# THE LAND QUESTION AND LAND REFORM IN SOUTHERN AFRICA

Sam Moyo

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1.0 INTRODUCTION

The recent invasion of over 1000 farms in Zimbabwe and the fears that have been expressed that similar invasions could occur in Southern Africa indicate that the land question in the region must be addressed urgently. This paper discusses the nature of the land problem in the region and tries to situate the general land reform process in Zimbabwe within a regional context. In Southern Africa, the resolution of the land issue is vital for the political, economic and environmental well-being of the region. The colonial legacy of capital accumulation based upon unequal landownership patterns and access to agricultural resources and infrastructure is what underlies the growing conflicts over land in the region. The land question in Southern Africa has recently received renewed policy and research interest and attention from policy makers in the context of emerging discourses on recolonisation and contradictory meanings ascribed to post-colonialism.

In the 1990s, official land policy debates in Southern Africa have become focused on two strategies: promoting freehold land markets to replace so-called customary tenure zones and expanding ‘commercial farming’ through market instruments. These two strategies are expected to resolve the escalating land problems. Yet, in the guise of promoting sustainable land use, environmental care, new agricultural export markets and tourism, large tracts of land are currently being alienated throughout the region. In the last few years, market-based economic reforms and privatisation in general are leading to a greater concentration of ‘foreign’ and local elite landownership rather than enhancing equitable land redistribution which benefits the majority.
The battles for land by indigenous people who suffer the injustices of past and present land expropriations, ecological enclosures and other forms of exclusion from access to land and natural resources seems to be escalating. The majority of rural people who continue to subsist on marginal lands are increasingly exerting their collective powers to resolve the land question on their own, through organised strategies of land occupations, popular protests, renegotiating their electoral votes and other forms of resistance. In response, official policies aim to replace state-led land redistribution approaches with market approaches as promoted by various donors led by the World Bank (Moyo, forthcoming; Shivji, et al., 1998; Van Zyl, et al., 1996). The cynical interpretation of these somewhat dogmatic strategies is that they are both anti-state and neo-liberal attempts to popularise the struggle for land and they delay radical campaigns for land reform. Indeed, the new land reforms are preoccupied with ensuring adequate financial compensation for current landowners who transfer whole and subdivided farms to resettlement programmes, at the expense of increasing public debt incurred to finance such transfers, while not compensating the victims of prior historical and current land expropriations.

Yet the land question in most of the region’s countries reflects extreme imbalances of landownership on the basis of race and class, as well as of increased foreign control of land. Even in those countries where the historical legacy of racially based settler control of land had not dominated colonial struggles, increased foreign and elite control of prime agricultural and tourism lands has emerged. The new wave of immigration into Southern Africa by white South African and Zimbabwean large farmers and European whites during the 1980s and 1990s, and the new in-roads being made by transnational mining and tourism capital in the 1990s, have expanded this racial and foreign dimension of land concentration,
even among non-settler post-colonial states. These trends of land alienation and their implications are under-researched.

There is also little comparative critical research on the mostly failed and negative experiences of implementing land tenure reforms directed at creating freehold land markets either through the conversion of customary land tenures or through land redistribution programmes that provide title to smallholders in Southern Africa. Recent dramatic attempts at land tenure reforms in the region, which deserve immediate research attention, include the land commission and policies evolving in Tanzania, Zambia, Malawi and Zimbabwe. However, while there has been growing research interest in comparing the longer standing land redistribution experience of Zimbabwe with the recent experiences of South Africa, less research has examined the land redistribution experiences of Namibia and the Lusophone states within a comparative framework. Even less work has been done to show how land redistribution experiences are now being countervailed by the reconcentration of land among new black and foreign elites in all the Southern African states. These land policy tendencies are clear evidence that the inappropriate development strategies of structural adjustment programmes have encouraged the concession of land for external investment and land privatisation and have exacerbated poverty (Moyo, 1995). These land problems and the incidence of high population densities in marginal environment have increased poverty and conflict over access to marginal lands. Land remains the major source of livelihood for most of the people in the region and will continue to be so until the industrial and service sectors provide alternative opportunities for survival.
Clearly, inequitable access to land in Southern Africa is a critical constraint on poverty eradication because, for rural households, land is a storehouse of nature for the reproduction of future generations. Apart from its value for agricultural production to realise subsistence food and exchange incomes, land also provides basic household needs such as woodfuel, organic fertiliser, medicines, housing materials and game meat.

The SADC region’s peoples survive on extractive activities, which presume access to adequate land. Their combined population of approximately 89 million occupies over 480 million hectares of land at sparse densities averaging 15 people per square kilometre and growing at a rate of about 3.5% per year (UNDP, 1997). The high population densities in some countries like Malawi which, lack investment for greater land productivity, contributes to the escalation of poverty. Given the unequal landholding patterns, rural poverty in the region is found in all ecological zones. In high rainfall high productivity areas, poverty is often associated with extreme and increasing land pressure, small household farms, declining fertility and migration of the able-bodied to towns (IFAD, 1996). Poverty may be relatively inconspicuous in these areas since it is usually masked by the display of intensive cultivation by a few affluent farmers. In marginal areas, poverty tends to be more general as more farmers are confronted with an acute shortage of arable land, forcing them to move into fragile land of poor quality. The Human Poverty Index tends to increase from wetter to drier zones, especially where access to resources such as land and water is limited (Moyo, 1998a).

The chapter examines the four keys land problems facing the region. Firstly, the discriminatory and insecure forms of land tenure that are found among various
landownership regimes and, secondly, the increasingly imbalanced landownership structures and factors underlying it. Thirdly, it looks at the contradictory tendencies towards irrational land-use patterns through both the over utilisation and underutilisation of land and, fourthly, it discusses the devotion of most prime lands and resources to production for external markets rather than domestic agro-industrial needs. The chapter then assesses the effects of these emerging land problems on rural poverty and land conflicts, as well as how existing land management systems address these problems.

Throughout the chapter, the conceptual frameworks within which these land problems have been addressed are critiqued with particular reference to emerging perspectives on land markets, sustainable land use and environmental security. The debates on land tenure systems reform, especially the perception that customary tenure in so-called communal lands or traditional lands contributes to disinvestment in land and is intrinsically ‘inferiority in the status’ to freehold tenures (Shivji, et al., 1998), is reviewed. The various land reform strategies adopted in Southern Africa and the emerging debates on land reform policy, including specific approaches such as community-based land transfers, vis-à-vis state-led land redistribution approaches and market mechanisms of land transfer, are also discussed in detail. The chapter concludes by calling for more collaborative research land reform in Southern Africa.

2.0 THE PROBLEMS OF UNEQUAL LANDOWNERSHIP

Unequal ownership of and access to land are, increasingly, a central threat to stability in Southern Africa. Large farmers – white and black – occupy the best farmlands in Southern
Africa and dominate their agricultural and natural resource export economies. Consequently, the region faces growing rural poverty, enforced high population densities, poor land management and diminishing investments into adequate land management. Intra-national and international conflicts over land and related natural resources can, in the near future, undermine the social and environmental security of the SADC region. Inequitable access to land underlies the food and agricultural problems and their impact on poverty (Moyo, 1998a). Black, white and foreign elites tend to allocate to themselves large tracts of land for commercial farming or tourism through market, land or economic reform policies. They are deeply engaged in all countries and their interest in land occurs in periodic waves, as argued earlier. The colonial period, until the mid-1960s, saw the end of the first wave of white settler land exploitation in South Africa, Zimbabwe, Namibia, Zambia, Angola and Mozambique. This wave was followed during the 1970s, 1980s and 1990s by black elite large-scale farmland allocations in all the countries, while during the 1990s massive land allocations to foreign individuals and firms, and to transborder investors mainly from South Africa, occurred mostly in Mozambique, Zambia, Tanzania, Botswana and Zimbabwe. These patterns are associated with particular changes in a land policy among the countries as shown in Table 1.

Land alienation and unequal control over land are, therefore, the major issues underlying concerns over land tenure in Southern Africa, by the average citizen, rather than the legal form of such tenure that concerns elites, some governments and some donors. Thus, landownership and the need for land reform are fundamental to policy reforms and the democratic political process of transition in Southern Africa. It is not accidental that political struggles for democratisation among white or black elites, opposition political parties, social
movements or NGOs opposed to current ruling parties do not prevent such elites from seeking large farms and that there are alliances emerging between the large-scale white farmers and the indigenous elite farmers who are the pivot of the economies of the region, especially in terms of exports (Moyo, forthcoming). The political and economic consequences of this land expropriation across the region are broadly the same: poverty, enforced high population density, land degradation, a lack of resources to invest in adequate land management and political uncertainty.

The patterns of unequal land control in each of the SADC countries are most dramatic in Zimbabwe and South Africa, although the others face the same growing problem. In Zimbabwe, approximately 4 500 white commercial farmers control 31% of the country’s land under freehold tenure or about 42% of the agricultural land, while 1,2 million families subsist on 41% of the country’s area of 390 076 square kilometres. State lands constitute 15% of the area used to preserve and develop natural resources. Over a third of large-scale commercial farmland is of prime quality compared to less than one-tenth of communal area lands, three-quarters of which is marginal in quality. However, there are significant reserves of underutilised land, estimated at over five million hectares in the 11 million hectares of the commercial farming areas (Weiner et al., 1985). Commercial farmers concentrate their resources on producing relatively high value crops such as tobacco on small areas.

The rate of progress in redistributing land targeted at 160 000 families has become controversial in Zimbabwe. Only 70 000 families have been resettled so far on 7% of the total area, although the government intends to compulsorily acquire five million hectares from the commercial farm sector. It was only in late 1997, for instance, that the state
attempted a mass transfer of 1,471 farms amounting to about four million hectares using compulsory acquisition procedures, and then rescinded the effort. But the actual land acquisition remains problematic as structural linkages between unequal landownership patterns and wider national and international economic power remains a deep-seated problem in the policy making.

In South Africa, the land problem is perhaps more complex than any other country in the region. It is manifested in massive urban slums and marginal rural areas under extreme population pressure, the long political struggle to regain national independence and the complexities of land expropriation and claims’ processes over many centuries in a context of resistance by an organised, and comparatively large, white minority population. There are heated debates there about the most effective means of redressing the injustices and inequities of apartheid-based land distribution.

Only 15% of the white farmers’ land and 12% of the black farmers’ land is potentially arable (ADB, 1993), while about 80% of potential arable land in the commercial and homelands areas is under cultivation. Reserved lands used for conservation purposes, such as wildlife and nature, are also unequally controlled. Conservative estimates suggest that only eight million arable hectares could be available for redistribution to approximately 100,000 families in South Africa (ibid.).

Access to land and natural resources in the SADC region was heavily influenced by settler colonialism. In South Africa, Namibia and Zimbabwe, land alienation led to less than 15% of the present population, becoming the dominant class controlling land and related
resources such as water. Countries such as Mozambique and Angola have yet to resolve their imbalances due to their immediate problem of post-war reconstruction. In the non-settler, post-colonial state of Malawi, however, most households subsist on less than two hectares each and a few private individuals and the state own large tracts of land in the most productive land in areas such as Mount Mulanje. Countries such as Swaziland, Botswana and Zambia, just like Malawi, have extreme imbalances in the control of land not because of settler expropriation but because of state-led policies of allocating land for large-scale farming among local and external, private and state, agribusinesses. As much as 30% of the population in many of the countries of the SADC are landless, while gender-based inequitable access to land is crucial given that most rural household heads and farmers are women.

For instance, Malawi embarked on a massive effort to develop its estate farm sector from the late 1960s, using state sanctioned cheap labour and export policy incentives for the production of high-value export crops. The net effect of these trends was the systematic displacement of the indigenous Malawians from their land and the denudation of small farm holdings. While the north of Malawi is characterised by hilly terrain, poor soils and low rainfall, the south which is characterised by good agro-ecological conditions, attracts most of the people, resulting in a population density per arable hectare of around 4.5 people – the highest rate in the region.

**3.0 INEQUITABLE LAND TENURE SYSTEMS**
In most SADC countries, there are three forms of land tenure. Firstly, private landownership through statutory freehold or leasehold land tenures. Secondly, state or public ownership of land through both freehold/leasehold tenure and, thirdly, landownership of land through various forms of customary tenure. These three forms of tenure tend to carry with them discriminatory land rights, security and land-use regulations by the state, and false claims of relative superiority (Shivji, et al., 1998). Inequitable patterns of land tenures are closely related to unequal patterns of landownership. For example, in South Africa, some 70 000 white farmers own 72% of the farming land, which is both private freehold or leasehold. However, the black farmers, constituting perhaps as much as 300 times the number of white farmers, are confined to 14% of the land. Political change in the new South Africa has yet to break this legacy of imbalanced landownership, and those who occupy the best land continue to enjoy perpetual and unhindered rights. Namibia, Zimbabwe and Swaziland have similar problems of much land under freehold being in the hands of a few minority white settlers and transnational companies, who tend not to be strictly regulated as to the appropriateness of the way they use land through either regulations or land taxation. Perhaps in Botswana and Lesotho relatively more of the land is in hold under the customary tenure system. But there are increasing calls for the democratisation of the customary system because it tends to be gender insensitive, autocratic and lacks transparency, since shortage of high-quality land has been growing over the last two decades. In Botswana, attempts have been made to integrate the customary and private land tenure and administration structures, while countries like Zimbabwe have not made significant changes in this area. The result is that the majority of the poor people are governed by less democratic land tenure structures with a high degree of state intervention.
In the case of Swaziland, the conflict over landownership hinges on the struggle between a few landowners with access to the best land in the country enjoying individualised title to land. This concentration of land stems from the power of the king and the chiefs, who control such land and dominate the process of land allocation, including the rate of individualising land, as this is also seen as a threat to traditional power and control. The difference in landownership patterns between the customary and private freehold is marginal, yet the majority of the people are crammed on land that is mountainous and increases the prospects for soil erosion.

The major trend in most SADC countries is that there is an incorrect presumption of an intrinsic ‘inferiority in the status’ of customary land management systems. Official policies misrepresented the colonial legacy of land tenure as it is practised today, especially the fact of excessive central government intervention in customary tenure regimes and the ‘patronising’ role of governments. The overcentralised and statist control of communal or traditional land tenure and land-use regulation is a real distortion of the diverse range of evolving custom in both the sense of the tradition and currently accepted practices (Shivji, et al., 1998). In fact, frequently customary tenure regimes are not protected by the range of statutorily provided for state regulations because of the desire to control communal area land management systems. This contradiction between official land policy provisions and official interpretations of custom vis-à-vis real life practices of customary tenure are a source of an emerging complex and competing range of demands for land reform tenure.
In Zambia, though improvements on a piece of land are recognised through law, most Zambians still conduct their activities through customary land tenure rules. There are three recognised ways of acquiring land in Zambia: original acquisition, derivative acquisition and acquisition by inheritance. Land in the customary tenure is never sold, but improvements in the land can be valued and sold in any land transfer. There is an equal distribution of access to land and once land is acquired through this customary way it remains in the hands of the family. The ownership of the land is therefore perpetual and this form of customary tenure provides security to the families. In Tanzania, the key challenge is to undo the Ujamaa policy which has been a very slow process. The issue of minority rights to land in Tanzania in the face of increasing investment in the safari and tourism industry is an area of major concern as there seems to be a structural process of displacing the local indigenous population who have been living in their own environment in a sustainable way.

A central problem with the region’s existing customary land tenure regimes is that their land administration and adjudicatory processes are coercive and centralised (Shivji, et al., 1998). The majority of poor people also do not feel confident in the land administration system as a whole because of the slow process of land redistribution and what is seen as the preferential treatment of the large commercial sector. This is the case, for example, with the recent provision of incentives for large farmers from South Africa and Zimbabwe to migrate to Mozambique and Zambia and the emerging dualistic tenures there. This occurs in the context where a small but growing and influential black elite are calling for the indigenisation of large-scale farming through the provision of incentives to the indigenous population to invest in the land and to get preferential treatment in the allocation of land.
Also, the land tenure administration institutions are dispersed and there is poor representation of the majority. The result is that land administration in the region is weak and lacks transparency.

Furthermore, the existing legal framework and institutions for managing land conflict or dispute resolution tend to protect those with disproportionate property derived from past expropriation rather than the victims of same (ibid.). Clearly, in most countries of the region, there is a need to correct and modify the colonial and contemporary distortions of so-called ‘customary law’, with regard to both the configuration of the existing customary land rights, the tenure system and the administration and adjudication of such rights.

4.0 EXPORT ORIENTATION OF LAND USES

Paradoxically, the prime land and natural resources in Southern Africa tend to be underutilised by the handful of local and foreign elites who own them. While only about 6% of available land in Southern Africa is arable, less than 25% of the available 40 million arable hectares are cropped (Moyo, 1998a). Zimbabwe and Zambia use less than 15% of their high potential arable land, while marginal grazing or pasturelands are increasingly brought under full-scale cultivation land and overutilisation by the poor peasantry. In most countries, pastures still occupy about 45% of the lands, while forests and woodlands occupy up to 33% of the land (Moyo et al., 1993). But both these land uses are diminishing due to the land pressures consequent upon inequitable ownership of arable land and the lack of technologies suitable for intensive high productivity land uses. Hence, most rural Southern Africans practise extensive mixed farming with low yields based on arduous labour systems.
Women bear the brunt of these marginal farming activities whose incomes fail to cover the basic costs of reproducing their households.

With the exception of Malawi and South Africa, most other countries have experienced an expansion in cropped land in the period 1981/83 to 1991/93. The highest expansion in cropped land was in Swaziland, Malawi, and Lesotho. A negative growth rate in woodland was reported in Zimbabwe, Tanzania and Mauritius and this threatens the bio-diversity of the region. This arable land aspect and its related concentration in resource allocations is export focused. Export crops such as sugar, wheat, tobacco, beef, fruit and vegetables, as well as so-called non-traditional ones such as eco-tourism and so forth, dominate the freehold land tenure regimes and prime lands occupied by the elite. In all the countries, over 80% of exports tend to be grown by the large landowners, while smallholders grow mainly labour intensive local food crops and exports such as cotton.

Table 1: Land Use and Land Area in the Period 1981/83 to 1991/93 (Sq. Ha.)

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<tr>
<td>Angola</td>
<td>3 483</td>
<td>2.5</td>
<td>29 000</td>
<td>0.0</td>
<td>51 917</td>
<td>-3.1</td>
<td>40 270</td>
<td>-3.1</td>
</tr>
<tr>
<td>Botswana</td>
<td>420</td>
<td>5.0</td>
<td>25 600</td>
<td>0.0</td>
<td>25 600</td>
<td>0.0</td>
<td>4 153</td>
<td>0.5</td>
</tr>
<tr>
<td>Lesotho</td>
<td>320</td>
<td>10.4</td>
<td>2 000</td>
<td>0.0</td>
<td>80</td>
<td>-4.8</td>
<td>635</td>
<td>4.1</td>
</tr>
<tr>
<td>Malawi</td>
<td>1 697</td>
<td>22.1</td>
<td>1 840</td>
<td>0.0</td>
<td>3 700</td>
<td>-1.1</td>
<td>2 171</td>
<td>12.3</td>
</tr>
<tr>
<td>Mauritius</td>
<td>106</td>
<td>-0.9</td>
<td>7</td>
<td>0.0</td>
<td>44</td>
<td>-24.1</td>
<td>46</td>
<td>-32.6</td>
</tr>
<tr>
<td>Mozambique</td>
<td>3 163</td>
<td>2.7</td>
<td>44 000</td>
<td>0.0</td>
<td>14 053</td>
<td>-7.7</td>
<td>17 192</td>
<td>-6.3</td>
</tr>
<tr>
<td>Namibia</td>
<td>662</td>
<td>0.5</td>
<td>38 000</td>
<td>0.0</td>
<td>18 030</td>
<td>-1.8</td>
<td>25 637</td>
<td>-1.3</td>
</tr>
<tr>
<td>South Africa</td>
<td>13 177</td>
<td>-0.1</td>
<td>81 378</td>
<td>0.0</td>
<td>8 200</td>
<td>0.0</td>
<td>19 394</td>
<td>-0.1</td>
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<tr>
<td>Swaziland</td>
<td>191</td>
<td>35.4</td>
<td>1 070</td>
<td>-6.5</td>
<td>118</td>
<td>15.7</td>
<td>341</td>
<td>12.5</td>
</tr>
<tr>
<td>Tanzania</td>
<td>3 500</td>
<td>19.2</td>
<td>35 000</td>
<td>0.0</td>
<td>33 500</td>
<td>-14.4</td>
<td>16 359</td>
<td>-31.0</td>
</tr>
<tr>
<td>Zambia</td>
<td>5 271</td>
<td>2.2</td>
<td>30 000</td>
<td>0.0</td>
<td>28 727</td>
<td>-2.3</td>
<td>10 341</td>
<td>-5.5</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>2 864</td>
<td>3.4</td>
<td>4 856</td>
<td>0.0</td>
<td>8 800</td>
<td>-7.4</td>
<td>22 165</td>
<td>-2.7</td>
</tr>
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Source: World Bank, 1997
Note: Permanent pasture is defined as land used for five or more years for forage, including natural crops and cultivated crops.

A major dilemma with land-use change in the SADC region is the growth of competition between crop and eco-tourism demands for land. In the past, the pre-occupation with crop production was at the expense of other viable land use. The drier areas of the region are not favoured in the land transfers programmes led by the state rather than the market, although such areas have the potential in land uses, such as wildlife and tourism. The Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) programme and eco-tourism type land uses are growing in countries such as Zimbabwe and Zambia. Similar initiatives in Namibia and South Africa now seem to offer scope for land transfer from the large owners to the smallholders although more foreign and large landowners have emerged in these dry lands. Some of the biggest landowners in dryland areas are Anglo-American and Lonrho who hold the biggest cattle ranches and mining concession areas in the region. These now include wildlife and consumptive safari landholders, which have become the fastest land use growth sector in countries such as Zimbabwe, South Africa, Namibia and Mozambique. However, the benefit of these new land uses have not accrued to the disadvantaged poor nor the elites indigenous black capitalists but to the multinational companies with international connections.

In areas of high agricultural potential, there is mounting pressures on land for settlement and cultivation. In Tanzania, the lower slopes of Uluguru mountain are being cleared because of high population densities. In Malawi, Mozambican and Malawian tea plantation workers have moved onto steeper slopes of Mount Mulanje. The south slopes of Mount Mulanje have been completely deforested.
Although the SADC region is endowed with valuable natural resources, notable among which are wildlife and minerals, the largely savanna type agro-ecology tends to be subjected to intermittent droughts, which are a major source of social insecurity for most of the poor who depend on land. Although food production patterns are erratic, over 60% of the poor people survive on mixed farming land uses. Over time, changing commodity or export markets have influenced major land-use changes. During the 1980s especially, land-use changes, have been occasioned by demographic pressure, increased ranching, tourism and farming as well as expanded demand for wood-based resources for fuel, crafts and construction. The patterns of land-use change are associated with increasing natural resource privatisation and commodification. The rural poor people have lost out as governments are not addressing their entitlement to land and natural resources being lost through land alienation. The SADC region now experiences growing household level food insecurity related to increased land degradation, land-use changes for exports, and land shortages.

5.0 REDISTRIBUTING LAND THROUGH MARKETS

Recent land reform policy formulation experiences in Southern Africa have been prescribed by market economic liberalisation, and increasingly complicated conflicts arising from the deepening differentiation of society along racial, class, ethnic and gender lines. Deepening disparities in the control and use of land and natural resources are reflected in changing land policy priorities, while external forces driving trade, investment and aid increasingly shape the new opportunities that land and resource ownership bring in the new global order. Past land reform policies in Southern Africa focused on redressing historical land alienation and
promoting equity in land property rights in order to attain political stability. In addition, in Zimbabwe and South Africa land reform is increasingly being used to promote economic efficiency through the downsizing of land holdings for more effective use of land by committed, non-absentee and socially diverse landowners (Moyo, 1995).

In Zimbabwe, land reform policies in the 1980s were developed in the context of promoting national self-sufficiency through import-substitution industrialisation, self-reliance in agricultural production, and the use of state interventions in ‘land-related markets’. Land reform policies have been shaped by labour-intensive, small-farmer production strategies, which, it is believed, optimise land productivity, realise better returns to capital invested than large farmer systems, provide the food and basic needs of producers, and encourage a less skewed income distribution (ibid.). This land reform approach was based on a macroeconomic strategy of ‘growth with equity’, political reconciliation in a racially polarised society, and more broadly based participation in the economy.

The demand by some elites and external aid agencies for market-based land tenure reforms have, however, tended to derail land redistribution policies in Southern Africa since the institutional complexities of changing land tenure in Southern Africa have been underestimated by external experts. Land tenure reforms through titling are costly and current financial resources are limited in the region. Due to the preoccupation with formal land tenure reforms, there has been a tendency for most official land policy frameworks to neglect the distribution of access to land, water, nature parks, forests and woodland resources. Development policy efforts to attain environmental security, alleviate poverty,
and improve land and labour productivity have yet to incorporate land reform policy in the SADC region.

Various social and political forces in the region are effective in opposing land reform. Losing control over land has driven settler ideology in Southern Africa, and it is assumed that land reform will lead to economic collapse. However, land was one of the strongest mobilisers of support for the liberation movements in Southern Africa (Pankhurst, 1996). Pressure on governments to redistribute land has come in the form of illegal land occupation, armed confrontations and resource poaching. The poor and powerless are likely to lose more land, however, since the new land policy dispensation of developing land markets instead of customary tenure in communal areas is leading to increased land sales in so-called communal areas. In Zambia, Malawi and Mozambique, where most of the large-scale South African white farmers are establishing themselves, the future of the customary tenure areas is in doubt. Moreover, a growing body of World Bank-sponsored literature suggests that the best practice in land redistribution strategies centres around a more market-assisted and essential private approach using ‘multiple solutions which must be demand-driven such that the poor themselves using appropriate organisational and technical assistance identify the solutions that will fit their situation’ (Deininger, 1998). The emerging prescriptions for land transfer thus redefine the role of the state by decreasing it, while increasing financial resources and responsibility towards land reform programmes led by civil society.

The history of locally organised pressure for land redistribution by civil society agencies such as non-governmental organisations (NGOs) and community-based organisations
(CBOs) is, however, less than 10 years old in most SADC region countries. Only in South Africa did the National Land Committee structures emerge in the late 1970s and 1980s as part of the mass movement. In most countries, nationalist liberation movements, rather than ‘civil society’ organisations, mobilised pressures for land redistribution because of the centrality placed on land in independence struggles.

Table 2: Profile of Land Reforms in Southern Africa

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<th>Country</th>
<th>Type of reform</th>
<th>Type of problem</th>
<th>Length of reform</th>
<th>Source of reform</th>
<th>Type of land acquisition</th>
<th>Role of state/Market</th>
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</thead>
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<tr>
<td>Zimbabwe</td>
<td>Redistribution</td>
<td>Settler alienation, black capitalists</td>
<td>18 years</td>
<td>Political pressure/ Squatting</td>
<td>State market purchases &amp; state compulsory purchases</td>
<td>State-driven</td>
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<tr>
<td>Namibia</td>
<td>Redistribution</td>
<td>Settler alienation</td>
<td>9 years</td>
<td>Political pressure/ Squatting</td>
<td>State market purchases</td>
<td>State-driven</td>
</tr>
<tr>
<td>South Africa</td>
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<td>4 years</td>
<td>Political pressure/ Squatting</td>
<td>State compensation for restitution; State grants</td>
<td>State and community</td>
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<tr>
<td>Mozambique</td>
<td>Tenure/ Redistribution</td>
<td>Settler/state alienation</td>
<td>5 years</td>
<td>Post-war crisis</td>
<td>Expropriation</td>
<td>–</td>
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<tr>
<td>Angola</td>
<td>–</td>
<td>Setter/state alienation</td>
<td>–</td>
<td>Post-war crisis</td>
<td>Expropriation</td>
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<td>Malawi</td>
<td>Estates-transition</td>
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<td>Social/ Political pressure</td>
<td>Not yet</td>
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<td>Swaziland</td>
<td>Tenure</td>
<td>State/estates</td>
<td>–</td>
<td>Social/ Political pressure</td>
<td>Chiefs</td>
<td>Low</td>
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<td>Mauritius</td>
<td>?</td>
<td>Private estates</td>
<td>–</td>
<td>–</td>
<td>?</td>
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<tr>
<td>Seychelles</td>
<td>?</td>
<td>Private estates</td>
<td>–</td>
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<tr>
<td>Botswana</td>
<td>Tenure: land boards</td>
<td>Black capitalists and traditional authority</td>
<td>?</td>
<td>Elite needs</td>
<td>Local land board allocations</td>
<td>State liberalisation policy</td>
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<tr>
<td>Zambia</td>
<td>Tenure: statutory leasehold</td>
<td>Black capitalists and traditional authority</td>
<td>5 years</td>
<td>Elite needs</td>
<td>Chiefs</td>
<td>Low</td>
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<tr>
<td>Lesotho</td>
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<td>?</td>
<td>Elite needs</td>
<td>Chiefs</td>
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<tr>
<td>Tanzania</td>
<td>Resettlement/ Tenure</td>
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<td>5 years</td>
<td>State/ Ujamaa</td>
<td>State district council allocs.</td>
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</table>
More recently, illegal squatting or land occupations, albeit of a sporadic nature, have been more influential in keeping the land redistribution issue on the agenda than formal organisations of civil society or their recognised CBO counterpart. In this respect, there is little documentation of the experiences in mobilising pressures for land reform in most countries of the region (Ranger, 1985; Kriger, 1992; Moyo, 1995; Abel, 1995). Southern African land reform debates are constricted by simplistic analyses of the origin, nature and influences of social forces that have organised varied political pressures for land reform (Van Zyl, et al., 1996). The real basis of either state-led or community-led land reform initiatives is little understood because of the inability of most official discourses and conservative studies to deal with the illegal and underground aspects of mobilising for reform (Moyo, 1995; 1998).

The Zimbabwean case is now being typified as an example of an attempt to pursue a radical state-led approach to land redistribution through compulsory land acquisition, and as a failed bureaucratic and non-transparent agenda in spite of the scale of and pace of land redistribution which have occurred (Moyo, 1999; various media sources). Meanwhile, the four-year-old South African experience is already being held up as a more democratic, transparent, community driven, and less costly ‘market assisted’ approach to be emulated as in the case of similar World Bank-financed experiments in Brazil, Colombia and a few other states (Deininger, 1998).
Land reform policy experiences must reflect a deeper understanding of the nature of the land question in the various countries, and go beyond limited fiscal evaluations of such reforms and concerns for macroeconomic stability and export-led development that preoccupy some elites and donors. Land tenure reform is not crucial to the major struggles for land, even if the present preoccupation with foreign investment places demands on the marketisation of land and natural resources. What is crucial to our understanding is that without popular support, imposed land policies tend to be rejected through what appears to be low intensity but effected rural warfare over returning lost lands.

A major populist aspect of the emerging perspectives on land acquisition is that it should be community driven. Communities are expected to develop local land-reform plans, identifying the demand for, potential supply and pricing of land (Deininger, 1998). They should identify and plan the farm models suitable to their situation, and identify the institutional infrastructures necessary (Mighot-Adholla, 1998). The communities are expected to self-select the beneficiaries, to negotiate the purchase of such lands and, using partial land purchase grants and private credit, they are to buy and utilise the land (ibid.). Technical assistance and private-sector inputs to this process are considered critical to sustainability and success (Deininger, 1998).

The market approach to land reform is criticised as a ploy to delay the land reform process, and that the majority of South Africans do not have access to resources to participate in the land market. Given the widespread poverty in South Africa, even the option of subsidising the poor to participate in the land market is questionable.
The problem with this perspective is that it is presumptuous in thinking that ‘negotiated land reform’ can be fairly led by landowners negotiating with impoverished and marginalised rural populations of Southern Africa. Unlike their Latin American counterparts who have evolved massive social movements supported by radical NGOs and local political organisations, local rural communities remain repressed under the pseudo-feudal traditional chieftancy and dominant-party political systems. Such local structures lack democratic, transparent and accountable procedures, and are not inclusive. Moreover, the resource bases and capacities of local CBOs are so weak that they tend to be led by NGOs, which are dependent on external development agency funding of the land reform agenda.

The community-driven land-reform approaches prescribed tend to present the idealistic prospect of community self-organisation with the power to negotiate land transfers and finance. They mask the reality that, so far, the models tend to be driven by private technocratic elite consultants and NGOs, as evidenced by the South African experience (Commission on Restitution, 1997; National Land Committee, 1997). In the class and racial dynamic of NGO and consultancy network of South Africa, it can be seen that mainly white middle-class and elite elements would drive such an approach. Nonetheless, the excessively state-driven model of Zimbabwe has had its own share of problems, including the slow acquisition of costly land and the encroachment of elite interests into the land reform programme (Moyo, 1995).

In examining the land reform approaches to distribution, it appears distinctions are emerging from empirical evidence on the relative merits of the ‘land rights restitution-based’ approach as opposed to the more generic approaches of redistributing land to the needy and/or the
potentially productive smallholder. The latter approach is based upon the identification of
generalised demands for land for survival, agricultural growth and rural development and the
supply of land for redistribution on that basis. The restoration of land rights through the
‘land restitution’ approach is essentially based on adequate substantiation of prior tenure
through a complex legal application and adjudication process. This has entailed, in the South
African experience, a fixed time-bound consideration of substantiated land rights claims
which are gradually being restored to the claimants.

Through land claims, particular land rights can be physically or financially restored. Neither
Zimbabwe nor Namibia has utilised these legalistically cumbersome approaches, which tend
to be controversial because of the time limits set in defining when rights were expropriated
and the limits on the nature of evidence adequate to demonstrate loss of rights. The evidence
is that this approach is slow and biased towards historically favoured groups who had
documented statutory forms of title to land. Illegal restitution processes called ‘squatting’ or
land self-provisioning are becoming a crucial aspect of the evolution of land reform (Moyo,
forthcoming). However, increased ‘illegal’ land claims through land occupation are now
becoming crucial to Zimbabwe’s land redistribution programme. This approach has been
partially observed recently in South Africa, Namibia and Malawi. In this context, alliances
between the state and local forces in land self-provisioning strategies in opposition to
international conditionalities against land expropriation for redistribution, and narrow
racially defined landed interests may become key processes which define the design of land
reforms.
Inadequate land redistribution among poorer communities in Southern Africa seems to lead to increased unofficial ‘illegal’ and ‘underground’ land occupation and natural resources poaching. Numerous disadvantaged communities have resorted to squatting in private and state-owned rural and urban areas owned by whites, blacks and foreigners. The ‘squatter policies’ seem to fail to stem such occupations suggesting that there are some political benefits being derived from allowing squatting by local elites and land administrators. It maybe that local power structures are increasingly strengthening their autonomy vis-à-vis central government, particularly in matters related to land administration and law enforcement at the local level (ibid.).

6.0 STATE-LED LAND REDISTRIBUTION STRATEGIES

In our view, most of the region’s countries facing demands for land reform will require strong state intervention in the land markets, and NGO involvement, given the inherited uneven distribution of social capital and the control of land markets. The adoption of reconciliation policies in Zimbabwe, then in Namibia and South Africa has, at times, been misinterpreted to mean that state-led land redistribution is too radical and unnecessary. But this is changing as threats of massive land re-appropriation in countries such as Zimbabwe provoke a discourse for alternative approaches to land reform.

To date, land policy discourses in Southern Africa are still underdeveloped as they are yet to fully accept mainstream agricultural economic theory which, based upon global case evidence, indicates that smaller farms tend to use their land more productively in terms of higher unit yields and application of labour inputs (Binswanger and Deininger, 1993;
Deininger, 1998). This has been particularly true because of the self-supervision of labour by peasant households which self-exploit particularly female and child labour. The exposure of most governments and settler discourses to impressive small farmer performance in Malawi and Zimbabwe has gradually changed beliefs about smallholder efficiencies and competitiveness (Weiner, et al., 1995; Moyo, 1987), in spite of the abundant historical evidence to the same effect. The belief that large farms are more efficient than smallholder farms has not only been critical in dissuading governments from land redistribution, it has also been a key reason for introducing retrogressive land policies in non-settler states before and after independence. From the late 1960s, various governments, including Malawi, Swaziland and Botswana, pursued development strategies which prioritised agricultural development through promoting large estates (or large-scale farms) because of the presumed need for economies of scale in farming and the presumed superiority of large farms.

Such land policies initially encouraged land alienation and expropriation in favour of foreign agribusiness and parastatal estates to engage in the export of a few commodities including sugar, tobacco, tea, cotton and fruit. Later on during the 1980s land policies became a vehicle for promoting indigenous capitalist farmer growth among senior politicians and civil servants, retirees and other formerly non-agrarian indigenous business peoples (Mkandawire, 1989). Thus, existing macroeconomic and agricultural policy regimes ensured that various resources such as credit, foreign currency and infrastructure were mainly allocated to both white and indigenous large capitalist farms. The effects of such preferential resource allocations were, however, wrongly deduced to imply that large-scale farming was more effective than smallholder farming in Southern Africa. More importantly, this perspective has legitimised the expansion of large-scale landholdings and discouraged land
reform in those countries where growing landownership imbalances were exacerbating land shortages, land degradation and rural poverty.

Southern African debates on land reform tend to be against large-scale land redistribution because of the specific settler colonial and racial hegemonic influences on the discourse. Dominant conceptual frameworks on the land question, which evolve from settler colonial ideology, are based upon three myths. First, that there is social and political legitimacy in the land rights held by white minorities over the land they expropriated. Second, that the large-scale farmlands held by whites are efficiently utilised both in terms of the scale of area used and yields per unit of land. Finally, freehold landholding and the existing private land market system is effective and absolutely superior to other forms of tenure such as leasehold and customary (so-called ‘communal’) tenure.

Experiences with land reform policies or redistributing land are relatively uneven in Southern Africa. Since decolonisation, radical land reforms were pursued in Angola and Mozambique which now have 23 years of post-colonial land policy reform experience, although this was truncated by civil wars. In the three Anglophone settler states, experiences with land reform, be they efforts led by the state, communities or NGOs, are less than 18 years old. Zimbabwe earnestly began implementing its effort around 1982, followed by Namibia which began implementation six years ago and South Africa only three years ago. However, land reforms in Southern Africa are discernibly shifting in orientation from a radical land reform strategy to a more liberal ‘market-assisted’ strategy due to new donor conditionalities and the waning international investment economic strength of most countries.
7.0 CONCLUSION

There is clearly need for more systematic research to characterise and explain the underlying social forces of recent and on-going land policy shifts. Southern Africa’s land question primarily reflects the continuing political struggle over the land rights lost by the indigenous majority to a minority of mainly white and emerging black elite landowners. The need for a more appropriate development strategy and focus of land use that can lead to improving and dynamic productivity of land in a context of globalised markets is a major economic context that has restrained land reform. New commodity markets for agricultural and ecological products during the structural adjustment era have changed the values attached to land, while broadening the nature of struggles for access to land. During the 1990s, economic liberalisation also led to less job creation and increased poverty, which led to increased demand for urban and rural land redistribution.

The major constraint to the evolution of effective land redistribution programmes in the post-colonial and post-apartheid era of the 1990s was the emergence and dominance of a neo-liberal, monetarist macroeconomic trade and investment policy framework, and attendant export-oriented sectoral policies on agriculture and land, which minimised the importance of redistributive policies in favour of narrowly based growth (Moyo, forthcoming). Anti-state intervention or free-market policy perspectives reinforced in Southern Africa the biases against nationalisation or compulsory acquisition of land and promoted the current focus on market-based approaches to land reform. The Zimbabwean willing-buyer willing-seller compromise (Lancaster House Constitution, 1979) which had
led to costly, state-financed market purchases of large farmer lands during the 1990s has been ‘demonised’ for being slow, stated-led and for the insufficient land delivered. (Moyo, 1995; World Bank, 1991; 1992). Yet, the fact that it entailed market compensations for land in spite of threats to expropriate land, kept donor interest in the strategy.

This Zimbabwean experience, which can be considered the ‘pilot’ market-based land reform project for Southern African during the 1980s, set the pace for the elaboration of similar, albeit modified, compromises over land in Namibia and South Africa. Market-assisted land reform or land acquisition processes became the focus in South Africa (Van Zyl, et al., 1996; Binswanger and Deininger, 1993), with major technical assistance from the World Bank. This approach is now being promoted elsewhere in the region, such as in Malawi, Mozambique and Tanzania. The White Paper on South African Land Policy (1997) is configured around a greater role for the market, including the private sector and community sector, rather than central government even though initially it is conceded the government has had to play a leading role in land policy formulation (Deininger, 1998). These land reform policy perspectives are essentially elitist, neo-modernisation approaches which espouse an idealistic ‘civil society’ – read community-led – development strategy in an uneven land and related markets context. The adoption in Zimbabwe of the so-called Inception Phase of the Land Reform and Resettlement Programme (Phase 2), is an attempt to provide for both state-led and alternative ‘complementary approaches’ (GoZ, 1999), rather than to polarise the land reform debate.

Land redistribution programmes in the region have so far not addressed the need for structured reforms of SADC economies, whereby minority dominated and oligopolistic
markets, which influence land markets, rule. The fact that asset redistribution can change the structures of the economies and that income redistribution can alter domestic factor markets cycle has been underplayed. Thus, instead of reinforcing an internal, market-oriented and employment intensive development strategy, conservative market-focused land reforms have constrained the evolution of more broadly based productive structures during the economic contraction phases of SAPs.

The call for market-based approaches to both land redistribution and land tenure reforms can at best be justified by the ‘fiscalist’ argument. Here, the focus remains the need to reduce the costs faced by governments reeling with budget deficits. But even this reasoning is in itself spurious. First, these land reform approaches propose to lumber the beneficiaries of reforms, as opposed to governments, with most of the costs of their re-establishment on land transferred to them. This includes the costs of ‘enriching’ elites who have held on speculatively to land with market-based prices for their land negotiated directly with the beneficiaries. The latter, it is presumed, can be technically assisted to ensure that they are charged fair land prices by private development facilitators. Yet the others are stakeholders with interests in land and related financial markets. The beneficiaries are, unfortunately, also meant to pay for various infrastructures, albeit the fact that communities elsewhere may have obtained such infrastructures through state support. The prospects for rapid redistribution processes under this approach are not self-evident unless substantial external resources to pay for the land are introduced in the land markets.
8.0 SELECTED BIBLIOGRAPHY


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