially. Asking these impoverished people to compete on the market will be unrealistic. Such a competition would serve mainly to reinforce the previous racial landownership arrangements that the redistribution programs should be redressing to create conditions that will nurture greater levels of human security (Weideman, 2004: 222). Hall (2009) emphasises that what is needed is a rural development policy that restructures the commercial sector as well as the exploitative class relations on which these are founded. Basically, the new policy will be aimed at revamping the existing economic relations by breaking down the concentration of capital and market power in a few hands. Until such a structure is devised, new pathways (that is the creation of better livelihoods and jobs) for the rural poor to participate and produce in the lives of the community cannot be created (Hall, 2009: 1). If land questions remain unresolved in the region, there is a possibility that populist politicians will tend to focus on these issues as a means to gain political support. In order to



politicians are led into making unrealistic promises that eventually will not be delivered, thus creating discontentment and social unrest (Cousins, <http://www.lalr.org.za...>).

Scoones (2010) study emphasizes that any attempt to reform rural life should consider land reform as a crucial step. However, this crucial step has to be followed by a reform of all the other components of rural society. Until the year 2009, unstable macro-economic factors had a negative impact on opportunities for capital investment in Zimbabwe. Committing themselves to their land, the newly settled communities made efforts to develop the parcels they acquired --either through land invasions or model A1/A2 programs -- by purchasing cattle and preparing their fields for productive work (Scoones, 2010: 17). In South Africa, the demand for farming opportunities by the poor, combined with the sharp increases in food prices through the years 2008 to 2009, spawned initiatives to support food production by the poor which often come as "starter packs" of seed and implements. This responsive means from the department of Agriculture can be viewed as a strategy towards attaining food security. In this regard, the policy enables people to self-provide on a micro-scale while committing the state to the expansion of food production among the poor (Hall, 2009:1).

Land policies are crucial governance instruments that can impose defining marks on the quality of human existence. Certainly, experiences in southern Africa have demonstrated over the recent past that societies that have ineffective and unjust land policy frameworks are often prone to conflicts and violence. As such, governments and policy-makers have a



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land policies instrumentally at protecting and catering for the needs of fairness and vulnerable people, especially those in the rural areas who have tended to be ignored by policy. Quite aside from the fact that societies are often defined and marked by the degree of security enjoyed by their rural communities, it is apposite when formal policy is structured to maximise human security by addressing the needs of the poor. When policymakers care for those at the bottom of the economic graph, a nation is usually at peace because those most negative affected by policy feel or believe that they too have a place within their own society.

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