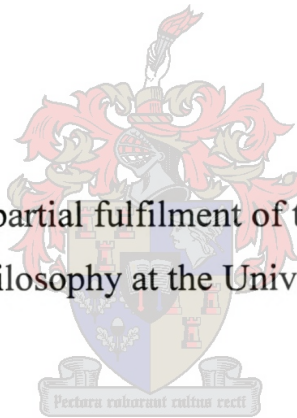# LAND REFORM IN SOUTHERN AFRICA: A COMPARATIVE STUDY BETWEEN SOUTH AFRICA AND ZIMBABWE

BY

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Assignment presented in partial fulfilment of the requirements for the degree of Masters in Philosophy at the University of Stellenbosch

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DECLARATION

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signed: Date:

SUMMARY

Land has been a revolutionary metaphor for wealth and power in the world. Ideally, land reform in Africa should contribute to social and economic progress and ultimately result in social equity, as well as increased agricultural productivity.

This study is devoted to the history of the land ownership in Southern Africa, as well as the meaning and explanation of land reform programmes after the transition to democracy. Moreover, it is dedicated to familiarising the reader with the various meanings and issues concerning land reform, particularly in South Africa and Zimbabwe. The outcome of the study is to promote further discussion on the need and about the revival of land reform programmes in the region of Southern Africa. In this study, South Africa and Zimbabwe are discussed comparatively with regards to three main areas of land reform: restitution, redistribution and tenure reform. The goal of this study is to gauge the possibility of South Africa following in the footsteps of Zimbabwe in terms of land invasions supported by the government.

Zimbabwe faces the painful reality that its political revolutions have only brought them halfway to true independence. The objective for Zimbabwe is to establish a functional socialist economy where decision-making would be under political control so as to bring about the drastic redistribution of wealth from whites to blacks. The fulfilment of the rule of law must become the first priority of the Zimbabwean government. If the government continues to belittle the rule of law, corrupt decisions benefiting only those in support of the government, will continually be made. The importance of land in Zimbabwe did not so much arise from the social and economic inequalities, but rather the inability to access land, accompanied by a growing overpopulation, landlessness, land deterioration and escalating poverty in the black areas. This was further paralleled with severe under-utilisation of land in the white farming areas.

South Africa, on the other hand, did make space at an earlier stage of transition in their constitution, for organised and methodical land reform to occur. Unfortunately, this process has taken much slower than first predicted, which has led to unrest among the landless, and those who have made claims for the land. South Africa very

recently made some decisions to speed up the land reform process through expropriation if negotiations fail. With the Zimbabwean situation, the issue may not so much be about land in itself, but may reflect the need for employment, especially regarding infrastructure and investment in industrialisation within the rural areas.

This study concludes that South Africa, although showing many similar signs of a downward spiral, will not follow the route which Zimbabwe has taken. It would appear that the government of South Africa would not allow land invasions by the landless, organised under the banner the 'Landless Peoples Movement (LPM), as was seen in Zimbabwe with the war veterans. The reason for this is that the South African government has made continuous statements that land invasions will not be tolerated in South Africa, and that they will abide by the legislation set out, when it comes to land reform and restitution. The government has the power to enforce the rule of law if land invasions do start to occur. Although the LPM have a similar manifesto and goal as to the war veterans in Zimbabwe, they seem a lot less militant and ready to work with the government and the people to ensure the best for South Africa's land reform process.

This study thus looks at land reform issues that face South Africa and Zimbabwe, and fleshes out ideas as to creating a regional procedure for the best method of land reform for implementation by the South African Development Community.

OPSOMMING

Gesien in die lig dat grond die revolusionêre metafoor van rykdom en mag in die wêreld is, sal dit ideaal wees as grondhervorming tot sosiale en ekonomiese bevordering in Afrika kan bydra en uiteindelik kan lei tot sosiale gelykheid en toename in produktiwiteit in die Landbou-sektor.

Hierdie studie is toegewy aan die geskiedenis van grond-eienaarskap in Suider-Afrika, sowel as die betekenis en verduideliking van grondhervormingsprogramme na afloop van die transisie na 'n demokrasie stelsel. Die studie fokus ook daarop om die leser meer in te lig oor die verskeie menings en uitgangspunte rakende grondhervorming in die algemeen, maar meer speisfiek in Suid Afrika en Zimbabwe. Die doel van die studie is om verdere besprekings oor die behoefte en die heroplewing van grondhervormingsprogramme in Suider-Afrika. Suid-Afrika en Zimbabwe word in die studie op drie gronde met mekaar vergelyk: Die teruggawe van grondeiendom, die herverdeling van grondeiendom en die hervorming van besitreg. Die doel van die studie is om te bepaal of Suid-Afrika in die voetspore van Zimbabwe gaan volg.

Zimbabwe staar die pynlike realiteit in die oë dat hul politieke revolusies hulle slegs halfpad tot ware onafhanklikheid gebring het. Die doel vir Zimbabwe was om 'n funksionele sosialistiese ekonomiese stelsel daar te stel waar besluitneming onder politieke beheer sou wees om sodanig drastiese herverdeling van rykdom vanaf blankes na swartes, asook onafhanklikheid van kapitaliste, te bewerkstellig. Die belangrikheid van grondbesit het nie werklik in die sosiale en ekonomiese ongelykhede gelê nie, maar in die onvermoë om grond te bekom tesame met 'n toenemende oorbevolkingsyfer, grondloosheid, grondverarming en toenemende armoede in swart gebiede. 'n Bydraende faktor was die groot mate van onderbenutting van grond in blanke boerdery gebiede.

Aan die ander kant, het Suid Afrika baie vroeg in die oorgangsfase voorsiening vir 'n georganiseerde en stelselmatige grondhervormingsproses, in die grondwet gemaak. Ongelukkig het die proses baie langer gesloer as wat aanvanklik beplan is. Dit het tot onrustigheid onder die mense wat geen grondeiendom besit het nie en dié wat grondeise engedien het, gelei. Suid Afrika het onlangs besluite geneem om die proses

te bespoedig deur 'n paar belangrike decisions onlangs gemaak, om die grondhervormings proses, vinniger te maak Dit word gedoen deur ekspropriasie as onderhandelinge onsuksesvol is. Soos in Zimbabwe, mag die werklike probleem nie oor slegs oor geondbesit gaan nie. Dit reflekteer die behoefte aan werkverskaffing, veral in die infrastruktuur van arm gebiede en die investering industrialisasie.

Alhoewel dit lyk asof Suid-Afrika nie suksesvol in die herverdeling van grond is nie, kom die studie tot die slotsom dat die land nie in die spore van Zimbabwe sal volg nie. Dit kom voor asof die Suid-Afrikaanse owerheid nie sal toelaat dat mense sonder grondbesit, grond onregmatig inneem soos in Zimbabwe nie, omdat hulle het 'n punt in die media daarvan gemaak. Die owerheid het die mag om die wet toe te pas in situasies waar grond onregmatig ingeneem word. Alhowel die LPM ("Landless Peoples Movement") 'n soortgelyke manifes en doelstellings as die oorlogveterane van Zimbabwe het, blyk dit nie asof hulle so militaristies is nie en dat hulle gereed is om saam met die owerheid en mense te werk sodat die hervormingsproses in die beste belange van Suid-Afrika plaasvind.

Hierdie studie kyk dus na die grondhervormingsproses in Zimbabwe en Suid Afrika en vorm idees rondom die skepping van 'n uniforme proses wat die beste hervormingsmetode is vir die gebruik van die Suid-Afrikaanse Ontwikkelings-gemeenskap.

Dedicated to Hailey Karen Mason

1969 - 2003

your strength and courage through trying times has been

an inspiration to me

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ABBREVIATIONS

Agri-SA	Organised Commercial Farmers in SA
ANC	African National Congress
CFU	Commercial Farmers Union in Zimbabwe
COSATU	Congress of South African Trade Unions
DLA	Department of Land Affairs in SA
DRC	Democratic Republic of the Congo
ESAP	Economic Structural Adjustment Programme
GDP	Gross Domestic Product
ha	Hectares
IBDC	Indigenous Business Development Centre in Zimbabwe
IMF	International Monetary Fund
LAA	Land Apportionment Act of Zimbabwe
LPM	Landless Peoples Movement in SA
LRAD	Land Redistribution for Agricultural Development of SA
MDC	Movement for Democratic Change in Zimbabwe
NEPAD	New Economic Programme for African Development
NGO	Non-governmental Organisation
NLC	National Land Committee
NLHA	Native Land Husbandry Act of Zimbabwe
NP	National Party of SA
PTO	Permission to Occupy
RDP	Reconstruction and Development Programme of SA
RSF	Rhodesian Security Forces
SA	South Africa
SABC	South African Broadcasting Corporation
SADC	South African Development Community
SACP	South African Communist Party
SAP	Structural Adjustment Programme
SLAG	Settlement/Land Acquisition Grant of SA
TAC	Treatment Action Campaign
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
ZANLA	Zimbabwe African National Liberation Army
ZIPRA	Zimbabwe People's Revolutionary Army
ZNLWA	Zimbabwe National Liberation War Veterans Association
ZWVA	Zimbabwe War Veterans Association

CHAPTER ONE
INTRODUCTION

1.1 PROBLEM STATEMENT

The recent invasions of over 1000 farms in Zimbabwe and the escalation of violence and conflicts over land, as well as over economic development, have spurred fears that a similar invasion could occur within other Southern African countries (Moyo, 2003:59; Lahiff, 2003:40), especially South Africa. The land question in the region must therefore, urgently be addressed. Winona Laduke has put this issue into perspective in her research titled *Native Struggles for Land and Life,* when she rightfully observes that "land has always been a source of wealth and power, and the issue of land rights and ownership is a central point of contention between settler and indigenous people" (Mgoqi, 2000:41).

This research aims to discuss the nature of the land problem in Southern Africa by referring to two very visual countries in the Southern African region – South Africa and Zimbabwe. The colonial legacy of capital accumulation, based upon unequal land ownership patterns and access to agricultural resources and infrastructure, is what underlies the growing conflicts over land in the region (HSRC, 2003; UN Office for the Coordination of Humanitarian Affairs, 2003).

The land question in the Southern African region has recently received renewed policy and research interest in the context of "emerging discourse on recolonisation and contradictory meanings ascribed to post-colonialism" (Moyo, 1993:1). This was due mostly to the fact that the current land situation has been shaped by dispossession initiated by colonialism and large-scale immigration into Africa. This has largely determined the economic position of those indigenous to the African continent. These inequalities in Africa dated back to the Berlin conference of 1885, when European powers partitioned Africa into the spheres within their influence. De Waal (1990:15) states that the European powers, during the process of the partitioning of Africa at the Berlin Conference, "emphatically pledged themselves and placed on record their

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recognition of the sacred duty of preserving the aboriginal races of Africa; of watching over their interests, and of cultivating their moral and material advancement and development". However, the reality was, that most of Africa was dispossessed of its ancestrally owned lands, and was also prohibited from participating in commercial production except as "reservoirs for cheap migrant labour" (Adams, Sibanda & Turner, 1999:2).

Settler societies were created during the colonist era, as settlers moving into the country did not belong to indigenous communities – they did not share indigenous culture, beliefs or traditions - and therefore had to create a niche for themselves. A settler society was created because there was supposedly a need for separation from "the barbarism that had evaded Africa" (Ogot & Ochieng, 1995:11). It was thus expected from these European settlers, who had formed their separatist communities, to advance the 'civilisation' of indigenous communities, and to introduce Africans to modernity.

As we are concentrating on Southern Africa, emphasis will be placed on the region within Africa. Today, even after independence from colonial powers' control, and after the colonial powers withdrew from Africa during the mid-21st Century, extreme imbalances of landownership on the basis of race and class have resulted. Dispossession and forced removals of people under colonialism and apartheid resulted not only in the physical separation of people along racial lines, but also in "extreme shortages and insecurity of tenure for much of the population" (Lahiff & Rugege, 2002:50).

There has been little comparative research conducted 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 smallholders in Southern Africa" (Bruce & Mighot-Adholla, 1994:3). These land policy tendencies provide clear evidence that the inappropriate development strategies of structural adjustment programmes have encouraged the concession of land for external investment and land privatisation (Moyo, 2003:61; Moyo, 1995:11) and furthermore, have exacerbated poverty. Thomas

(2003:710) takes it further in blatantly stating that, "the roots of the crisis in Zimbabwe can be traced back to the introduction of neo-liberal policies…".

Land reform policies have been met with different approaches, successes and failures in terms of coverage and impact. It must be remembered that the demands and circumstances for land reform vary from nation to nation and thereby condition the character, dimension and outcome of reforms. Both in Zimbabwe and South Africa, the policy immediately following the transition "was to redistribute former white-owned farmland to the rural poor" (Adams & Howell, 2001:1). The repossession of alienated land by African citizens, thus, remains a central national and agrarian objective. Land acquisition for redistribution and restitution has been given priority. Tenure reform, however, "has had to take second place to the redistribution of white farms" (Adams, Sibanda & Turner, 1999:3). So dominant is the imperative to repossess land, that insufficient attention has been devoted to post-settlement planning and support.

Journalist Geoff Hill (2003a:9); the HSRC (2003) and Breytenbach (2003:2) share the opinion that migration has become another major issue in the land reform debate. It is the failure to integrate land tenure reforms and resettlement programmes covering both urban and rural land, into land reform policies, which has ripped opened large loopholes in land reform programmes. Land reform is not just a rural issue - it ought to be part of a comprehensive special development strategy that would include land use in urban areas. Breytenbach (2003:2) states that this is imperative because fertile land as a resource in many countries "is simply too scarce to be made available to everybody who wants to make a living on rural land, irrespective of the capacity for sustainable development".

Hill (2003a:9) states that Zimbabwe's problem began "from independence in 1980 to the start of the farm invasions in the 1999, [when] the country's population almost doubled, but the number of people living in Harare jumped fivefold". In South Africa too, a trend can be identified: the typical migrant is aged between 18 and 30, educated – and unemployed. With these two countries rapidly becoming urban nations, full of skilled and educated young people – there is a large demand on employment opportunities.

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Nothing, as of yet, has been done to cater for the demands of the large workforce. This research has thus shown, that giving land to those living in poverty will not curb the problem of dissatisfaction with governing parties. Hill (2003a:9) concludes that these countries need to put all their effort into industrial growth, the extension of decentralisation and encouragement of new investors in rural areas. Giving people land will not keep them at home, but if they can find jobs in their own communities, there will be a good chance they will not migrate to the cities.

Zimbabwe and South Africa are two countries with similarities regarding their land reform processes. Recent seizures of commercial farms in Zimbabwe and rising militancy among land activities in South Africa suggest that the demand for radical land remains strong among much of the rural population and thus shows how the land question has the potential to become critical in times of political or economic crisis (Lahiff, 2003:3), or even in the light of an upcoming election (Smith, 2004).

1.1.1 ZIMBABWE

Zimbabwe achieved independence more than 20 years ago, and the land issue has still held political and media attention. Colonialism in Zimbabwe was driven by the British South Africa Company under Cecil John Rhodes in 1889 (Peters & Malan, 2000:151). The unequal distribution of land was due to the legislation drawn up by the colonial powers in order to favour settlers politically and economically. By the end of 1910, "23.4% of the land had been appropriated to whites, and 26% had been declared Native Reserves, later become known as Tribal Trust Lands" (Herbst, 1991:269).

The implementation of the Land Apportionment Act in 1930 legalised the division of the country's land. The racially discriminatory act of grouping indigenous tribes in reserves led to the disintegration of the agricultural economies of these people. There was 'wholesale forced removal of African people to make room for white farming up to the 1950s (Cliffe, 2000:36; Thomas, 2003:693). The British government concentrated all its policies during the next 30 years on the promotion of further white settlement, and built

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up its power and economic predominance. This gave impetus to a bloody liberation struggle with the main driving force being the land issue.

Even though the struggle was one that entailed much bloodshed, a constitutional settlement was negotiated, which protected white settler land and committed the new government to pay compensation for the white lands that were required, based on the willing-buyer, willing-seller clause (Breytenbach, 2003:8; Palmer & Birch, 1992:24). The new government of 1980 under Mugabe set out to acquire 8.3 million hectares (ha) of land on which to resettle 162 000 families under Phase One of its Land Reform and Resettlement Programme (Thomas, 2003:697).   Ten years after independence "51 000 families had been resettled on 2,65 million ha of land" (Cloete, 1992:254). Along with the resettlement programme, the government gave assistance of a combination of marketing, credit, extension services and agricultural inputs to 60% of people who remained in agro-ecological zones (Thomas, 2003:698).

The reasons for the delay in land redistribution in the mid-1980s are complex. The government was persuaded that the countless losses of experienced commercial farmers would drain the economy of vital export earnings. The government was also subjected to implicit threats of the withdrawal of aid. At the same time "recurrent if limited balance to payments deficits, and the burgeoning price of land, persuaded them to hold back on compulsory acquisition" (Thomas, 2003:699).

In 1988 Margaret Thatcher explained that the United Kingdom (UK) government's failure to offer development-orientated finance to Zimbabwe was because it did not have an International Monetary Fund (IMF) programme (Stoneman, 1993:90). Finally, a small balance of payments deficit proved enough for the government to introduce a 'home-grown' economic structural adjustment programme (ESAP). However, this programme failed horribly, bringing Zimbabwe into great debt, as there was a continued lack of access to land, availability and price of farm inputs. There was also a loss of information previously provided by the marketing boards, high interest rates, and insufficient technical services (SAPRIN, 1999:5; Thomas, 2003:699).

In 1991 and 1997, the Zimbabwean government adopted new legislation, the Land Acquisition Act and the second phase of the Land Reform and Resettlement Programme respectively, which sought to empower the government to acquire land that they considered necessary to confiscate, as well as to determine fair compensation in local currency. This attempted change in legislation had a dramatic impact on the politics of resettlement in Zimbabwe, as the state was not in a position to create prosperity.

The rate of land transfer under this legislation was painfully slow and led to major land invasions in 1997 and 1998 (Moyo et al. 2000). Occupations of white owned land by war veterans began on small scale in 1999, but lessened after government assurances that resettlement would speed up. However, in February 2000 a draft constitution, which included a clause to make compulsory acquisition easier, was rejected in a national referendum (Moyo et al. 2000; Thomas, 2003:700). The referendum defeat and the withdrawal of several contested farms from the legal process was more of a catalyst to the anger of the war veterans.

Despite the referendum defeat, the government still amended its constitution during April 2000, allowing it the right to acquire commercial farms. This was the start of the government 'Fast Track Land Resettlement Programme'. In the following month, Zanu-PF narrowly won the parliamentary elections by playing the 'land card'. Its support was concentrated in the rural areas, where its land policy would be expected to have had the most appeal. Having realised that donors and some stakeholders, such as the Commercial Farmers Union (CFU) were not genuinely interested in assisting the government in undertaking a successful land reform and resettlement programme, "the government was determined to go it alone using its own limited resources to settle people" (Breytenbach, 2000:49). The Zanu-PF government orchestrated land invasions during their campaigning time. Despite suspicions that the land programme was an electoral ploy, Mugabe immediately pledged the acceleration of land reform on his re-election as president in March 2002.

This was a definite controversial move on the part of Mugabe's government. The Zimbabwean government was criticised both locally and abroad for crediting an election campaign that favoured violence. Two issues fuelled this criticism. The first was Mugabe's stubbornness in refusing to withdraw from the civil war in the Democratic Republic of the Congo (DRC) - which was not in line with the IMF and the World Bank donors' policies. The second issue was the illegal occupation of white-owned land "since February 2000" (Mapenzauswa, 2001:2) and the "1 471 farms that were to be expropriated and resettled without compensation" (Peters & Malan, 2000:156). These occurrences had damaged investor confidence, which indicated a very poor economic recovery.

This violent phase of land reform in Zimbabwe is a source of great concern to both the local Southern African community, as well as the national community, who are watching over the proper evolution of an appropriate and efficient land reform process.

1.1.2 SOUTH AFRICA

The similarities between Zimbabwe and South Africa are indeed striking. They suffer comparable land inequalities: 13% of the population of South Africa (whites) own 87% of the land (Ankomah, 2001:8). As was seen in Zimbabwe, legislation was used to alienate black land. After the conquest of black South African societies in the 19th Century, the black man's right to own land was circumscribed, and opportunities varied according to the area in which the person lived. The Natives Land Act of 1913 curbed this rapid growth process of owning and buying up land, "with its main aim to achieve territorial segregation in the new Union of South Africa" (Feinberg, 1995:50). Rural black groups were seeking land in order to meet their needs for more agricultural and grazing land. Feinberg (1995:52) states that a consistent theme of official documents, as well as the observations of blacks and sympathetic whites, between 1910 and the 1940s is that the reserves were overcrowded.

The 1913 Act is seen as the first step in the process of creating the structural force behind the forced removals of the apartheid era. At the same time, this Act boosted the system

of migrant labour, an essential feature of apartheid to the mines and industries in the areas designed as 'white'. This prevented access to land which was the source of income to most blacks (Human Rights Watch, 2001:3). The need for more land to be set aside for the reserves, in accordance with the commitment to the 1913 land act, eventually became sufficiently urgent, because of the resistance of the white farmers.

The 1936 Development Trust and Land Act identified land that was to be 'released' for African occupation, thus expanding the reserve areas defined in 1913. Part of this land was already owned by the state; other areas were purchased by the state from private owners, a process which continued over the next 50 years. The 1936 Land Act also established an elaborate system for the compulsory registration and control of labour tenants. Any 'native' unlawfully residing on the land, including those who had the consent of the landowner but were in excess of a number set down by the labour tenants control board, could be summarily evicted by the police, using force if necessary (Human Rights Watch, 2001:3). Even those farmers who wished for peaceful relations with their black tenants were therefore pushed into confrontation. These drastic measures formed the basis for most farm removals that were to follow, though they were not widely enforced until the 1950s.

Land redistribution in South Africa has been very slow: less than 2% of the land has been transferred from white to black ownership since the African National Congress (ANC) came into power in 1994 (McGreal, 2001). The Restitution of Land Rights Act was the first law regarding South African land, to be passed after the elections in April 1994. Land Redistribution was established promptly in late 1994 with a national pilot programme. By early 1999, "some 35 000 households had acquired rural land in the former white areas by means of government subsidies" (Adams, Sibanda & Turner, 1999:6). These moves were made by the South African government after years of the apartheid regime, contributing to the current situation where "more than 3,5 - 7 million people are dispossessed and land hungry" (Stantich, 2000:22). The Land Act of 1913 provided the framework for the manner in which land would be distributed. This Act

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determined that, "87% of the most arable land given to the ruling minority, and the remaining 13% to the majority" (Matlou, 2000:1) who were disenfranchised at the time.

Unlike the Zanu-PF in Zimbabwe – whose support base came from the areas of Mashonaland and SWAPO to Ovambo, the ruling ANC does not have an ethnic support base. The ANC's biggest priorities are urban-orientated with a focus on transformation and black empowerment. All the transformation charters focus on issues such as mining, banking, medical health schemes etc. Out of almost 80 000 validated restitution claims, most have been "disproportionately urban claims settled through cash compensation, whereas many of the large, complex rural claims remain unresolved" (Aliber & Mokoena, 2003:331).

The ANC has chosen to collude with Zanu-PF in propelling the fiction that land reform in Zimbabwe is a national priority. Land reform is clearly not a great priority for either the South African government or for the average South African. Aliber and Mokoena (2003:342) state that "less than one percent of the government budget goes to land reform, far less than goes to, say, agriculture or water infrastructure". According to the Afrobarometer survey, only 1,3 percent of South African respondents listed land as one of their top three concerns (2003:342). Perhaps this perception about the importance of land reform owes to the fact that there is no national consensus as to whether and why it is worth pursuing. What is noticeable, but not unexpected, is the absence therefore, of a 'land charter'.

The ANC government of 1994 created a land reform policy, which addressed not only the racial imbalances shaped by the political, social, and economic history of South Africa, but also:
- The injustices of apartheid;
- The fostering national reconciliation and stability;
- The underpinning of economic growth, and
- The improvement of household welfare and the alleviation poverty, especially in the rural areas.

The Land Reform programme of South Africa is established upon three pillars, which also hold up the overall improvement of welfare and the alleviation of poverty. The three pillars are land restitution, land redistribution and land tenure - all of which will be described under section 1.4 Defining Concepts.

There are a few criticisms of the land reform process in South Africa - the first being the slothfulness of the process since its inception, especially coming from those at grass-roots level. There is also a growing frustration expressed by the communities, who did not seem to understand the complex administrative nature of the restitution process of land rights.

There is no doubt that one of the greatest challenges in the development of Southern Africa was determining the ways in which to adjust "tradition-ridden societies to the requirements of agricultural progress and socio-economic advance and how to finally decide whether to channel this dynamic process to the advantage of all Africans or leave it to favour just a few" (Jacoby, 1971:319). These resulting land problems and the incidence of high population densities in marginal environments have increased poverty and the conflict resulting from lack of access to marginal lands. Land remains the major source of livelihood for most of the people in the region and will continue to remain to do so until the industrial and service sectors provide alternative opportunities for survival.

1.2 PURPOSE AND SIGNIFICANCE OF STUDY

The main purpose of this study is to describe and systematically compare the land reform and restitution process in the former-colonies of South Africa and Zimbabwe. This comparative study is being performed in order to make recommendations on land reform and the process of land restitution in Southern Africa. Research questions surrounding this theme are as follows:

- What was the structure of the colonial system before independence - how was it possessed by colonial powers and how was the land used by those who were in control?

- The reasons behind land reform and restitution - why should it occur?

- What are the current policies in place for land reform and restitution?

- What problems have occurred during these processes with regards to policies from these government, policies of structural adjustment, and the results of these policies at a grass-roots level e.g. the farm murders.

- What are the power relationships in leadership and the influences of these at a grass-roots level?

- What is taking place on in term of land reform policies in neighbouring Southern African countries?

The aim of this paper is to assess how this historical legacy is to be corrected at best. It also aims to comparatively investigate the land reform processes in these respective countries – focusing on the successes and failures of other land reform policies. In Southern Africa, the resolution of the land issue is vital for the political, economic, social and environmental well being of the region.

The study is based on an in-depth investigation into the land reform and restitution processes in Zimbabwe and South Africa. The first goal of this study will be to fully conceptualise land restitution, redistribution and tenure reform in the context of Southern Africa and to describe the development projects on resettled land which are already in place. The second goal of the study will be to describe and explain the history of land

ownership in the chosen countries: South Africa and Zimbabwe. The final goal of this study will be encaptured in the assessment and conclusion, namely, to:

- Compare South Africa and Zimbabwe in three areas: land redistribution, land restitution and land tenure reform, describing the similarities and differences within each area;

- Assessing the trends in the process of land reform in the Southern African region, with reference to Zimbabwe and South Africa;

- Determine if South Africa will take the same path as Zimbabwe

- Determine the further need for land reform, focusing on preconditions for revitalising land reform;

- Provide ideas for a conceptually sound framework on the traits of a successful land reform policy – possibly for the future regional use by the South African Development Community;

- Determine issues to be researched in the future.

1.3 RESEARCH METHODOLOGY

This thesis is being conducted under a qualitative comparative study analysing existing information. Comparative Studies focus on the similarities and differences between groups or units of analysis. The focus of these groups or units of analysis includes organisations, cultures, countries, societies, institutions and individuals. The groups or units of analysis in this study are the countries Zimbabwe and South Africa, and their land reform policies - which are to be compared. There will also be brief referrals to land policies of other Southern African countries within the study - for comparative purposes.

The choice of the countries, South Africa and Zimbabwe, for the purposes of this study, is due to the fact that these countries are both situated in the Southern African region: possibly carrying much weight for those policy makers, readers, and analysts within our region who find this type of comparative research necessary on approaching policy. There has been growing research interest in comparing the longer standing land redistribution experiences of Zimbabwe with the recent experiences of South Africa, but generally "these trends of land alienation and their implications are under-researched"

(Moyo, 1993:3). The focus of this paper is on two of the most prominent countries in Southern Africa – Zimbabwe and South Africa. Solutions and ideas suggested in this paper would possibly form a basis for discourse about land reform in Southern Africa – and spark regional organisations to develop common approaches regarding land reform, as well as to integrate them into wider development strategies.

Zimbabwe and South Africa's land reform programmes are very similarly based: there has been a large form of militancy among war veterans and in Zimbabwe up to now, and we have seen this pattern emerging in South Africa too. Rising militancy among land activities and recent seizures of land in South Africa suggest that the demand for radical land remains strong among much of the rural population and thus shows how the land question has the potential to become critical in times of political or economic crisis (Lahiff, 2003:3), or even in the light of an upcoming election (Smith, 2004).

This study will be conducted over a period of eight months. The study will begin with the creation of a research proposal which will eventually become the chapter one of this paper. This research proposal will include the problem statement, brief descriptions of the problems concerning land reform in Zimbabwe and South Africa, a description of the research methodology, the purpose and the significance of the study, and the definition of concepts being used throughout the study. Two months have been allocated to the creation and evolution of the research proposal, as it is the most important part of the study. The writing, editing and proof reading of this thesis should be concluded by the end of January 2004.

Within this paragraph, the objectives of the comparative study will be set up. For the purposes of this study, though, objectives three and four (hypothesis-testing and prediction), which will also be discussed below, are not relevant to this study. The comparative method probably narrows a research topic, so that it becomes extremely definable. Landman (2000:4) identifies four main objectives of a comparative study, "which all co-exist and are mutually reinforcing in any systematic comparative study". The first of these is the process of describing the political phenomena and events of a

particular country, or group of countries. Landman (2000:5) states that, "contextual description is thus viewed as the starting point for all systematic research".

The second identifiable objective is regarded as a necessary component of systematic comparison, "but in many ways it represents a higher level of comparison, since it seeks to group many separate descriptive entities into simpler categories" (Landman, 2000:5). This objective is classification, which also aims to reduce complexities by seeking out those common qualities of the unit of analysis, as well as those qualities that differ. An explanation of the description and classification is thus the third objective. Lijphart (Landman, 2000:6) claims that "comparison allows testing hypothesized empirical relationships among variables". Many scholars regard the fourth objective as the most challenging of a comparative study. The fourth objective involves "making predictions about outcomes in other countries based on the generalisations from initial comparison, or to make claims about future political outcomes" (Landman, 2000:10).

The nature of this study would be secondary analysis - using current textual material for the benefit of the interpretation in this study. The types of texts which are to be used will vary from journals, books, magazine articles and internet information. The themes of these texts will include:

- Land reform in South Africa and Zimbabwe, clearly focusing on the three issues of restitution, tenure reform and redistribution;
- Information that addresses the question of whether South Africa will walk in the footsteps of Zimbabwe regarding the government supported land invasions;
- Legislation from the South African and the Zimbabwean constitution which states the process surrounding land reform as well as housing, resettlement and urban planning;
- Information which provides a detailed history of both South Africa and Zimbabwe, especially information published by the South African and the Zimbabwean governments;
- Information which provides a look at lessons on land reform in the Southern African region

Two benefits of the comparative study are as follows:

- There is an allowance for the comparison of different theoretical viewpoints across different settings, and

- A stronger causal hypothesis can usually be determined in a study such as this one - due to the logic of comparison, which approximates causal inferences.

Although comparative research is given a wealth by referring to case studies, this paper will not focus on referring to case studies. There is one case study which shall be briefly referred to, in the section on South African land reform. This was the Grootboom case. Unfortunately, there was not a sufficient amount of case studies which referred directly to the topic of land reform in Zimbabwe, within the resources chosen. These case studies were also very weak content wise with regards to this study. It would create an imbalance to refer to an integral case study concerning land reform in South Africa, which describes the problems with the land reform process in South Africa, and not have an important Zimbabwean case study to compare it with.

1.4 DEFINING CONCEPTS

1.4.1 LAND REFORM

Many authours who have studied land issues and their problems, have failed to define the concept *land reform*, which weakens the foundations of their research. Many researching the topic for the first time, therefore, have a problem in separating the concepts 'land reform'; 'land restitution'; 'land redistribution' and 'tenure reform', thinking that they are all one and the same. – which they are not. The fact is, that land reform can be broken down into three major areas, each of which will be defined in comprehensively below:

- Tenure reform, which consists of tenure charges in state land, communal land, tenureship and private property;

- Redistribution programmes, which entail developmental projects, co-operatives, subsidies and/or capital, training, extension of existing property and marketing;

- Restitution, which provides the redress of imposed dispossession.

There are a few definitions of land reform that are worth taking the time to mention – in order to provide a deeper look into its richness as a concept. Universally, land reform is seen as the redistribution of property, or rights in property, for the benefit of the landless, tenants or farm labourers. The United Nations defines land reform as "compromising an integrated programme of measures designed to eliminate the obstacles to economic and social development arising out of defects in the agrarian system" (Jacoby, 1971:24). Adams (1995:1) views the African continent as an prime example of a region where land reform is taking place, the primary concern being the correction of the imbalance of agricultural land. Jacoby (1971:24) viewed land reform as agrarian reform, a frequently used term to denote any integrated programme, that aims to recognise the institutional framework of agriculture, in order to facilitate social and economic progress in accordance with the philosophy, values and creed of the community concerned.

1.4.2 LAND RESTITUTION

This is a component of the broader land reform programme, which has been described in section 1.4.1. Land restitution aims at restoring the right to own land to those who lost it as a result of racially and discriminatory legislation and practices. i.e. "giving back the land to those communities and individuals who were forcibly removed" (Matlou, 2000:1). He also stated that restitution of land claims could be divided into "the provisions of alternative land to the disposed or the access to monetary compensation, but more importantly, the restoration or reinstatement of the actual land or property right to claimants who were disposed" (2000:1).

1.4.3 LAND REDISTRIBUTION

In Southern Africa, redistribution refers to the repossession of land alienated by white settlers and its reallocation to blacks, either as freehold or by its re-incorporation into the communal area (Adams & Howell, 2001:1). Land redistribution has been the central pillar of land policy in Zimbabwe, Namibia and South Africa since their transition to majority rule. It basically entails settlement and development projects, training and skill development, co-operatives, subsidies and/or capital.

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Expropriation or confiscation may occur during the process of land redistribution. These terms refer to the removal of property by the use of authority. Prosterman et al. (1987:194) perceive a reform to be confiscatory in nature, when it deprives landowners of a major portion of their capital, their income and their economic security. It is suggested that governments supporting land confiscation are likely to use "fraudulent means of control, bribery, perjury, administrative sabotage and even force if necessary" (Prosterman et. al, 1987:194). The absence of adequate compensation results in a decline of the economic and agricultural strength of landowners and the nation as a whole.

1.4.4 LAND TENURE REFORM

Land Tenure Reform, also a component of the broader land reform programme, may be defined as the terms and conditions on which land is held, used and exchanged in transactions. Tenure reform refers to the protection of the rights of residents of privately owned farms and state land, together with the reform of the system of communal tenure prevailing in the former homelands (Lahiff, 2003:44). Land tenure reform also refers to a planned change in the terms and conditions of property rights, for example "the adjustment of the terms of contracts between land owners and tenants, or the conversion of more informal tenancy into formal property rights" (Adams, Sibanda & Turner, 1999:2).

De Villiers (2003:49) states that tenure reform refers to improving the rights specifically of farm workers and persons within the communal and homeland areas. It was estimated that approximately "four million people could benefit by upgrading tenure and providing a better legal basis for their rights to be present on land and to access land" (2003:49).

Tenure reform is the most neglected area of land reform to date, but has the potential to impact the rights of residents of privately owned farms and state land, together with the reform of the system of communal tenure prevailing in the former homelands. In South Africa, when tenure reform has taken place, it is largely focused on resettling farm residents to townships (effectively housing rather than land reform), or to the upgrading of tenure in informal peri-urban settlements. Tenure reform has yet to grapple effectively

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with the highly contentious issue of the control of communal land, as well as addressing a range of problems arising from settler colonisation and dispossession.

The legacies of colonialism complicate the rather simplistic equity versus production debate (de Soto, 2000:67). This debate often results in crude choices between equity for the poor (mostly black) and the goals of production for the commercial sector (mostly white). In this way, the equity debate becomes racial and thus refers ultimately to the reversal of racial legacies. It could be said that the production debate tends to justify the status quo on the grounds of the economic benefits of large-scale commercial farming. In this way it is perceived to favour white farmers. However, Breytenbach (2003:4) states that this argument misses the point regarding successful smaller scale farming on appropriate soils, such as is found in the sugar cane areas of Kwazulu-Natal.

The land reform debate is very complex. In addition to commercial land that may be earmarked for restitution or resettlement, other categories of land are also available. Two of these categories are firstly, under-utilised and unused land in the possession of traditional authorities and secondly, non-productive state land. Most African landscapes can be divided into two broad categories (de Villiers, 2003:51):

- 'The holding': land possessed and used relatively exclusively by individuals or households for residential, farming, or some other business activity.
- 'The commons': land shared by multiple users for grazing and for gathering veld products (fuel, poles and medicinal plants), which may be further broken down into two groups: firstly, controlled access: a commons over which a group exercises control, at a minimum having the ability to exclude non-members, possibly also regulating use of the resource by members and secondly, open access (which implies an absences of control).

Zimbabwe has only 1% of state land available, apart from communal and parks lands (Stoneman, 2000:50-51). It is therefore mainly restitution lands that are targeted for resettlement. In South Africa, 25% of all land is state owned (Breytenbach, 2003:7). A recent land reform amendment, announced in South Africa by the Minister of Land

Affairs, allows for the category of state owned land to be fast-tracked for resettlement. It was also announced that about 5% of all land is to be transferred into resettlement land for black emerging farmers.

1.4.5 RESETTLEMENT PROJECTS

Include the following:

- Community organising (community facilitation in South Africa) mediation, conflict resolution and farmer selection;
- Farm and resettlement planning, including obtaining the necessary development planning approvals;
- Land purchase (including valuation, negotiation and land transfer);
- Registration and the issuing of titles in favour of the land reform farmers;
- Re-settlement, including the provision of physical infrastructure;
- Post-settlement support services (producer co-operatives, farm credit and input supply, marketing, extension advice, etc.) to sustain resettled households in the initial years.

CHAPTER TWO
ZIMBABWE

2.1 COLONIAL LEGACY

There can be no doubting the fact that the land issue in Zimbabwe has been, and still is pivotal, even after independence. The demand for the return of land to the dispossessed majority was a central aspect of the national liberation struggle, and featured prominently in the policies of the post-independence state. Nevertheless, official commitment to land reform has varied considerably over the years, as have the contours of land policy itself, and the achievements of the land reform programme remain a matter of intense debate among scholars and political actors (Lahiff & Scoones, 2000:3).

Moving on to a description of Zimbabwe's colonial legacy, the attitudes of the British government have formed the foundation of land ownership patterns today. They believed that they had a moral obligation to spread "the blessings of commerce and Christianity" (De Waal, 1990:14). After much rivalry between the Germans, Boers and British to colonise Southern Africa, Mashonaland was eventually seized by Cecil John Rhodes. He negotiated with King Lobengula, king of the Matabeles and Mashonas, to give sovereign powers to the British in order to establish a government, mining laws and to create a military force.

The areas occupied by the Mashona were later demarcated as native reserves, while the occupied, as well as some unoccupied areas were taken over by companies such as the British East African Company. To the Mashona and Matabele custom, it was recognised that land belonged to everybody - it was a communal item (Chitiyo, 2000:4). Stiff (2000:282) argued that in Zimbabwe, individual or collective ownership of land was unknown to the indigenous people. Chitiyo (2000:4) further emphasises this point when he states that "both the Mashona and the Matabele also believed that the real landowners were the ancestors and that particular lands were sacred".

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It was this clash between indigenous Africans (who regarded land as both a cultural and material resource) and the white settlers, that would come to dominate the history of the country. The 'First Chimurenga', an initial anti-colonial struggle, broke out in 1896, due to the dissatisfaction with hut tax, environmental calamities, and land seizures. The First Chimurenga, a civil war within Zimbabwe, stretched out until 1897. Although this war was partly a revolt against settler seizure of land, "it was primarily a protest against hut tax, as well as a response to the simultaneous environmental calamities of rinderpest, locusts and drought" (Chitiyo, 2000:4). The local people believed that the settlers were destroying the balance of nature. During the First Chimurenga, colonial soldiers and police seized rebel crops and livestock. After a ferocious war that lasted 18 months and claimed 8 000 lives (Ranger, 1967), the local 'rebels' were defeated and the settlers created a colonial state.

The local rebels also established a system of land ownership. When the settlers came to Zimbabwe, they created a market for black farmers and it is estimated that in 1903 "black farmers contributed 90% of the country's agricultural output, while white farmers only contributed 10%" (Stiff, 2000:282). In the process, they built fricitious foundations on the numerous pre-colonial land wars between the Shona and Matebele, and therefore also institutionalised the land problem that successive governments were to grapple with and fail to resolve.

However the colonial powers soon shifted their attention from mining to developing a white agricultural sector. This eventually directed the movement of Africans into Native Reserves during the 1920s. The British created the office of Chief Native Commissioner to handle all the disputes and administration concerning the Native Reserves. De Waal (1990:15) states that Rhodesian authorities applied economic pressures by imposing taxes that could be paid only in money, thus forcing men to leave their homes in order to earn wages.

The Land Apportionment Act (LAA) of 1931, which was later replaced by the Land Tenure Act of 1969, made provision that land should be divided along racial lines. It was

decided that "20 million hectares should be reserved for whites, which included the 13 million [already occupied], while the native reserves totalled only 8,7 million hectares, later increased to 16,3 million" (Stiff, 2000:286). It was estimated that more than 90% of African men had to forfeit their land rights in order to provide a labour sector for the settlers. Chitiyo (2000:8) remarks that there was no clear indication of whether or how land distribution fitted in with demographics, soil quality and climate, and therefore he concludes "that the state was essentially fulfilling a racial/political agenda with agro-economic sub-themes, rather than vice versa". Please refer to Annexure A, Table 1 for an indication of land distribution under the LAA.

The period between 1940 and 1955 saw the introduction of a slew of highly interventionist and often arbitrary land allocation/utilisation measures. The administration of the LAA of 1930 was brought to a halt with the outbreak of World War II. However, after the war, the British could deploy sufficient administrators to enforce the law. It soon became evident that subsistence farming in the Native Reserves damaged the land. The government announced the Land Husbandry Act of 1952, "bringing with it compulsory de-stocking, which restricted the number of cattle peasant tribesmen were allowed to possess" (Stiff, 2000:286). This act was intended to revolutionise African farming by providing for 'fixed' landholding rights in place of so-called communal rights, on uniform land sizes within given agro-ecological regions (Moyo, 1995:74). The British viewed the reluctance of the indigenous community to conform to the new rules and regulations as laziness. They did not consider the negative social impact to the men leaving their families and land. This insensitivity was viewed as a consequence of the indoctrination of the European race that viewed Africans as inferior beings. This was ultimately a catalyst to the liberation struggle in Zimbabwe.

The Second Chimurenga occurred between the early years of the 1960s and 1979. The period between December 1966 and December 1979 was the climax of the war. This period was termed by many observers as the decisive phase of the liberation struggle (Chitiyo, 2000:13). It began as urban forms of protest against an increasingly repressive state. This period saw an upsurge in "land disputes brought before chiefs for negotiation,

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as well as an increase in fights between individuals and families over land" (2000:13). Violence reached peak levels during this time, and its distinguishing feature was that it became systemic and sustained (but sometimes arbitrary).

Chitiyo (2000:5) remarks, that "ironically, even though the land issue was one of the original underlying reasons for the war, it would be some years before the nationalists formally began to conscientise the peasants". In January 1961, the vice-secretary for Nature, Agriculture and Lands lamented countrywide freedom ploughing: "people were ploughing all over the place and disregarding land allocations" (Ranger, 1985). Freedom ploughing, which defied the allocations and prohibitions of the Native Land Husbandry Act (NHLA) of 1952, became the most effective weapon that was used to expunge implementation of the NHLA nationally.

Due to the fact that the British government had experienced this conflict in other post-independent colonies, it attempted to establish a Zimbabwe Development Fund aimed at acquiring white-owned farms for distribution. This development fund and other proposals culminated in the Lancaster House negotiations.

In the 1960s and especially in the 1970s, guns became available in Zimbabwe from many different sources. 'Guerillas', in the words of Ranger (1986:379) captured guns in raids on white farms or in successful encounters with government forces. On the other hand, the administration captured guns from the guerrillas and issued them to various bands, acting as pseudo-guerillas. This activity brought forth an outcry of questions of legitimacy and of animality: "which of these men with guns represented the people and were seen to behave like heroic men; and which resorted to force against the people and were seen to behave like beasts" (Ranger, 1986:379).

2.2 INDEPENDENCE AND LAND

The Lancaster House negotiations, which took place in 1979, brought about the independence constitution which set the basis for the first ten years of land reform. The negotiations took place between Britain, internal political parties and the liberation movements "with some powerful behind-the-scenes parties, such as the Southern African states, also playing an important role" (de Villiers, 2003:7). Two important agreements were reached between the various parties – the first being that "the new constitution would remain inviolate for the next ten years, and the second, that the property rights of commercial farmers would be protected" (Chitiyo, 2000:15). There were several principles presented during these agreements. The most important were:

- The acquisition of land only on a willing seller-willing buyer basis;

- For compensation to be remittable in a foreign currency; and

- That under-utilised land could be acquired for public purposes but at the full market value (de Villiers, 2003:7)

On the 17 April 1980, the state of Zimbabwe was born, bringing to an end what started as administration "by the British South Africa Company (1890-1923), followed by self-government (1923-1967) and the Unilateral Declaration of Independence (1960-1980)" (2003:9). The influence of the British government in the Lancaster House Agreement was very strong and although these basic principles of a majority government were accepted, various 'safeguards' were built into the constitution in order to protect the rights of the white minority for a period of ten years.

Thus, this ten year period, from 1980-1990, was the first major step towards land reform in Zimbabwe, during which the main elements of the land reform process were: market driven acquisition (Herbst, 1991:270); the return of exiled and displaced persons; granted priority to an accelerated resettlement programme (Chitiyo, 2000:16) and the availability of donor funds to assist with reform (2000:15). There were also huge increases in small farmer activity and the distribution of marginal and under-utilised land. 60% of land in Zimbabwe was distributed during the first decade (de Villiers, 2003:22).

2.2.1 PRIORITISING LAND REFORM: THE ACTS

The new government of Zimbabwe in 1980 was, from the outset, faced with the almost impossible task of striking a balance between the need for immediate and tangible land reform, as well as the maintenance of skills and investment to support economic growth. At this time, the government introduced the three-year Transitional Development Plan (1983 – 1985), which failed hopelessly, due to the impossible task of aiming to resettle at least 162 000 peasant families – but which became the eventual target figure for the entire resettlement effort (Herbst, 1991:270). From 1986, the First Five Year National Development Plan was proposed. De Villiers (2003:10) mentions the main objectives of this plan as follows:

- To reduce civil conflict by transferring white held land to black people;
- To provide opportunities for war veterans and landless people;
- To relieve population pressure on communal lands;
- To expand production and raise welfare;
- To maintain levels of agricultural production.

Initially, the resettlement scheme in Zimbabwe consisted of two models, to which two more were later added. Peters, Malan (2000:154) and de Villiers (2003:10) state that the Model A schemes consisted of household village-type resettlements of five arable ha and 15 grazing ha each. Model B was based on a collective co-operation model. Models C and D, which came later, consisted respectively of a core commercial estate with individual small-holdings and pastoral grazing land. The land distribution programme "was regarded as the most extensive programme in Africa to date" (2003:10).

The restrictions imposed by the Lancaster house Constitution expired on the 18 April 1990. In the run-up to the expiry and the upcoming election, the 'land issue' became a core rallying point for constitutional and political change. This expiry gave the post-independent government the first real opportunity to deal with the land issue and other constitutional matters in its own way (2003:16). The package of reform introduced by the government in 1990 included the ESAP and the Land Acquisition Act of 1992, which paved the way for expropriation of white-owned, rural land.

The underlying principles of ESAP, designed by the International Monetary Fund (IMF) and the World Bank, were to "deregulate, and indebt an economy seen as overprotected and inefficient" (Bond & Manyanya, 2002:xv). This implementation failed somewhat, mostly due to the coinciding drought of 1990-1993. This led to the government to introduce the Land Acquisition Act of 1992.

The Land Acquisition Act was presented as a compromise between commercial farmers - who preferred the continuation of the Lancaster House arrangement - and the government - which favoured wider powers to affect the land reform process. Those 'wider powers' included the expropriation of land without compensation. Moyo (1995:3) believed that the defensive stance on land reform taken by the government, was "a formal statement of recognition…that the first decade and a half of land reform was far from satisfactory for various segments of society".

It had become clear by the beginning of the 1990s that Zimbabwe was facing a crisis concerning agricultural and environmental land use, as well as concerning land allocation. The government argued that the new land reform policy was created to guarantee the access of land to small-scale African farmers and aspiring capitalists. The white farmers, therefore, did not react favourably to the Land Acquisition Act. The CFU, "a non-racial body representing the country's 4 500 commercial farmers" (Stiff, 2000:337), recognised the need for the redistribution of land, but called upon the government to reconsider due to the fact that "commercial agriculture…accounted for one-quarter of all jobs and 40 percent of all export earning" (Meredith, 2002:122) and that forcing farmers from their land without adequate compensation could be detrimental to the Zimbabwean economy. They proposed that government should either start redistributing the half million acres of government owned land. However, their suggestions were negatively received by Mugabe and his government.

As was seen in the 1980s, the 1990s saw a delay in the meeting of targets set in the National Land Policy due to a number of reasons. One was country's rapidly deteriorating economic situation. De Villiers (2003:20) states that by the year 2000, over

3.5 million ha had been transferred to 75 000 black families – which fell far short of the 1980 estimates. Britain emphasised the need for macro-economic stability and democratic governance as a condition to continued financial donor support, while the government of Zimbabwe believed that stability could only be achieved by a more radical and effective land transfer process.

The end of 1999 and beginning of 2000 was a period in which tension was climaxing, and land invasion and the occupation of white owned farms began to take place on a large scale (Bond & Manyanaya, 2002:77). This phenomenon will be discussed in section 2.3.5. Since the end of 1999, therefore, there has been a general absence of a clear and sustainable land reform policy, as well as of a legal framework that enables the possessing of land without due process.

The ultimate price which the country is likely to pay for the radicalisation of land restitution during the past four to six years is yet to be seen. The resettlement process can be described as chaotic, as little attention has been given to the implementation or support services such as clinics, schools and roads. Unfortunately, the current cynical policy of racial scapegoating, of blaming a particular racial group (in Zimbabwe's case, white farmers) for national problems, has its roots in both the resistance methodology of the liberation movements (1960-1980) as well as in the history of colonisation and settlerism itself (Chitiyo, 2003:25).

2.2.2 GRASS-ROOTS SITUATION

The Second Chimurenga, in the run-up to independence initially began in the early 1960s as urban forms of protest against an increasingly repressive state. The Rhodesian Police thwarted these protests, jailing hundreds. This radicalised nationalists, who began to consider armed resistance. Chitiyo (2000:13) sees the Second Chimurenga more as wars of liberation than one war of liberation. While the overall rubric of a war of liberation from white minority rule is still sustainable, there were several macro- and micro-level civil wars for liberation, within this 'nationalist struggle' war. Coercion and violence were the common themes in these processes. A battery of repressive security laws

allowed the Rhodesian Security Forces (RSF) to carry out violent reprisals against guerillas and civilians, with little fear of legal punishment. A guerrilla resistance hardened, due to the violent tactics of the RSF, such as "a scorched earth policy...razing entire villages, shooting or stealing livestock, and burning crops" (2000:13).

Guerrilla activities increased, even as state legislation and the size of the RSF increased and there were more and more breakdowns in state power in the rural areas. The entire country became an operational zone. The agro-economic situation rapidly became untenable as a greater number of white farmers abandoned their farms (2000:14). The war caused continuous internal rural and rural/city migrations, and in many areas peasants implemented freedom farming as retaliation.

After 1980, the new government, anxious to attract foreign investment, underlined its 'reconciliation' theme by declaring that white farmers "were not the enemy and were in fact a valuable asset to the new Zimbabwe" (Chitiyo, 2000:15). Stromm (1988:19) states that the government continued to give political statements of intent "by announcing agricultural revisions...but in reality the whites were co-opting the government into their mainstream, rather than vice versa".

During this decade, the land crisis, which had built up years before, was not only about finding more land for a spatially fixed but increasing population: but there was now the added dimension of resettling thousands of displaced people. The land available for resettling was limited, as deforestation had reached serious proportions, along with siltation, overgrazing, stream-bank cultivation, gullying and general loss of bio-diversity.

2.3 SPECIAL PROBLEMS

2.3.1 LANCASTER HOUSE: WILLING-BUYER, WILLING-SELLER

Section 57 of the Land Acquisition Act, drawn up in the spirit of the 1979 Lancaster House Agreement in Zimbabwe, made provisions for "a willing-buyer, willing-seller" clause (Stiff, 2000:20). This Act gives the government the right to purchase excess land for the purpose of redistribution to the landless. It also protected commercial white-landowners against forced land confiscation from the government. Landowners were given the right to go to court if they did not agree to the price set by the acquiring authority.

When private land has to be purchased and the owner is a willing-seller, a purchase price is negotiated and subject to the constitutional provisions for just and equitable compensation. Brown et al. (1998:23) state that the main factors that are taken into account during these negotiations are:

- The market value of the property;
- The actual price paid by the owner and the market value at the time of purchase applied proportionally to the current market price;
- The value of any state benefits, such as soft loans, relating specifically to that property (general support to the sector is excluded)
- The value of improvements

2.3.2 FUNDING: BRITISH AND THE DONOR COMMUNITY

The Lancaster House Agreement constituted that Britain would contribute financially to half of what was needed in order to successfully redistribute land to the landless in Zimbabwe. After they had funded more than 44 billion pounds, resulting in the acquisition of about 3,5 million ha of commercial farmland for resettlement, it was discovered that the programme was plagued by mismanagement and corruption. During the early 1990s, the United States of America described the land reform programme in Zimbabwe as racial, linking the unwillingness to provide resources to facilitate land redistribution with the race issue.

From as early as the year of independence, 1980, Zimbabwe came under pressure by businessmen, economists and international bodies, such as the World Bank, to create a more positive, investor-friendly environment. The IMF and the World Bank suspended its aid to Zimbabwe, arguing that "Mugabe's Zanu-PF movement, ruined a once-vibrant economy in 21 years of mismanagement,…merely using land as a major campaign tool" (Mapenzauswa, 2001:2). Peters & Malan (2000:156) argued that the cancelling of international funding of land reform in Zimbabwe enraged Mugabe, who started to threaten to expropriate white-owned commercial agricultural land without compensation. Furthermore, the IMF gave no target date for a resumption of aid, which was frozen in 1999 resulting from issues including the forced land invasions of white farms without any compensation, as well as Zimbabwe's involvement in the DRC war.

In June 1998, the Zimbabwean government sent the first units of what would eventually total 11 000 troops into the DRC. The DRC operation had a direct link with the land issue. Squatter representatives, owners of designated farms, some opposition parties and international organisations have claimed that the funds that "the Zimbabwean government is spending on the DRC conflict is money that was originally earmarked for poverty alleviation and resolving the land problem" (Chitiyo, 2000:23).

Currently, Zimbabwe is showing signs of starvation, while Mugabe alienated foreign investors cutting off access to foreign currency needed to import food. Itano (2001:1) stated that during the World Conference Against Racism held in South Africa in 2001, developing countries demanded acknowledgement that colonialism left a legacy of racism, which directly contributed to the landlessness problem in Africa. Countries like Zimbabwe indicated that the only solution would be reparation or aid by the former colonies.

2.3.3 ECONOMIC STRUCTURAL ADJUSTMENT PROGRAMME (ESAP)

The dramatic developments around land in the past two years cannot be explained solely in terms of events in the rural areas, or the agricultural sector. They are the products of a wider crisis within the economy and of political legitimacy, which has manifested in a fundamental crisis of livelihoods and poverty, affecting both urban and rural Zimbabweans. Sachikonye (2002:14) traces the roots of the economic crisis to the ESAP of the early 1990s, itself a response to a fiscal crisis of the 1980s. This response to the fiscal crisis of the 1980s, left the economy "in a much weaker, rather than stronger position".

The Zimbabwean government announced that there would be an embracing of the structural adjustment policies set out by the World Bank and the IMF, which was, as Chitiyo (2000:17) aptly describes "touted as an antidote to the protectionist, centralised economy of the 1980s". Mugabe stated that according to the ESAP, there would be "a 25% cut in civil service, along with the demise of all labour restrictions, price controls, and import regulations, as well as many government subsidies" (Bond & Manyanya, 2002:31). Bond & Manyanya reported that the Mugabe government promised the following benefits:

- 5% annual growth;
- An overall budget deficit shrink to 5% of the Gross Domestic Product (GDP);
- Foreign debt would increase from US$2.4 billion in 1991 to a projected US$4 billion in 1995. He stated that repaying the debt would be significantly easier;
- The debt service ratio, which peaked at 35% in 1987, would fall to 18,5% by 1995;
- Private Sector investment would be doubled;
- Total investment would increase to 25%, from less than 20% of the GDP during the period from 1985-1990;
- inflation would be down from 20% to 10% by 1994;

- Mining exports would increase from less than US$400 million in 1990 to more than US$500 million in 1994;
- More competitive terms for trade would be initiated;
- New direct investments would flood to Zimbabwe – US$30 million per year from 1992-1995.

The external imposition of Structural Adjustment Programmes (SAPs), by means of a policy-based lending, reinforced broadly undemocratic policy-making practices. The external imposition of the SAP also influenced the evolution of land policy towards an elitist agenda. The imposition of structural adjustment policies throughout Africa in the 1980s was rationalised on the grounds of a perceived political and economic crisis in Africa. Moyo (2003:64) states that the ESAP was adopted "without consultation with the majority of the populace, especially labour, small farmers and small businesses". However, large businesses, white farmers and nascent black bourgeoisie, represented by the Indigenous Business Development Centre (BDC), supported the resultant ESAP, while seeking affirmative action for its members. Little was offered towards a far-reaching land redistribution programme. Neo-liberal reform therefore entailed "a balancing of various capitalist interests: external, local white and aspiring indigenous" (Moyo, 2003:64).

The re-emergence of land reform on the agenda of the mid-1990s in Zimbabwe marked the phase of a dialectic relationship between peasants, government and global institutions. The failure of structural adjustment to live up to its rural development promises has meant that the land question has resurfaced as a legitimate item on the poverty reduction agenda of the World Bank, while at the national level, the same failure has led to great demands on the ruling party to redeem its liberation promise.

2.3.4 WAR VETERANS

These were the old soldiers and long-serving members of the liberation struggle in Zimbabwe who, in 1997, demanded "the compulsory acquisition of 1 471 farms, which created new momentum for radical land reform" (Moyo, 2003:66). They stated that they were merely "reclaiming their historical rights to land and resources as compensation, as well as on the basis of its sacred or cultural value in addition to its productive potential" (Moyo, 2003:72). The strong opposition stance against this radicalist land reform action, further radicalised the government of Zimbabwe, leading some rural communities to take direct action by way of farm occupations by 1998. The Zimbabwe National Liberation War Veterans Association (ZNLWA) came out in full support of the occupations and called for further occupations as a way of demonstrating the need for land.

After independence in 1980, the war veterans were forgotten and the government neglected to provide them with employment and land, which was the underlying objective of the armed struggle. Ranger (1986:390) states that since a popularly elected government ruled, there was no need for guerrilla or social bandits – and yet, the conditions of the transition from Rhodesia to Zimbabwe favoured outbreaks of banditry. War veterans were disillusioned due to the fact that Mugabe and senior officials of the Zanu-PF prospered after independence. Stiff (2000:316) reports that members of the ZNLWA were demobilised instead of being absorbed into the National Army, one of the preconditions of the Lancaster House Agreement. However, the war veterans were offered demobilisation packages of Z$185 per month, for a period of two years until 1981.

In April 1989, the Zimbabwe War Veterans Association (ZWVA) was formed, comprising ex-combatants from the Zimbabwe African National Liberation Army (ZANLA) and the Zimbabwe People's Revolutionary Army (ZIPRA). It was observed that "the formation of the War Veterans Association was a reactive initiative taken by ex-combatants when it had become clear that government had failed to assist them" (Musemwa, 1996:32). These men, according to Ranger (1986:391), took the stance of social bandits, telling the peasants that the new government would betray its promises to

redistribute land. While originally organised around a particular social constituency and set of demands, the war veterans movement soon came to enjoy the support of a wider range of social groups. This included sections of the rural poor, who, in the absence of a viable political opposition for much of the 1990s, looked to the movement to give voice to a range of demands (Lahiff, 2000: 31-32).

The status of the war veteran's movement was undoubtedly enhanced by their success in obtaining compensation from the state, which also marked their transformation from opponents to vociferous government supporters. The co-option of the war veterans "was a critical move by an embattled regime, boosting both its radical credentials and its practical ability to influence society" (Lahiff, 2000:32). Ranger (1986:391) states that the war veterans were also supported by the peasants, as "they still needed the armed assistance of fighting men to take for themselves what was due to them".

Moyo (1995:115) states that the War Veterans Act of 1992 officially promised ex-combatants access to land. However, most of the war veterans still remained unemployed and poverty stricken – and therefore "slipped deeper into destitution and social ostracism" (Chitiyo, 2000:19). The government's failure to financially compensate grassroots ex-combatants, especially those who had genuine war credentials and who had genuinely suffered, precipitated a political and financial crisis in 1997.

The war veterans were still not reaping the fruits of the settlement despite the payment of $1.5 billion between 1992 and 1997. This led independent MP Margaret Dongo, to inquire into the reasons for this occurrence. Dongo then accused the government and more specifically, Chenjerai Hunzvi, chair of the War Veterans Association, that only senior politicians, officials and their relatives benefited from the money that was allocated for the war veterans. Furthermore, it became difficult to say who truly were war veterans and who were impostors during the Bush War days, as no record was kept (Stiff, 2000:316; Chitiyo, 2000:20). As early as March 2000, Hunzvi was directly implicated in the fraudulent transaction. Mugabe purposefully turned a blind eye

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regarding this affair, due to the fact that Hunzvi and the war veterans were supporting his party and his motives behind the land reform programmes.

The war veterans and the land issue were a great embarrassment for the Mugabe administration. Critics believe that he vented his frustration and anger on the white farmers. Meredith (2002:138-139) reported that the government decided to take 12 million acres of land from the white farmers for redistribution to the blacks. Mugabe declared that "the only payment the government would make would be for buildings and for what he termed infrastructural development like roads and dams, but nothing for the soil itself" (2002:139). Furthermore, Mugabe boldly stated that Britain as a former colonial power could provide compensation for the white farmers. The war veterans and youths were incorporated in to the police force and selective prosecution became the norm as Zanu-PF supporters engaged in political violence.

In 1997, Mugabe restored the prominence of the War Veterans Association and in turn, they "became Mugabe's shock troops after February 2000 referendum defeat, invading more than 1 500 white-owned farms" (Bond and Manyanya, 2002:77). The government announced that they would give a payment of Z$50 000, plus Z$2 000 to a total of 50 000 liberation war veterans (Chitiyo, 2000:21). Bond and Manyanya (2002:39) report that the war veterans were resented by the rest of society, as income tax and petrol tax prices were increased in order to cover the payments that they received. Furthermore, Hunzvi and Mugabe planned a national farm invasion campaign using the War Veterans Association, after having decided that they were in need of this exercise. The war veterans were offered "a pension increase of 41%" (Stiff, 2000:327) to win their trust and respect. Observers considered it payment to drive white settlers off their farms. By the year 2000, Hunzvi's war veterans had effectively become the 'military wing' of Zanu-PF in the 'war' against white commercial farmers (Lahiff, 2003:31).

2.3.5 LAND INVASIONS SINCE 1997

The rate of land transfer under the second phase of the Land Reform and Resettlement Programme was painfully slow and led to 15 major land invasions in 1997 and 1998 (Moyo et al. 2000; Thomas, 2003:700). Occupations by war veterans began on a small scale in 1999, but lessened after government assurances that resettlement would be sped up. In a national referendum, the draft constitution of 2000 (which included a clause to make compulsory acquisition easier) was rejected.

Mugabe claimed that the land invasions, possibly directly supported governmental activity, were not a governmental exercise, encouraged or fuelled by those in authority, but were rather, war veterans expressing a legitimate concern for fair land redistribution. However, Bond and Manyanya (2002:77) argue that land occupation began in February 2000 as a direct response to the humiliation that Mugabe suffered after the referendum. However, despite the referendum defeat of 2000, the government still amended its constitution on 6 April, giving the government the right to acquire commercial farms. A few weeks later, the government sent three ministers to London, to request British funding (Thomas, 2003:701). They were unsuccessful and in May 2000 a change to the law was announced in order to allow the confiscation of land. This was the start of the government's 'Fast Track Land Resettlement Programme'.

Chitiyo (2000:23) aptly describes the relationship that the government has had with these parties. The war veterans already owed the government a favour because of payouts – the government also promised to increase the war veteran's monthly pensions, together with the threat that if an opposition government comes to power, the war veterans could lose these largesses. The peasants, meanwhile, had been promised white land in exchange for their vote in the June 2000 elections. They also had been warned that the new government could ignore their needs, further conditioning the peasants to indulge in unconditional support for Mugabe. Mugabe stated that he had no intention of intervening in the matter of land invasions and that they were merely 'peaceful demonstrations'. Because of the pressure and the criticism from the international community on Mugabe's non-interventionist policies, there has been a push for the government to seek malleable

political partners and supporters – which the government promptly found in the war veterans and the peasants.

It was then reported that armed gangs were transported by government and army trucks to the various farms that were to be seized. Meredith (2002:167) argued that these armed forces called themselves war veterans, while a large number of them were unemployed youths who were paid a daily allowance to peg out plots of land and to crush any support for the opposition. Some war veteran groups used aggressive and violent tactics. The CFU obtained a High Court order on March 17 2000, which declared "land invasions to be illegal and instruction the police to evict the invaders within twenty-four hours" (2002:170). The high-ranking political figures and police ignored this High Court order and the land invasions intensified. Normal agricultural practices were harshly sabotaged by war veterans, who had gone to great lengths to stop farmers from delivering any produce. Tensions have been further heightened by the fact that some farm-workers and owners have armed themselves to fight the invaders.

Stiff (2000:344) reported that the presidential spokesperson, George Charamba, announced that the president "would not halt the invasions until Parliament had amended the constitution to allow the acquisition of land without compensation". Mugabe reasoned that if the British government neglected to honour their Lancaster House Agreement of paying half the cost for redistribution purposes, the Zimbabwean government would continue to take white-owned land without compensation (de Villiers, 2003:20).

Donors to Zimbabwe made their support for the Land Resettlement Programme conditional on the understanding of "a continuous consultation between parties, transparency and adherence to the law by the Zimbabwean government' (Van den Brink, 2000). However, regarding the crucial question of whether the government would tolerate the compulsory acquisition of land, their position was impenetrable. Throughout 1999, the government, constrained by IMF threats to withhold loans, vacillated and contradicted itself over this question. At the same time, the process of judging the

legality of land acquisitions was interminable and ensured, once again, that very little was redistributed (Van den Brink, 2000).

The Zimbabwe government has subsequently intensified media laws, sympathetic toward the Zanu-PF party. In this way, they have subtly intimidated voters in order to ensure that Mugabe remains in power. The general election in 2002 was relatively calm, although the opposition reported incidences of intimidation. The election results showed that "Zanu-PF won sixty-two seats, obtaining 48 percent of the votes cast; Movement for Democratic Change (MDC) [opposition party] won fifty-seven seats, obtaining 47 percent" (Meredith, 2002:188). The leader of the opposition party, Morgan Tsvangirai, attempted to contest the results of the election in court due to the various cases of intimidation and irregularity concerning the counting on ballots.

The election was an indication to Mugabe that the MDC was a force to be reckoned with, as they only had been in existence for nine months prior the election and still successfully contended with Zanu-PF. Shortly after the election, Mugabe announced, the Third Chimurenga, a campaign that would finally free Zimbabwe from its colonial heritage. However, Meredith (2002:191) argues that the campaign has only intensified episodes of violence and intimidation against the electorate to ensure that Mugabe retains his power. Over the past year the state has remilitarised the land issue. Linguistically, the president has threatened to 'go back to the trenches' if the white farmers resist. War veterans armed with axes, spears and knives have threatened farm owners, farm workers, and even police – some farmers have even been assaulted and murdered. Chitiyo (2000:29) states that this "increasing and deliberate delegitimisation of the police by the state is a major part of the remilitarisation of the land issue".

2.3.6 THE FAILURE OF RESETTLEMENT PROGRAMMES

From the little that is known about conditions on occupied farms, it would appear that substantial numbers of people have resettled (although not necessarily abandoning their former homes in the process), considerable efforts are being invested in agricultural production and social infrastructure, and that at least rudimentary support is being provided by state agencies.

A considerable diversity of people have become involved in the land settlements, of varying ages, ethnicities, and degrees of wealth. This includes both men and women, people with land in the communal areas and the landless. Chamuba et al. (2003:9) identify "a markedly skewed wealth distribution: with a high number of the relatively rich and the relatively poor". The relatively wealthy typically have land in communal areas, but require additional grazing. They also have the resources, both capital equipment and household labour, to manage two plots simultaneously, while a substantial minority also have access to non-farm income. The land occupations have created a wide variety of opportunities for those that are better off. These opportunities include access to substantial plots, relations of patronage with poorer settlers and even with white farmers, as well as a variety of non-agricultural opportunities ranging from 'shebeening' to protection rackets (Chaumba et al. 2003:10). Political credentials are also critical for success - war veterans and party members tend to get the best plots, "with key figures such as councillors in positions to accumulate large or multiple sites, some across different settlements" (Lahiff, 2003:37).

The poorer settlers are those who lack livestock, and often land, in the communal areas: 'They have a little to lose and a lot to gain by moving into the new resettlements' (Chaumba et al. 2003:10). Lahiff (2003:37) states that such people are being attracted by the prospect of obtaining land of their own, from government promises of support with inputs and tillage, income-earning opportunities through working for better-off settlers, opportunities for hunting and the pilfering of property of the white owners and perhaps also a sense of adventure and freeing of social constraints of the home village.

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Land grabs by rich urban personalities therefore, have taken place. Many former commercial farms are now abandoned, as resettled families have given up on farming in the absence of project assistance and have hence relocated to peri-urban areas where they become squatters. This is therefore one of the reasons why land reform cannot be dealt with in isolation from urban planning and development issues.

2.4 SUMMARY

Zimbabwe's is still trying to rid itself of the heavy colonist impressions that have remained on Zimbabwean soil. This, one can say, is the driving force behind Mugabe's policies, and especially the land reform policies. Mugabe's objective for Zimbabwe was to establish a Marxist-Leninist dispensation, where decision making on all crucial matters "would be under political control in order to bring about the drastic redistribution of wealth from whites to blacks and to become independent from capitalists" (Leistner, 1989:147).

The Zimbabwean economy has entered a period of 'sustained meltdown', which can be related to the interaction of a complex range of factors, notable amongst them the payout of vast amounts of compensation to the war veterans movement in 1997. This payout precipitated a major budgetary shortfall. There was also a dramatic decline in the currency, due to the military intervention in the Democratic Republic of the Congo. By 2001, the economy was shrinking dangerously, hyper-inflation had set in, and public-sector debt, both foreign and domestic, was spiralling out of control. This was accompanied by an upsurge of corruption.

The economic meltdown, Sachikonye (2002:23) argues, has intensified an unfolding social crisis, characterised by growing unemployment, dramatic increases in poverty and inequality, and massive food shortages. The drought of 2001-02, the third since Zimbabwe's independence, has greatly exacerbated these problems, with widespread crop failures, dangerously low strategic grain reserves and a regime seemingly incapable of implementing effective relief efforts. The pandemic of HIV-AIDS, with levels

currently among the worst in the world, must be added to this list. HIV-AIDS is devastating the rural population.

The economic crisis is clearly both a cause and an effect of the political crisis in Zimbabwe, although factors beyond the control of government – notably shifts in world markets and recurring drought – have also played their part. Deteriorating socio-economic conditions have led to a growing discontentment with the Zanu-PF government, further fuelled by a widespread perception of an authoritarian elite that is consumed with furthering its private interests and is determined to hang onto power at all costs. This has manifested in the increasing intolerance of political opponents and independent institutions of civil society (notably the press and trade unions), a disregard for the rule of law and in the escalating violence levels.

The temperature of politics in Zimbabwe has been greatly raised by a series of general strikes resulting from both economic and political grievances in 1997 and 1998, the emergence of the first credible opposition to Zanu-PF in nearly 20 years, in the form of the MDC, mass mobilisation against the government's proposed changes to the Constitution, leading to a government defeat in the referendum of February 2000, the near defeat of Zanu-PF in the parliamentary elections of June 2001, and calls for the impeachment of the president (Moore 2001:254; Sachikonye 2002:16).

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

The importance of land in Zimbabwe did not lie so much in the inequalities that Mugabe has so emphasised, but rather in the inability to access land, accompanied by a growing population, landlessness, land deterioration and escalating poverty in the black areas, paralleled with severe under-utilisation of land in the white farming areas. This set the stage for conflict. Compangon (2000:453) remarked that the tactics and policies promoted by Mugabe and Zanu-PF have suffered to the extent that the regime's image in the West could never be restored.

CHAPTER THREE
SOUTH AFRICA

3.1 COLONIAL HISTORY AND APARTHEID POLICIES

3.1.1 BEFORE 1913

The history of South Africa – as in Zimbabwe – has been fraught with struggles over land. From the earliest European settlement, conflict existed between the indigenous people and the new arrivals, and more significantly, between local inhabitants themselves (Bundy, 1988; Freund, 1998). Colonial powers merely declared land as symbolic of 'ownership of the crown' (Pakenham, 1991) and refused to acknowledge the land ownership of those indigenous to the land.

The antecedents of forced removal in itself can be dated back as far as 1652, with the arrival of white settlers in South Africa. Those early roots had a pervasive impact on the strategies used by the nationalist party after 1948. By the end of the 19th century, the European settlers had developed a coordinated policy with the outcome of the original African chiefdoms retaining only a fraction of their former lands. In many areas, blacks continued to farm on white land through systems of land tenure that allowed some independent African production. These systems, according to the Human Rights Watch (2001:1) included cash tenancy, labour tenancy (by which people secured access to land, in return for the labour of some of the members of the family, for an agreed proportion of their time); and sharecropping (pejoratively known by the whites as 'kaffir farming', by which Africans obtained the right to farm with their own implements and livestock, on condition they gave a share of their crop to the white owners of the land). The people were crammed together in those so-called reserves as a result of forced relocation.

The mineral discoveries of the late nineteenth century and the development of the gold mining industry in the Transvaal during the 1880s brought major economic changes and with them, a great deal of political restructuring (Davenport, 2000; Bundy, 1988). Tensions between the Transvaal Boer-republic and the British-dominated mining and

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industrial companies over control of the wealth of the Witswatersrand, led to the outbreak of the Anglo-Boer War, or South African War in 1899. The eventual victory of the British led in turn to the creation of the Union of South Africa in 1910 (Gann & Duignan, 1991; Bundy, 1988; Davenport, 2000). With the four colonies forming a union in 1910, control of land in South Africa was "to become the backbone of racial segregation under apartheid" (de Villiers, 2003:46).

The rapid growth of an urban population with these developments encouraged white commercial farming, and white farmers used their political strength to place pressure on the independent black producers, and to force them into working on white farms. After the formation of the Union in 1910, the territorial segregation established during the colonial period was firmly entrenched by the 1913 Black Land Act, which would be the basis of South Africa's land policy for decades (Gann & Duignan, 1991).

3.1.2 AFTER 1913: THE ROAD TO SEGREGATION

The Natives/Land Act of 1913, curbed this rapid growth of owning and buying up land, "with its main aim to achieve territorial segregation in the new Union of South Africa" (Feinberg, 1995:50). The 1913 Land Act divided the rural parts of the country into areas where Blacks could own land (the reserves). This ensured that blacks would not become a totally landless group and preserved the migrant labour system – furthermore, blacks were prohibited from "purchase, hire or other acquisition of land or of any right thereto" (Human Rights Watch, 2001:2). This Act intended to end the more independent forms of tenure that until then, had allowed blacks to live and work on land that was technically owned by whites, especially sharecropping and cash tenancy, and to turn all blacks on white farms into wage labourers, or at second best, labour tenants (Bundy, 1988).

As a result of the 1913 Land Act, the most common form of farm labour and of black independent production in the northern parts of South Africa, especially in the Transvaal and northern Natal, came to be the labour tenant system, by which people secured access to land by working for the landowner (Humans Rights Watch, 2001:2). In the Western

Cape, specifically, farming became a system of cash labour in a capitalist market on an accelerated level (de Soto, 2000:66; Human Rights Watch, 2001:2).

The 1936 Development Trust and Land Act identified land to be 'released' for black occupation, thus expanding the reserve areas scheduled in the 1913 Land Act. Part of this land was already owned by the state, other areas had to be purchased by the state from private owners (Davenport, 2000), a process that continued for the next 50 years. The 1936 Land Act also established an elaborate system of compulsory registration and control of labour tenants. Any 'native' unlawfully residing on land, including those who had the consent of the landowner - but were in excess of a number set down by the labour tenants control board - could be summarily evicted by the police, using force if necessary. (Human Rights Watch, 2001:3). Even those farmers who wished for good relations with their black tenants were therefore forced into confrontation. The 1936 Act allocated "13% of South Africa to black people, although they comprised 80% of the population" (Mqogi, 2000:42) and it also is estimated that "32% of the population currently continue to live in these areas" (de Villiers, 2003:46).

These drastic measures provided the basis for most of the removals that were to follow, though they were not widely enforced until the 1950s. The land question is pivotal to South Africa's past, present and future, since an unjust, punitive and untenable allocation of land and the rights to land inevitably leads to the construction and maintenance of unjust, inequitable and brutal social order (Bundy, 1990:3; 11).

Land has, for many years, been the key to empowering and disempowering people; the spatial segregation based on race became entrenched in the body politics long before the National Party (NP) gained power in 1948. The NP was the party of the white worker and the white farmer (Henrard, 2003:5), and was elected on a platform promising 'apartheid' or 'separate development'. The party's aims were to keep blacks out of urban areas as much as possible and to crush the ever-increasing vocal demands of the ANC and its allies for greater political freedom and for the end to racial and economic discrimination.

In 1950, the first Group Areas Act was passed, providing for legal, rather than informal and de facto, "designation of separate (and unequal) living spaces for their four major population groups: Whites, 'Natives' (meaning people of African ancestry), Indians, and 'Coloureds' (those of mixed race)" (Davenport, 2000: 34). The Group Areas Act superseded rather than repealed the provision of the 1913 land act, prohibiting blacks from owning land outside of the areas set aside for them. This applied everywhere else excepting the reserves, black urban townships, national parks, and other less significant areas (Davenport, 2000; Gann & Duignan, 1991; Bundy, 1988). Land held by Indians and Coloureds in city centres was expropriated by the government, and residents were resettled in housing estates on the peripheries of the cities (Deegan, 2001:23).

Although actual group areas were only ever declared for a small proportion of the land falling under the act, its effect was extremely far-reaching, particularly because of the requirement that the occupier of land be of the same racial group as the owner. In the white-owned rural areas especially, this provision meant that it was unnecessary to invoke the full extent of the act to prevent cross-racial tenancy contracts. The first large-scale forced removals, mostly from urban areas, took place under this act – and other location-specific legislation from the mid-1950s (Davenport, 2000:34).

The extent of the impact of this policy on the whole social, economic and political fabric of the South African society is incalculable; the resentment it caused is too deep to fathom, is scars too sensitive to touch. It is estimated that irrespective of the increased urbanisation South Africa has experienced during the past decade, more than 70% of the poor still live in rural areas. In short, "the social transformation after 1913 was swift, sweeping and severe" (de Villiers, 2003:42)

3.1.3 DISPOSSESSION AND REMOVALS

Henrard (2003) puts forward the argument that one can categorise the individuals and groups who were affected adversely by the policy of forced removals, a pillar of the apartheid system, as 'internally displaced'. The United Nations High Commissioner for Refugees (UNHCR) gives an operational definition of 'internally displaced' is "those who have been forced to flee from their homes for the same reasons as refugees but who have not left their own countries; and are therefore not considered 'refugees' under the UNHCR statute or under relevant international or regional instruments" (UNHCR, 1994:2). The internal displacements in South Africa are mainly caused by forced resettlement or forced removal.

Forced removal or dispossession has occurred in different historical periods with different functions and in different guises, but ultimately the whole process can be traced back to the structures of black economic exploitation and white political domination inherent in the apartheid regime (HSRC, 2003:2). The force used has sometimes been direct, through the use of police and guns, bulldozers demolishing houses and sometimes less overtly, through intimidation, co-option of community leaders, the pressure of shops and schools being closed, etc. The overall tendency has been one of the refinement of tactics, to mounting internal and external pressures and protests against the forced removals in the 1980s (Davenport, 2000).

At least 3,5 million people were forcibly removed from their land and homes through the use of these laws, the majority of them in the 1960s and 1970s. Approximately 1 129 000 of these people had lived on white-owned farms (Aliber & Mokoena, 2003:334). The proportion of blacks living in urban areas fell from 29.6 to 26.7 percent of the total population from 1960 to 1980: furthermore, the proportion of the black population living on white owned farmland fell from nearly a third of the total to one fifth. The reserve-based population grew from under 40 to nearly 53 percent, a total rising to over 60 percent if migrant labourers absent for work were included (Aliber & Mokoena, 2003:335-336; Moyo, 1993:6). The removals coincided with an economic boom for

whites. As Stoneman (1993:90) points out: "at some point around 1970, white South Africans overtook Californians as the single most affluent group in the world".

The debate over land and the efforts to find a balance between the rights of those dispossessed and the rights of the current occupiers should therefore be seen against the background of the "suffering, injustice and poverty created by an enormous and ill-advised programme of social engineering carried out by white nationalist governments over a period of forty years" (de Villiers, 2003:47).

3.1.4 HOMELANDS AND THE 'TEMPORARY STATUS' OF URBAN BLACKS

The extent of dispossession in South Africa, the low quality of land available in communal areas, and the violence that accompanied resettlement, coupled with the overpopulation of such areas impacted more severely on South Africa's black population than was the case in Zimbabwe, Namibia, or arguably any other areas in Africa.

In South Africa, all political rights for blacks came to be restricted to these homeland areas, and it was hoped that the homelands would in due course become 'independent' from the rest of (white) South Africa. Black people who lived outside the main black areas were removed over time in order to eliminate 'black spots' and to secure an exclusively white South Africa. It is estimated that "470 000 people were relocated in terms of this policy" (Lahiff & Rugege, 2002:48).

In order to accommodate all those removed from 'white' South Africa, the NP government elaborated and extended the reserve system, by the passing of legislation to provide for black' self-government' in the reserve areas. These areas were intended to become ethnically (as well as racially) segregated 'homelands' for each of South Africa's black 'tribes', united to be defined by the white government (Bundy, 1988; Davenport, 2000). The Bantu Authorities Act of 1951 provided for the establishment of tribal, regional, and territorial authorities in the reserves (Davenport, 2000), and in 1954 the

Tomlinson Commission was appointed to investigate the future of the tribal areas, making several radical proposals.

The Promotion of the Bantu Self-Government Act of 1959, formalised the political transformation of the reserves, and removed the last traces of black representation in white political institutions (Gann & Duignan, 1991). With the creation of the bantusans, the removal of 'black spots' in 'white' South Africa became a government priority, blighting as they did the propaganda picture that all blacks naturally belonged in their own ethnic homelands. Consolidation of the scattered scraps of reserves into more coherent units, through the purchase of white farmland if necessary, was also accepted as policy.

3.2 LAND REFORM SINCE 1994

Land Reform started soon after the 1990, with the unbanning of liberation movements and the release of political prisoners. The initial steps, albeit hesitant, had already been taken by the de Klerk government before the first democratic elections in 1994. Just as the political reforms that were initiated on 2 February 1990 took many by surprise, the process of land reform was, in the same manner, sudden and unexpected. As a result, there has been a frantic scramble by property lawyers to keep up with developments. The reforms were initiated by the White Paper on Land Reform in 1991 that presented broad policy measures and objectives for land reform were set out. The most important principle was the abolition of racially based land legislation, which repealed the 1913 and 1936 land acts, as well as the Group Areas Act of 1966 (Davenport, 2000).

A Commission on Land Allocation was established in terms of this legislation to consider how to use state-owned land for restitution purposes. The commission therefore had the investigation of the use of all state owned land as its brief. Its history was to determine whether state-owned land was acquired under racially discriminatory legislation and, if that was the case, to recommend whether it should be returned to its original occupiers. De Villiers (2003:47) states "during its first three years – before the first democratic

election and the new land restitution legislation – the commission received 300 claims covering close to one million hectares".

The 1993 interim constitution introduced a new phase in the land restitution process. For the first time, the right to have land restored was recognised as a constitutional right. In drafting the constitution, extensive debate took place regarding the scope of the application, bringing forth questions such as: who would qualify for restitution and what was the timeframe of application – when did the history of dispossession start? An important principle set by the new constitution was that land reform could not be limited to the scrapping of discriminatory legislation, it had to involve a major transformation of the whole legal system in order to restore the right to land where possible.

The first democratically elected government of South Africa inherited the most extreme mal-distribution of land in the region. Approximately 82 million hectares, divided into 60,000 farm units, was under white ownership. Conversely, over 13 million people, the majority of them poverty-stricken, lived in the 13% of the national territory that constituted the former 'homelands' (Lahiff, 2003:39). During the final years of apartheid, the homelands were characterised by extremely low incomes and high rates of infant mortality, malnutrition and illiteracy, relative to the rest of the country (Wilson & Ramphele, 1989:25). Indeed, the available evidence suggests that South Africa has one of the most unequal distributions of income in the world, and that income and the material quality of life are strongly correlated with race, location and gender (Whiteford & McGrath, 1994:59).

With the transition to democracy, expectations were high that the state would effect a fundamental transformation of property rights that would address the history of dispossession and lay the foundations for the social and economic development of the rural areas. Lahiff (2003:39) states that the legal basis for a comprehensive reform of property relations was provided by the internationally lauded Constitution, within a liberal democratic framework that upholds the rights of all property holders.

Since 1994, the ANC led government has implemented a multi-faceted land reform programme. Its redistribution programme, in particular, aims to foster access to land for the historically disadvantaged. The land reform policy of the first democratic election comprised three elements (set out in more than 22 statutes) namely: tenure reform, redistribution and restitution (Lahiff & Rugege, 2002:48; Adams & Howell, 2001:5).

The ANC, surprisingly entered the transition that followed the 1990 unbanning with "no analysis of the agrarian questions, and no agenda of agricultural restructuring and land distribution' (de Villiers, 2003:47), although land reform had been on their agenda for many years. Adams and Howell (2001:5) remark that prior to the elections of 1994, the ANC stated in its manifesto that land reform was to redress the injustices of forced removals and the denial of access to land. Land reform was thus to ensure the security of tenure for rural dwellers, to eliminate overcrowding and to supply residential and productive land to the poorest section of the rural population. The programme was to redistribute "30% of the agricultural land and to complete the adjucation of land claims within five years' (2001:5).

According to Williams et al. (1998:66), the following were the main objectives of the land reform programme, as set up by the ANC with the assistance of the World Bank:

- Redress the injustices of apartheid
- Foster National Reconciliation and Stability
- Underpin Economic Growth
- Improve Household Welfare and Alleviate Poverty

Section 25 of the South African constitution (Constitution of the Republic of South Africa, 1996), relating to property rights, includes the follow provisions:

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

(6) A person or community whose tenure of land, as a result of past racially discriminatory laws or practices is legally entitled, to the extent provided by the

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Act of Parliament, either to tenure which is legally secure, or to comparable redress.

(7) 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 restitution of that property, or to equitable redress.

(8) No provision of this section may impede that state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from provisions of this section is in accordance with the provisions of section 36(1).

Section 25 also asserts that "no one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property" that land may be expropriated only for a public purpose or in public interest, and that "just and equitable" compensation shall be paid if property is expropriated, taking into account "all relevant circumstances".

The four laws provide the framework for the main elements of the government's land reform programme:

- The Provision of Land and Assistance Act of 1993
- The Restitution of Land Rights Act of 1994
- The Land Reform (Labour Tenants Act) of 1996
- The Extension of Security of Tenure Act (ESTA) of 1997

The Labour Relations Act of 1995 and the Basic Conditions of Employment Act of 1997 also afford farm workers protection under the law.

3.2.1 THE IMPACT OF NEW LIBERALISM THROUGH THE WORLD BANK

South Africa's economic policies, with the ANC government coming into power in 1994 have all been based on the neo-liberal macro-economic policy set out by the World Bank and the IMF – blatantly seen in the Growth, Employment and Redistribution (GEAR) economic policy of government (the former Reconstruction and Development Programme, the RDP). In line with its neo-liberal macro-economic policy, the approach taken by the ANC government regarding land reform has been based on the use of free-market mechanisms, tightly controlled public spending and minimal intervention in the economy – the so-called "market based demand led approach – which to date has made little impact on the tactically skewed distribution of land in South Africa" (Lahiff & Rugege, 2002:50).

Political pressures on government serve to reinforce the neo-liberal preferences expressed in macro-economic and sectoral policies. The belief in some circles that the ANC government harbours radical sentiments on the land question, is not supported by the statements or actions of the party since coming to power. If it does, these sentiments are clearly outweighed by the strong commitment to private property and the free market (Lahiff, 2003:41). Given the vast economic and political pressure for a cautious approach to reform and the clear preferences shown by government to date, a dramatic shift in either economic or political conditions would be required in order to bring about a major change in current policies.

3.2.2 LAND REFORM IN THE RECONSTRUCTION AND DEVELOPMENT PROGRAMME (RDP) AND GROWTH, EMPLOYMENT AND REDISTRIBUTION (GEAR)

The South African national government, as well as some provincial governments have made several attempts to develop a viable rural development strategy. However, land reform, particularly redistributive reform, has remained an appendage to these policies rather than the 'central and driving force' envisaged in the 1994 Reconstruction and Development Programme (RDP) of the ANC.

The RDP describes itself as "an integrated socio-economic framework aimed at building a democratic, non-racial and non-sexist community" (Overseas Development Institute, 1994). The RDP hoped that people would be involved in regeneration programmes at grass-roots level. Building the economy had to focus on growth, development, reconstruction, redistribution and reconciliation. The RDP grouped the following as major policy areas (Deegan, 2001:117):

- Meeting the basic needs of the people
- Developing human resources
- Building the economy
- Democratising the state and South African society
- Implementing programmes

Initially, the programme attracted near-universal political support, but a lack of progress regarding the achievement of its aims soon undermined the initiative. By 1996, it was clear that the RDP could not meet the wider needs of society - especially those looking to reclaim their land - and that it failed to deliver on its over-ambitious goals. The ANC was increasingly moving away from a policy of state-intervention in the economy and towards a more market-orientated approach. In June 1996, the government introduced a new economic policy, the Growth, Employment and Redistribution (GEAR). This was a controversial move, predominantly because the tri-partite alliance of the ANC, the Congress of South African Trade Unions (COSATU) and the South African Communist

Party (SACP) had not resolved its attitude towards the market economy. Thus, land reform policies were influenced by this shift in macro-economic policy. Land appropriation was set aside and the policy of willing-buyer, willing-seller took a front seat.

The three elements of South Africa's land reform process, as found under GEAR are as follows: firstly, tenure reform, the first leg of the policy, has to do with improving the rights of specifically farm workers and persons within communal and homeland areas (de Villiers, 2003:49). Owing to the complexity of issues surrounding security of tenure, government decided to approach the implementation on the basis of a series of pilot projects or case studies within each province.

Two of the most important pieces of legislation to improve the rights of farm workers are the Land Reform (Labour Tenants Act of 1996) and the extension of Security Tenure Act 62 in 1997. Workers now "derive their rights from the Labour Tenants Act and not from the 'whim' of the property owner" (2003:49). A draft land rights bill in the homeland areas has been shelved and a national conference on land tenure was held in 2001 in order to consider all problem areas and options to address outstanding issues. A wide range of resolutions were adopted at the conference, dealing with matters such as achieving a balance between community and individual tenure rights. Other resolutions adopted at the conference included taking into account customary law and requirements to the constitution, accountability of community structures and the relationship between traditional leadership and other levels of government. In 2002, the Communal Land Rights Bill aimed at dealing with tenure in the former homelands, was published and available for comment.

Unfortunately, a majority of the authours quoted in this text feel that very little has been achieved to date (Cousins, 2002). A number of issues have remained unresolved, including ownership of land within the previous communal systems. Regarding tenure reform in homelands and even in the case of evictions from farms, Kepe and Cousins

(2002:3) state that "the implementation of legal guarantees to the practical situation requires much work".

The second element of the South African Land Reform Programme as found under GEAR involves redistribution. This involves making available "grants to individuals and families who do not qualify for tenure reform or restitution, in order to assist them to purchase land on a willing-buyer, willing-seller basis" (de Villiers, 2003:50). The amount allocated per household is R16 000, which means that a community could, by working together, qualify for a substantial sum towards acquiring land (Moyo, 1993:25). A central piece of legislation to regulate the programme is the Provision of Land and Assistance Act 1993, passed under the period of the RDP.

The third element of Land Reform in South Africa under GEAR is restitution. It is specifically aimed at "compensating people who were removed from their land as part of the consolidation of homelands or the so-called 'black spot' removal programme" (Lahiff & Rugege, 2002: 60). The process is therefore claim-driven and requires basic evidence that people were deprived of their ancestral land in a manner that would be unconstitutional under the new constitution of South Africa. Approximately 63 000 claims had been lodged by the cut-off date of 31 December 1998 (Mqogi, 2000:42).

The ANC's RDP initially set as its target "the transfer of 30% of medium to high quality white owned farms to approximately 600 000 beneficiaries" (de Villiers, 2003:51), but this has been proved to have been far too ambitious. With the current budget of R1 billion per year, the likelihood of large scale reform within the short term is limited unless substantial donor funds are accessed. Even in such a case, the market-driven model causes huge amounts to be absorbed in the acquisition process, with little or no wealth, employment or capacity being created. It is impossible to predict how sustainable the acquisition programme is, given the severe imbalance in land ownership and limited resources.

While the interim and current constitutions established a principle of the restitution of rights to own land, the details of the procedure to claim land were set out in the Restitution of Land Rights Act 22 of 1994 (de Villiers, 2003:52). It is important to note that neither the new constitution nor the subsequent legislation was designed to address all possible land disputes by means of restoration. Only persons who were deprived of their rights after 1913 could claim full restoration, as "1913 is the year of the Land Act – the symbolic date of the formal start of statutory apartheid" (Adams, 1995:6).

The land restitution process, is in some ways, probably the most straightforward of the three land reform programmes: it has a clear legal base in the constitution and the Land Restitution Act; the institutions dealing with the claims and investigations thereof are established, and it is principally a legal, claim-driven process. Whether the programme will live up to its expectation in the long run has yet to be seen.

The government published a White Paper on South African Land Policy in April 1997, with the aim of providing an overall plan for land reform by way of dealing with restitution, restoration and tenure reform. The land policy was described by the White Paper as "a cornerstone in the development of our country" (Mqogi, 2000:47), along with the economy policy GEAR. Issues that impact the land policy were identified, such as market-driven reform, the statutory framework within which land reform has to take place, environmental issues, budgetary constraints and the three main elements of the policy itself – discussed at length above. It was made clear that no priority would be given to invaders of land or illegal occupiers of land. In some instances, however, government might have its hand forced by large-scale invasions of private land that would leave it with little choice but to buy the land (de Villiers, 2003:53).

With the increasing polarisation of government and civil society in South Africa under the GEAR strategy, a more independent labour government is emerging. The potency of the Treatment Action Campaign (TAC) and the emergence of the Landless People's Movement (LPM), may presage a new kind of politics. While it may appear that groups like LPM are more concerned about urban than rural iniquities – the focus of much

publicity at the Johannesburg 2002 World Summit – the reality is that rural issues are rarely adequately covered by the media. Closer examination reveals that the LPM, as well as others, are trying desperately to link rural and urban issues.

The misfit between land policy and rural development is most evident where land reform is being pursued by government, primarily as a 'quasi-constitutional right' or a means of redressing past injustices, rather than as a basis for sustainable rural livelihoods. The HSRC (2003:6) states that "even in the latter case, redistributive land reform is proving to be an extremely difficult process to carry through…redressing gross racial imbalances in land ownership and access is one thing; recreating sustainable livelihoods on the land is infinitely more difficult". The land redistribution and tenure reform programmes are far more complex in that a diversity of needs have to be accommodated and post-settlement support is lacking and is even, in some cases, completely absent.

3.2.3 TRADITIONAL LEADERSHIP AND RURAL REFORMS

The LRAD programme, launched in 2001 (Burger, 2002/3:92), has become the government's 'flagship' in recent years. It is "largely inspired by staff of the World Bank on their recent experiences in Brazil and Columbia, and then adapted by officials of the National Department of Agriculture and consultants from academia" (Aliber & Mokoena, 2003:335).

The main aim is to facilitate the transfer of agricultural land to landless people who have resources and the experience to become commercial farmers (Burger, 2002/3:92). The HSRC (2003) reveals that there are two main types of projects under the LRAD: family-farm projects, which typically involve local elites who see LRAD as an opportunity to diversify their interests to complement their existing business activities (taxi-owners, bottle store owners, etc.) and farm worker projects, wherein a group of farm workers used the LRAD to acquire the farm where they had been working, often at the impetus of the seller. Under the Settlement/Land Acquisition Grant (SLAG) and LRAD programmes, a total of one million ha was transferred between 1994 and 2001 (Mqogi, 2000:42).

Most redistribution projects have involved groups of applicants pooling their grants to buy formerly white-owned farms for commercial agricultural purposes, although under LRAD there is a move towards smaller, often family-based, groups. Less commonly, groups of farm workers have used the grant to purchase equity shares in existing farming enterprises. Since 2001, state land under the control of national and provincial departments of agriculture has also been made available for purchase. A separate grant, the Grant for the Acquisition of Municipal Commonage, has been made available to municipalities wishing to provide communal land for use by the poor, typically for grazing purposes (de Villiers, 2003:46).

By the end of 2001, a total of 834 redistribution projects, in all categories, had been implemented or approved countrywide, involving 96,000 households (DLA, 2001). By June 2002, "4 823 beneficiaries received the LRAD grant that had delivered about 100 000 ha of land amounting to about 164 farms" (Burger, 2002/3: 92). Limited budgets have certainly limited the impact of redistribution to date, but the inability of the Department of Land Affairs (DLA) to spend its budgetary allocation in successive years indicates that there are further-reaching problems with the programme.

The total area of land approved for transfer under the redistribution programme from 1994 to 2001 was 1 006 135 ha, just 1.3% of the total commercial agricultural land (DLA, 2001). Furthermore, over the next four years, the DLA aim to transfer between 290 004 and 334 762 ha per annum (DLA, 2002). The budget for land reform is set to fall by 12% (in monetary terms), over the period of four years (2001/02 to 2004/05), or 25% in real terms (Mingo, 2002:5). This makes it highly unlikely that there will be any significant improvement in the rate of land redistribution in the foreseeable future.

The LRAD is, however, criticised for missing the point, in that it aims to benefit the 'haves' in the black community to the detriment of the rural poor – 'the have-nots'. Aliber and Mokoena (2003:336) argue that since LRAD is relatively new, and given the sense among the DLA officials that for the first time in years, redistribution is going well (however, not in terms of being able to spend the budget), it is hard to imagine that the

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DLA will soon be open to a searching re-examination of its approach to redistribution. However, there is a real possibility that as LRAD makes more and more progress in terms of its own goals, its overall inadequacy will become more obvious, especially the fact that its overall impact is nearly imperceptible.

The problem with the approach to land reform, of course, is that it offers little or nothing to millions of poor people who continue to support themselves by way of agriculture and other land-based activities, in overcrowded and often degraded environments. The needs of the rural poor have, as of late, been seen largely in welfare terms, but it is becoming increasingly clear that welfare cannot resolve the increasing problems of chronic poverty. The demand for land from the rural poor has not been clearly articulated to date. Indeed, much research shows that the preference of many rural people is for paid employment, rather than for land (Lahiff, 2003:41).

Although the reform of the system of communal tenure in the former homelands, however, while also addressing the historical legacy of inferior rights for black people, it does not fit neatly into the pattern of historical redress. Rather, it "touches upon the matrix of rights within African communities and is seen by many traditional leaders as an attack on their powers and privileges" (Mqogi, 2000:45). In an area such as the Transkei, for instance, these powers and privileges centre around the control of land. The post-apartheid state – whether for principled or pragmatic reasons - has shown itself to be enormously accommodating of the demands of traditional leaders and, despite the introduction of elected local government, has done little to undo the structures of indirect rule bequeathed by the previous regime.

The growing crisis of wage employment, however, coupled with the ravages of HIV/AIDS, is likely to force rural households to fall back on secondary activities such as agriculture over time. Given the absence of established institutional channels for the expression of rural grievances – including the main political parties, the highly-conservative traditional authorities and the urban-dominated trade unions – it is likely that grievances will be expressed in informal and even extra-legal ways.

Indeed, this is increasingly the case throughout the rural areas. Unauthorised occupation of state land is widespread throughout the northern and eastern portions of the country, and has been for many years (Steinburg, 2000:xi; de Villiers, 2003:71). Lahiff (2003:41) states "stock-theft, fence-cutting, poach grazing, mutilation of livestock, burning of crops and even informal housing settlements are rife throughout the white farming belt of Eastern Cape, KwaZulu-Natal and Mpumalanga provinces". Such activities, most of which do no make the headlines, can be seen as attempts to gain direct access to land, or to intimidate white owners into giving up their land, and must be distinguished from the high-profile 'land invasions' in per-urban areas, where the demand has purely been for residential land.

The recent emergence of the Landless Peoples Movement (LPM), which brings together both rural and urban landless people from all nine provinces, and its march on the World Summit on Sustainable Development in Johannesburg, September 2002, is the first substantial manifestation of a rural protest movement in South Africa in over forty years. While still relatively small, this undoubtedly marks the beginning of a new phase in the struggle for land (Lahiff & Rugege, 2002:63).

The reaction of the state, landowners and the mass media to such rural incursions and the emergence of the LPM, have been to portray them largely in criminal terms. Ongoing failure to address the underlying social and economic causes, and the need for a more radical approach to land reform, is likely to lead to increased conflict between the landless poor and the state, with private landowners caught in the middle.

3.3 ASSESSMENT OF LAND REFORM

3.3.1 TENURE REFORM

Tenure reform is the most neglected area of land reform to date, but has the potential to have an impact on more people then all other land reform programmes combined. Where tenure reform has taken place, it has largely focused on resettling farm residents to townships (effectively housing rather than land reform), or the 'upgrading' of tenure in informal peri-urban settlements. As stated in chapter one, tenure reform has yet to grapple effectively with the highly contentious issue of the control of communal land.

Almost all land in the rural areas of the former homelands is still legally owned by the state. These areas are characterised by severe overcrowding and numerous unresolved disputes, where the rights of one group of land users overlap with those of another. Today, the administration of communal land is spread across a range of institutions, such as tribal authorities and provincial departments of agriculture, but is in a state of collapse in most areas. There is widespread uncertainty about the validity of documents such as Permission to Occupy (PTO) certificates, the appropriate procedures for transferring land within households and the legality of leasing or selling rights to use or occupy land (Lahiff, 2003:45). Numerous cases have been reported regarding development initiatives that are on hold and awaiting clarity on ownership of land in the former homelands (Kepe & Cousins, 2002:3). Others are on hold due to the search for more preferable and open land for resettlement, as depicted in the Housing Act.

A prime example is the groundbreaking Grootboom case – where Irene Grootboom, and numbers of other residents of Wallacedene, an informal squatter camp, placed their names on a waiting list for low-income housing - as a result of severe poverty (without any basic services such as water, sewage or refuse removal). As time wore on, a large group of these people moved onto adjacent, vacant and privately owned land that has been earmarked for low-cost housing. The private owner obtained an eviction order, and the sheriff was ordered to dismantle and remove any structures remaining on the land. The evicted community, had nowhere to go, and therefore moved onto the Wallacedene sports field.

With legal assistance, the community formally notified the municipality of the situation and demanded that the municipality meet its constitutional obligation to provide temporary accommodation. Without a satisfactory response from the municipality, the community – under the name Irene Grootboom and 900 others – launched an urgent application in the Cape High Court based on two constitutional provisions (Constitution of the Republic of South Africa, 1996):

- Section 26 of the Constitution provides that everyone has the right of access to adequate housing. It obliges the state to take reasonable measures, within its available resources, to make sure that this right is realised progressively;
- Section 28(1) says that children have a right to shelter.

The Cape High Court rejected the application. Government took an appeal to the Constitutional Court and it affirmed that "the national government bears the overall responsibility for ensuring that the state complies with its section 26 obligations" (Pillay et al., 2002:2). It further found that the current housing programme fell short of the state obligation to provide relief to people in desperate need. It stated that "a reasonable part of the national housing budget should be devoted to providing such relief" (2002:2) and that the state's direct obligation "would apply primarily when children were removed from their families, orphaned or abandoned" (2002:2).

Housing delivery, as envisaged in the Housing Act, requires the availability of appropriate, well-located land for settlement development. The Development Facilitation Act of 1995 has as one of its central objectives, "the speeding up of land development, especially for the purpose of low-income housing" (2002:6). Gilingwe Mayende also stated that "the DLA is also involved in a joint programme with the department of housing to identify and acquire land for the purposes of resettling landless and homeless urban residents, many of whom live in informal settlements" (Mudzwiti, 2002). A number of other laws and policies contribute, in principle, to greater security of tenure and ownership for poor or vulnerable citizens.

Attempts to draft a law for the comprehensive reform of land rights and administration in communal areas were abandoned in mid-1999, in the face of stiff opposition from the traditional leaders. A second attempt began in late 2001, but has yet to be passed into law. The Department of Land Affairs appears eager to affect a once-off mass transfer of land to existing institutions (for example, tribal authorities or other community groups), with minimal commitment of public resources (Lahiff, 2003:50). Non-governmental voices, however, have warned of the dangers of overlooking countless informal land rights and strengthening the hand of unaccountable local leaders. They argued for a more gradual approach that safeguards existing rights and allows for a range of democratic land-holding structures to evolve (Brown et al., 1998:23).

Much of the land reform policy can be seen as addressing the injustices of the past by returning land from the historically privileged to the historically oppressed. This enjoys broad-based political support, at least at the rhetorical level, and its occasional opponents are generally seen to be defending narrow self-interest. Traditional Authorities and Communities participated in the National Land Tenure Conference of 2001, where a key issue "was the need to improve tenure security for farm dwellers on private land" (Burger, 2002/3:93).

Proponents of tenure reform for communal areas "are an amorphous group with no clear structure or political weight" (Brown et al., 1998:35). Indeed, the case for tenure reform, or the direction that such reform should take, has rarely been articulated from within the communal areas. Nonetheless, opposition to specific traditional leaders (but not necessarily to the overall system of traditional leadership or communal tenure) from within rural communities is widely reported (Ntsebeza, 1999:5).

Debates around tenure reform in the communal areas have, therefore, been largely of a technical nature, with academic researchers, government officials and others proposing a variety of solutions, ranging from full individualisation to revamped systems of communal tenure based on local democracy. The first attempt to produce such a bill (in 1998) failed due to a combination of concerted opposition from traditional leaders and

pre-election jitters on the part of the ANC (Lahiff, 2003:48). The recently published draft of the Communal Land Rights Bill proposes some diminution of the role of traditional leaders, but whether this eventually translates into law and into subsequent practice, remains to be seen.

3.3.2 REDISTRIBUTION

With other aspects of land reform unlikely to make a substantial contribution to redressing the gross imbalance of landholding in the country, attention has rightly focused on the redistribution programme, as the principal means of transferring large areas of land from the privileged minority, to the historically oppressed. The redistribution policy has undergone a series of shifts since 1994, but has largely focused "on provision of grants to assist suitably qualified applicants to buy land in rural areas, mainly for agricultural purposes but also for residential purposes ('settlement')" (Brown et al., 1998:30). The provision of land in urban areas has, to date, been largely pursued by local government under the housing programme, but increasing conflict around land in the large metropolitan areas has persuaded the DLA to work more closely with the Department of Housing. A new 'Land for Housing' programme is currently in preparation (Budlender 2001:1).

The methods chosen by the state to bring about redistribution are largely, although not entirely, based on the operation of the existing land market. Other measures, such as expropriation (see explanation in chapter one), are available to the state, but have not been widely used to date. Intended beneficiaries are not generally provided with land by the state. Rather, the state, through grants and other measures, assists people who might otherwise be unable to enter the land market to purchase property of their own – the so-called 'willing-buyers' (Brown et al., 1998:31). This strategy presupposes that the existing land market can deal effectively with what might be expected to be a very substantial transfer of land and that the intended beneficiaries, even with state assistance, will be able to effectively engage in the market to their ultimate benefit. Redistribution thus depends largely upon voluntary transactions between willing–buyers and willing-sellers.

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However, the redistribution programme is still criticised for being very slow. Over the past eight years, only "1.2% of commercial farmland was distributed and that figure includes redistribution, farm equity schemes and labour tenant projects" (de Villiers, 2003:50). The target of transferring 30% of commercial farmland by 2015 would require a sevenfold increase per annum of transfers under the redistribution scheme. The setting of targets has been criticised by organised commercial farmers (Agri-SA), pointing to the inherent risk of rising expectations, while at the same time, committing organised agriculture to assist with coherent land reform in order to prevent a repeat of the Zimbabwe situation. While commercial farmers were raising concerns about sustaining South Africa's level of food production, the director general of the DLA recently raised concern by saying that the process of willing-buyer, willing-seller is a 'fallacy' (de Villiers, 2003:51; Mudzwiti, 2002).

He stated that this was because the process was actually based on "a proactive land acquisition strategy, which starts with a negotiated process and can culminate with expropriation. Willing-buyer, willing-seller implies that this person can say 'no, I'm not selling my land, which is totally out of the question" (Mudzwiti, 2002). Early in 2004, the South African state decided that it was time to speed up the redistribution process by the expropriation of white-owned land, without a court order for the purposes of land reform. Chief Land Claims Commissioner, Tozi Gwanya has stated that the current legislation is not adequate and that "the minister can only expropriate if it is awarded by the land claims court, and that process has been taking too long" (2002). Under the new rule, the government can simply expropriate land if there is a claim on it. Black activists have been warned to not invade white farmer owners land or they will be punished (2002).

3.3.3 RESTITUTION

The legal basis for restitution was created under the Restitution of Land Rights Act, 1994, "which provided for the restitution of land rights to persons or communities dispossessed under or for the purposes of furthering the objects of racially-based discriminatory legislation after 19 June 1913" (Lahiff, 2003:49). A Commission on the Restitution of Land Rights was established under a Chief Land Claims Commissioner and six Regional Commissioners. A special court, the Land Claims Court, with powers equivalent to those of the High Court, was also established in order to deal with land claims and other land-related matters. Legally, all restitution claims are against the state, rather than against current landowners. Provision has been made for three broad categories of relief for claimants: restoration of the land under claim, granting of alternative land and financial compensation (Brown et al., 1998:34).

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

3.4 SUMMARY

Since 1993, South Africa has established an ambitious and potentially far-reaching programme of land reform in order to meet the requirement of the Constitution and to deal with the legacy of race-based dispossession and oppression. While some progress has been made, all aspects of the programme have suffered from major delays in delivering land as well as in securing the rights of the previously disadvantaged and dispossessed. They have also had a minimal impact on the racially skewed distribution of land in the country. This raises serious questions about the design of the land reform programme, the resources allocated to it, the mechanism used and the ability of the state to implement it. This, in turn, raises questions about the state's commitment to land reform.

The difficulties can partly be traced to the fact that, while the Acts involved in land reform define the agencies responsible for reform, and the procedures for administering it, little has been done to ensure effective co-operation between these agencies as well as between them and the national and provincial levels of government. The process has faced huge logistical problems and has suffered from a lack of strategic planning. Staff and infrastructural capacity have been very limited. There has also been insufficient debate over the respective responsibilities of the agencies involved.

Concerning policies on land reform, government and the structures that deal with land reform should look at the clarity of the aims and objectives of the process. Land claims cannot be the sole focus of a sustainable policy of land reform. While the claim process has its place within the spectrum of land reform options, it should not become the sole driving force of this spectrum. The realisable objectives of the land reform process are few and should be clearly spelled out. A strategic rather than political approach is required to guide land reform on a more general level and land claims specifically during the short, medium and long term.

Government should therefore approach land reform in a business-like manner, where a clear long-term vision is defined, and short and medium term objectives and strategies are

adopted to realise that vision. De Villiers (2003:82) states that at present, "the government seems fixated on a numbers game and cheque book settlements whereby the mere settlement of claims is accepted as a valid objective".

Secondly, possibly the most serious hurdle facing countries dealing with land reform is the development and integration of policy for land reform. South Africa's process is characterised by an extreme amount of segmentation, whereby all relevant departments are not always involved from the early stages to the implementation of land claim outcomes. In many instances, local governments and/or provincial departments are only become involved at a very late stage of the resettlement phase, or even worse, only at the implementation stage. This is too late as it affects their ability to take co-ownership of the process and also loses the contribution they could make in developing a post-settlement support scheme.

Consideration should be given to the establishment of a single national land reform policy unity that could embrace all responsibility to oversee the land claims and land reform process. If the unit looked at land reform on an interdisciplinary and interdepartmental basis, it would be able to take a long-term, wide-angled view of the process of land reform.

CHAPTER FOUR
ASSESSMENT

4.1 COMPARISON OF LAND REFORM PROCESSES

4.1.1 SIMILARITIES

Both Zimbabwe and South Africa have fallen victim to the colonial legacy of capital accumulation based upon unequal land ownership, as well as access to agricultural resources and infrastructure, which is what underlies the growing conflict over land in both of these regions. Legislation in both countries was used to alienate black land. In Africa, most governmental land reform programmes have been met with mixed success. The complex nature of the liberation struggles in Africa, have created diverse post-independence governmental systems. As much as this is true, however, one can draw a few important similarities between the land reform processes of Zimbabwe and South Africa.

Zimbabwe is a state that has been independent from practised colonial rule for 23 years, whereas South Africa, although independent since 1910, has followed a governmental system of apartheid or separate development. It was only from 1994 that South Africa embraced a democratic governmental system. One can therefore say that Zimbabwe has had a lot more time for the development and growth of land reform issues, drawing on both the successful and unsuccessful experiences of the past. Zimbabwe has therefore probably walked much a longer road of progression (or regression) regarding the issue of land reform than South Africa has. It does however seem to many, that although South Africa may have walked a shorter land reform road, it may be following in the footsteps of Zimbabwe. This is an issue that will be discussed later in this chapter.

4.1.1.1 NEO-LIBERAL REFORMS

Both Zimbabwe and South Africa's governing parties have involved themselves in the neo-liberal economic structural adjustment policy ideals, by embracing a non-state interventionist, market driven approach to their economies. Zimbabwe's embracing of the neo-liberal approach, however, occurred a lot earlier than did South Africa's. In the 1980s, the Zimbabwean government announced that it would base its economic policies on those set out by the World Bank and the IMF, promising many benefits to their population. In South Africa, during 1996, the ANC translated the RDP – which was a programme of state intervention in the economy, to GEAR - a more market-orientated approach. In fact, one of the most contradictory elements of the short-lived RDP was, on the one hand, its commitment to meet the population's needs, with its implication of strong state intervention and radical redistribution of wealth, and on the other hand, its affirmation of the free market. Policies of rapid industrial nationalism and land appropriation were rejected in favour of privatisation and economic growth.

The external imposition of these neo-liberal economic policies by means of policy-based lending reinforced broadly undemocratic policy-making practices, and they also influenced the evolution of land policy towards and elitist agenda. De Villiers (2003:14) states that many of the beneficiaries of land reform in Zimbabwe were senior members of the government and the 'new Black ruling elite'. Little was thus offered towards a far-reaching land redistribution programme. Neo-liberal reform therefore entailed "a balancing of various capitalist interests: external, local white and aspiring indigenous" (Moyo, 2003:64). Both in South Africa and in Zimbabwe, the policy concerning land, immediately following the transition "was to redistribute former white-owned farmland to the rural poor" (Adams & Howell, 2001:1). This means that the policies surrounding land reform, as well as central and agrarian objectives, are focused on the repossession of alienated land by African citizens.

4.1.1.2 REDISTRIBUTION: WILLING-BUYER, WILLING-SELLER

It is interesting to note that both South Africa and Zimbabwe relied on 'donors' to help set up their multi-faceted land reform programmes early after their transition to democratic government. This is possibly the reason why both programmes included the market driven willing-seller, willing-buyer method of redistribution. In Zimbabwe, under the Lancaster House negotiations – which occurred between the British, internal political parties and the liberation movements - acquisition of land was only accepted on a willing-buyer, wiling-seller basis, which was in line with the neo-liberal macro-economic policies that were the flavour of the day for newly independent states of Africa. In South Africa, the ANC set up their objectives for land reform, found under the RDP, with the assistance of the World Bank. These were based on free-market mechanisms, tightly controlled public spending and minimal intervention in the economy.

The willing-buyer, willing-seller provision occurs when private land has to be purchased and the owner is a willing-seller. A purchase price is negotiated, and is subject to the constitutional provision for just and equitable compensation. Reliance upon the open market to provide land for redistribution also imposes great difficulties in integrating projects with other rural reform processes. The limited debate around the willing-buyer, willing-seller model to date has had its main focus on political or moral implications (paying market prices for land that may have been acquired by force or at a very low price), rather than on practical merits of the policy. This market reliance has shown itself to be slow and cumbersome, "and to meet neither the needs of the sellers, buyer or the state" (Lahiff & Rugege, 2002:63). The market-driven model causes huge amounts to be absorbed in the acquisition process, with little or no wealth, employment or capacity being created.

Notably, the method of land acquisition and transfer implied by the 'demand-led' approach, means that land must be acquired farm by farm, involving numerous uncoordinated negotiations between landowners, buyers and the state. Beneficiaries are not generally provided with land by the state. Although this is true, certain sections within the 1979 Land Acquisition Act of Zimbabwe and the 1993 Provision of Land and

Assistance Act of South Africa allow grants and other measures by the state in order to assist people who might otherwise be unable to enter the land market to purchase property of their own, transforming them into willing-buyers (Brown et al., 1998:31). Not only is this time-consuming and complex, it also allows for little or no overall control or coordination of the location and sequencing of land transfers.

We have seen the principle of willing-buyer, willing-seller crash to the floor in South Africa and especially in Zimbabwe – where expropriation is the order of the day. The director-general of the DLA, Gilingwe Mayende, recently raised concern by stating that the willing-buyer, willing-seller process is a 'fallacy' (de Villiers, 2003:51; Mudzwiti, 2002). He stated that the willing-seller, willing-buyer procedure "is actually based on a proactive land acquisition strategy, which starts with a negotiated process and can culminate with expropriation" (Mudzwiti, 2002). He also stated that the terms "willing-buyer, willing-seller implies that this person can say 'no, I'm not selling my land' which us totally out of the question" (2002).

Tozi Gwanya, Chief Land Claims Commissioner, stated in late 2003, that there would be an amendment to the 1994 Restitution Act, that was passed by parliament which would "speed up land reform where arbitration had come to a dead end" (Harding, 2003). This measure will give the minister of agriculture the authority to seize and redistribute land deemed to have been stolen from blacks during the apartheid era even if the white owner refuses to sell it, cutting short the present slow claims procedure. Under this new rule, the government can simply expropriate land if there is a claim on it, and the farmer\s right to appeal is limited to the amount of compensation.

South Africa's situation concerning redistribution is thus very similar to that of Zimbabwe, although South Africa has not, as of yet, stooped to land grabbing on a large scale. This amendment to the Restitution of Land Rights Bill has alarmed many white farmers, as was the case in Zimbabwe (Smith, 2004). They fear that it may trigger a crisis similar to that which took place in Zimbabwe, and they are angry at what they see, as a lack of action against those who have murdered hundreds of white farmers. There

have, however, been warnings from the police and government that black activists must not, under any circumstances, invade white owned farms.

Therefore, the willing-buyer, willing-seller procedure (a market-based approach), has been cut by state intervention in both South Africa and Zimbabwe. This was due to the willing-buyer, willing-seller procedure becoming very sluggish. The Land Claims Commission in South Africa has complained that some farmers have hiked prices on their farms to levels that are not market-related, because they see a bonanza opportunity for themselves (Mudzwiti, 2002; Smith, 2004). Mayende has stated that "there is always a perception that government has very deep pockets. And of course we have to go through a process of negotiation with them. If the process of negotiation fails irrevocably, then we have the option of invoking the right of the state to expropriate land in the public interest" (Mudzwiti, 2002).

4.1.1.3 TENURE REFORM

In both Zimbabwe and South Africa, tenure reform has been widely neglected because of other areas of the land reform programme. This is unfortunate because tenure reform could have the potential to have a greater impact on people than all of the other areas of land reform put together. Tenure reform, although it has encompassed various forms in both countries, has yet to grapple with the highly contentious issue of land control.

Only of 1% of Zimbabwe's land is targeted for tenure reform. This land is owned by the state (Stoneman, 2000:50-51). In Zimbabwe, an occupancy permit was issued for those occupying state land, but this fell short of secure tenure in the form of a lease or freehold. Land could not be subdivided, sub-leased or inherited. In South Africa, 25% of all land is state owned (Breytenbach, 2003:7). This makes the situation even worse for South Africa. Almost all land in the rural areas of the former homelands is still legally owned by the state. Therefore, in South Africa, there is just as much confusion and a widespread uncertainty about the validity of documents, such as the PTO certificates, the procedures for transferring land within households and the legality of leasing or selling rights to use of occupy land (Lahiff, 2003:45). There have been numerous cases that have been

reported in both countries, of development initiatives that are on hold, awaiting clarity on the ownership of the land.

The uncertainty of tenure in the communal areas and for farmers is also problematic. Efforts to secure the tenure of farm workers were described by an official report in Zimbabwe in 1994 as being implemented "without proper objectives or direction. That is probably why it has been shrouded in secrecy and controversy" (de Villiers, 2003:10). Brown et al. (1998:35) state that proponents of tenure reform for communal areas are "an amorphous group with no clear structure of political weight". Indeed, the case for tenure reform, or the direction such reform should take, has rarely, in both countries, been articulated from within the communal areas.

It is therefore conclusive to say that the tenure reform set out in Zimbabwe and South Africa's land reform programmes has not yet, to date, improved the rights of especially farm workers and persons within the communal and homeland areas. Even though it was estimated that a growing number of people could have benefited from both governments upgrading their tenure and providing a better legal basis for their rights to formal property agreements, this is unfortunately, an area which needs to be revamped. The greatest similarity regarding land tenure in both these countries is thus the failure of the planned change in the terms and conditions of property rights (Adams, Sibanda & Turner, 1992:2).

4.1.1.4 RESTITUTION: WAR VETERANS AND THE LANDLESS PEOPLES MOVEMENT

It was observed in Zimbabwe that the formation of the War Veterans Association was a reactive initiative "taken by ex-combatants when it had become clear that the government had failed to assist them" (Musemwa, 1996:32). The war veterans in Zimbabwe thus took it upon themselves to spread discontent with the manner in which the government was addressing their needs for land restitution. While they were originally organised around a particular social constituency and a set of demands, the war veterans' movement

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soon came to receive the support of many other organised groups, including peasants and other segments of the rural poor.

The LPM is a national movement of landless people in South Africa formed on 24 July, 2001 following a meeting between emerging regional and provincial landless people's organisations. The LPM is supported by the National Land Committee, a national network of nine land rights non-governmental organisations working with landless communities struggling to access land reform across South Africa, but it is a completely independent grassroots structure of landless people. It is not an affiliate of the NLC.

Although the LPM have not organised themselves as social bandits, which is how Ranger (1986:391) identifies the ZWVA, and they do not share their origin with ZWVA, they do bear a resemblance to the small beginnings of the mobilisation of the ZVWA. As with the ZVWA, the LPM has primarily attracted much attention from the media and from the government as they protested at the Johannesburg 2002 World Summit of Sustainable Development. Due to the violent land invasions by majority members of the ZWVA, the reaction of the state, landowners and the mass media to the LPM and such rural incursions have been to portray them largely in criminal terms. Secondly, the LPM are addressing the issue of land restitution, as were the ZWVA, in protest to the proportion of rural claimants who have not received the right to return to their land after countless claims and of working through 'the right channels'.

If the LPM causes as much of a pressure point on the South African government as the ZWVA has on the Zimbabwean government, it could mean the marked transformation of the LPM from their position as opponents of the government policy to undisputed government supporters. The peasants and war veterans in Zimbabwe had been promised white land in exchange for their vote in Zimbabwe's 2002 national elections. The ZWVA enhanced their success by obtaining compensation from the government, who was seeking malleable political partners and supporters due to intolerable criticism – the war veterans and peasants were promptly found to be partners.

With the upcoming national elections in South Africa, due to occur sometime in 2004, there is no predicting the lengths to which the ANC will go to secure votes for their position as governing party, possibly resulting in a similar to that of Zimbabwe's. It is possible that the government will promise land restitution in exchange for votes in the upcoming elections. The LPM has declared that they "have openly admired Zimbabwean president Robert Mugabe's land reform programme and has threatened to occupy land, and abstain from voting in this year's election to voice its protest" (Smith, 2004).

President Thabo Mbeki as a move to possibly combat this threat and appease the LPM, has signed law amendments to the Restitution of Land Rights Bill, which "will give the minister of agriculture and land affairs, the power to expropriate land without a court order for the purposes of land reform" (Smith, 2004). This leaves the South African economy in a very precarious position. It seems that the LPM is potentially following gracefully in the footsteps of the ZWVA.

4.1.2 DIFFERENCES

South Africa is a relatively new democracy compared to that of Zimbabwe, which is one of the major reasons why certain aspects of both these countries land reform processes will possibly be different. South Africa, for one, has not (yet) entered into the crisis of uncontrolled land acquisition and is therefore not facing a crisis concerning agricultural, environmental, rural and urban land use and allocation.

The greatest difference is probably found in the answer of Moletsi Mbeki, a former journalist, deputy chair of the South African Institute of International Affairs, and brother to Thabo Mbeki, when being interviewed by Geoff Hill, authour of *The Battle For Zimbabwe*. When asked if he thought South Africa would go the same way as Zimbabwe, he replied "Zimbabwe and South Africa are very different cases…here, we have a strong constitution with the kind of protection for human rights that was never written into the Zimbabwe constitution. We have a robust democracy, a free press, a limit on the presidential term…" (Hill, 2003b:279). These are necessities to democracy, and even

though they are probably recognised by the Zimbabwean constitution, they are not being recognised by the Zimbabwean government.

4.1.2.1 TENURE REFORM

Gilingwe Mayende, director-general of the DLA of South Africa explained the meaning of tenure reform as it is played out in a Southern African perspective. He said that tenure reform means, for example, that there are many Zimbabwean and South African people who hold some land or have access to some land, but under highly precarious conditions, where. For example, there are no papers, no deeds and land administration systems that exist at present are archaic and ineffective. He stated that there's "no security...for example, you might wake up and be told that you have lost your ploughing field for one reason or another, which of course would be an arbitrary decision because there is no due process" (Mudzwiti, 2002).

As was mentioned earlier, about 25% of all the land in South Africa, is state owned. The DLA has announced that firstly, the category of 25% of all state owned land will be fast-tracked for resettlement "in the fulfilment of the equity plans to have 30% of farming land in black ownership by 2009" (Breytenbach, 2003:6), and secondly, that about 669 000 ha of state land is to be transferred into resettlement land for black emerging farmers. State land is therefore available for redistribution, whereas private land, especially financially assisted land (for example, insolvent farmers), can only be acquired through legal means.

Zimbabwe, on the other hand, has communal land that is regarded as state land – but unlike South Africa, this land is not targeted for resettlement. Breytenbach (2003:7) states that it is therefore mainly restitution land that is targeted for such purposes. The absence of state land for resettlement in Zimbabwe thus explains why the government of Zimbabwe has decided to focus on privately owned commercial farms as targets for redistribution. Thus resettlement land is placed under state control.

The constitution of South Africa therefore calls on the state to ensure that all of the people who live under conditions of insecure tenure have their tenure upgraded or secured – something that is not written into Zimbabwe's constitution. South Africa's land reform plan does involve securing tenure for labour tenants and farm workers, as well as safeguarding them against illegal eviction and arbitrary behaviour on the part of the owners, most of whom are white.

4.1.2.2 REDISTRIBUTION: LAND GRABBING

In Zimbabwe, within days of the constitutional referendum, a 'rag-tag' army of former guerrillas invaded white-owned farms and occupied land throughout the country in a coordinated operation. The rate of land transfer under the second phase of the Land Reform and Resettlement Programme was painfully slow and led to 15 major land invasions in 1997 and 1998 (Moyo et al., 2000; Thomas, 2003:700). It was then reported that armed gangs were transported by government and army trucks to the various farms to be seized. Meredith (2002:167) argued that these armed forces called themselves war veterans, while a large number were unemployed youths who were paid a daily allowance to peg out plots of land and to crush any support for the opposition. Some war veteran groups brought with them only aggressive and violent tactics.

Just as Zimbabwe amended the constitution, allowing the right to expropriate land by the state, South Africa has just completed a similar amendment to the Restitution of Land Rights Bill. The CFU in Zimbabwe, consisting of white farmers, realised that forcing farmers off their land without adequate compensation could be detrimental to the Zimbabwean economy. They proposed that government should either start redistributing the 500 000 acres of government owned land, but their suggestions were negatively received by Mugabe and his government. This is one of the reasons why there is currently a food shortage in Zimbabwe.

Expropriation in the South African setting, has not been widely used to date. It was made clear that no priority would be given to invaders of land or illegal occupiers of land. In some instances, however, government might have its hand 'forced' by large-scale

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invasions of private land that would leave it with little choice but to buy the land (de Villiers, 2003:53). Mayende believes that the government of South Africa does not share the view that the Zimbabwe phenomenon poses the kind of threat that might see something similar taking place in South Africa. He states that the difference between South Africa and Zimbabwe "is that from the reports the government has received, the process of forcible land acquisition in Zimbabwe is led by the state. The government in South Africa is not going to lead a land grabbing exercise" (Mudzwiti, 2002).

The LPM is making the same demands as the war veterans in Zimbabwe, and has based their manifesto on the fact that the South African government has not delivered on their promises. The LPM has also made demands on the government, including "unconditionally withdrawing all charges against those charged at Bredell and at Groot Vlakfontein in the Northern Cape, in connection with their legitimate land occupations" (Landless Peoples Movement, 2001). The LPM state that it "supports the gallant actions of Zimbabwean President Robert Mugabe" (Landless Peoples Movement, 2001). Although the LPM has made these and other, similar statements, the fact is that it is working alongside the government in rectifying the issue of sluggish land reform. The LPM is placing pressure on the government to speed up the land reform process. In practice, because of South Africa's strong adherence to the rule of law, it is doubtful that a large scale and violent land invasion movement will occur.

Even though, unlike Zimbabwe, South Africa has not experienced large scale land invasions, the threat or possibility of land invasions will always be there, as long as there is a sense in some areas of society, that the land processes are moving too slowly and that suffering has continued for too long a period. Therefore it is justified by those dissatisfied areas of society, that they should take matters into their own hands. The Bredell land invasions in Gauteng, which occurred in 1999 (Breytenbach, 2003), as well as disturbing reports of farm murders from the countryside in the midlands of Kwazulu-Natal (Steinberg, 2000), were a serious wake-up call for the government of South Africa.

Mayende also said that South Africans must not exaggerate the disruptive potential of the LPM, but at the same time, they must be vigilant against the possibility that a chaotic, unplanned and illegal process of land grabbing might take place. It is important at this stage, to highlight the fact that because land invasions are unplanned and do not have the benefit of technical support from the state, they often result in the creation of unsustainable rural and urban slum settlements. Mayende says that this is disastrous for land reform because "in the first instance, if it is an illegal land grab the state has to respond by enforcing law. It is the responsibility to the state to maintain and uphold the rule of law and that will have to happen. There is no question about that" (Mudzwiti, 2002).

People in post-apartheid South Africa also have the need to establish control over the risks and uncertainties that they face – they have a desire to stave off insecurity, which includes the crime issue. This also brings about a demand on the criminal justice system – "to know about the risks to which they are exposed to and are growing increasingly impatient when that system fails to control the 'dangerous' individuals who are within its reach. Such perceptions in South Africa are combined with those of a state authority either unwilling, or incapable of acting on crime" (Mason, 2003:111), and are mainly carried by white farm owners

4.2 ASSESSING THE TRENDS

The HSRC (2003) comments that land reform policies in the region of Southern Africa were inconsistently applied. Many of the African countries committed to land reform followed either one of two approaches. De Villiers (2003:3) describes the first approach as non-market driven (also known as the equity approach), characterised by state policy to either nationalise all land, such as that which occurred in Mozambique and Angola, or, to expropriate land for African claimants, or to the landless. The second approach is market driven, such as has been discussed earlier in this paper.

The trend in Southern Africa is that there is a shift away from state-owned land into some form of market-orientation practices. For instance, in Mozambique and Zambia, "state

land was converted into leasehold which allows farmers to conduct farming on business principles, albeit within a framework of leasehold where the state remains the owner, but occupation rights – and business practices, are market based" (Breytenbach, 2003).

Moyo (2003:59) has stated that both the market and state driven approaches have failed in Zimbabwe. In Zimbabwe, the sequence was different to the one described above. Breytenbach (2003) states that market reforms were attempted first (since 1992), but were inadequate. Subsequently, the radical invasion approach (since 1997) was launched and resulted in major conflicts. Herbst (2000:184) says the idea when working with programmes, is to move slowly, which is possibly the reason why both approaches failed in Zimbabwe. South Africa can learn a lesson from this point, that taking time to work on one approach could raise the bar for a greater success rate for land reform programmes in the region.

Since the end of 1999 in Zimbabwe, there has been a general absence of a clear and sustainable land reform policy, as well as a legal framework that enables the possessing of land without due process. In South Africa, the ANC, surprisingly entered the transition that followed the 1990 unbanning with "no analysis of the agrarian questions, and no agenda of agricultural restructuring and land distribution" (de Villiers, 2003:47), although land reform had been on their agenda for many years.

In both situations, there has been a failure to integrate land reform policies into land tenure reforms, resettlement programmes and meaningful land use policies that cover all land issues, not just regarding rural land, but also urban land. Breytenbach (2003) has stated that "this is imperative because fertile land as a resource in many countries is simply too scarce to be make available to everybody who wants to make a living on rural land, irrespective of the capacity for sustainable development".

The discourse about land reform in Southern Africa illustrates the extent to which regional organisations have failed to develop common approaches regarding land reform, or to integrate them into wider development strategies (HSRC, 2003). Breytenbach

(2003) states that it is imperative that integration schemes such as the South African Development Community (SADC) deepens integration to the level that land reform policies converge in regional protocols. Until this happens, integration shall remain unfinished.

In South Africa today, as well as in Zimbabwe ten years after independence, there have been promises of provisions of finances and support services to resettled farmers. However, with the crises of late, there has been no money for the government to provide such services to those who have been resettled. Specifically in Zimbabwe, these mechanisms of aid for resettled families are just not available during this time of escalating financial scarcity. Farms without development projects, therefore are bound for failure. Breytenbach (2003) states that there is no point in resettling landless people on rural development projects without adequate agricultural support mechanisms, such as providing for training, extension and marketing programmes. This is true for people such as the war veterans in Zimbabwe, who are trying their hand at farming for possibly the first time.

Some of the most important issues which have not been addressed in great detail by land reform programmes, are urbanisation, industrialisation and service industries. They are essential ingredients to any recipe for national development. Hill (2003a:9) states that Zimbabwe's problem began "from independence in 1980 to the start of the farm invasions in the 1999, the country's population almost doubled, but the number of people living in Harare jumped fivefold". In South Africa, the trend is also being seen that the typical migrant is aged between 18 and 30, educated and unemployed. With these two countries rapidly becoming urban nations, filled with a young generation of skilled and educated young people – this places a large demand on employment opportunities.

Like the Zanu-PF in Zimbabwe, the ANC in South Africa has not scored well in its march on poverty and job creation, especially in rural areas. A programme of decentralisation with strong incentives is required in order to encourage new investors to build factories and other projects in rural areas, where land-hunger is likely to be the

worst. Nyanga Ngubane, Kwazulu-Natal MEC for Safety and Security, has taken a firm stand on campaigns of violence, specifically focusing on land invasions. However, when he was asked about black pressure groups aspirations, "the young activists who has allegedly been stealing cattle, poaching game, and assaulting farm workers were quick to agree that their first choice would be some form of employment" (Hill, 2003b:281).

Even if the government could find enough land to settle all rural families who want to till the soil, how many of their children, now in school, would stay on the farm once they had received their education? In developing countries all around the world, the trend during the past fifty years has been for the rural youth – notably those who have some education – to seek their fortunes in the city.

It is interesting to note that South African land invasions have had some notable features – which could possibly be used to explain part of the situation in Zimbabwe. The settlers are not so much farmers, as people who have drifted into the city and who have nowhere else to live. Ironically, many are not even South Africans, but are political or economic refugees from Zimbabwe, Zambia and Mozambique. Even those who have participated in legal land reform programmes in rural areas, end up second best. According to a survey commissioned by the DLA in South Africa in order to gauge the quality of life among those who have benefited from such schemes (DLA, 2000/2001):

- 80% earn less than R1 000 per month (less than US$4 per day)
- 28% of households have no income at all
- Despite access to land, most families still spend more than half their money on food; and
- Most crops that have been harvested are used in the kitchen and do not generate an income.

These criteria all point to a class of people who are worse-off than those in the cities, and if the continental trend is mirrored in South Africa, it is likely that – with or without land reform – rural people will ultimately make their way to the cities and the towns in search of a better life. The emotional attachment is a different and more complex matter, and for most Africans, black and white, land is an essential part of their folklore and psyche.

'Making a go' of farming is just as hard in Africa as it is in Europe, Australia or America. Agriculture has become sophisticated, economies of scale are everything, and selling crops means being able to compete with those who can grow the same product at a cheaper rate, better, and more quickly. In South Africa, the new, expanded school system is rapidly producing a generation who are better educated and more confident than their parents. Their aspirations will be increasingly material and urban. In Zimbabwe, land will always be an emotional factor, but will never be the real issue. When authority is challenged, the threat usually comes from the urban poor. In Africa, the call for an end to colonial rule found its voice in post-war urbanisation, and townships were the main battleground regarding the fight against oppression and the push for democracy.

Hill (2003:9) states therefore, that these countries need to "put all their effort into industrial growth and extension of decentralisation and encouragement of new investors in rural areas". Giving people land will not keep them at home, but if they can find jobs in their own communities – there's a good chance they will not migrate to the cities. The lesson throughout the region is that the programme of land reform used to date, cannot, in itself, solve the problems of poverty and inequality, of equity and production. Policies must be comprehensive, including issues on urbanisation, job creation in rural areas and the problems with communal tenure, as well as appropriate political will.

Although all governments in the SADC region have land reform policies, the manifestations are different and uncoordinated – even the New Economic Policy for African Development (NEPAD) does not tackle the issue of land reform in a structured regional position. Breytenbach (2003) states that "a SADC protocol on 'best land practice' might have prevented this debacle". A common regulatory framework on land reform will do much to enhance the predictability of policies which were harmed by the unpredictable events in Zimbabwe.

4.3 WILL SOUTH AFRICA END UP LIKE ZIMBABWE?

Many in the neighbouring states of Zimbabwe feel very threatened by the occurrences taking place on their borders – and because of this, the threat comes close to home- and is therefore possibly exaggerated to a degree. During the first ten years since the introduction of democracy in 1994, the country has not gone through any of the trauma experienced in Zimbabwe's first decade under the rule of Mugabe:

- The press has not been nationalised, though there have been increasing efforts by the ANC to control the South African Broadcasting Corporation (SABC). Even so, there are plenty of independent and community radio stations, and even one TV network, in private hands;
- Corruption, where it was alleged to have occurred, has been reported in the media and investigated by the state, albeit with some hesitance and resistance;
- Land claims have been tackled early and a transparent system of redistribution is in place;
- No effort has been made to disband opposition political parties.

South Africa is a robust democracy with a strong constitution, which includes heavy protection of human rights and certifies freedom of speech. South Africa has addressed the land reform programme early on in the transition, and although it may be vague at times, and unable to reach the targets that are set, it has addressed the need to comprehensively see to eliminating the legacy of colonial and apartheid land dispossession. It guarantees the fact that the execution or the implementation of land reform is in the public interest and that it shall happen.

The constitution of Zimbabwe, on the other hand, does not include a constitutional and legislative and policy framework that is very clear regarding land reform – and even if it were, it probably would have been disregarded by Mugabe. Even after the referendum of 2000, Mugabe made an amendment to the constitution which stated that land could be expropriated by the state. Forcible land acquisition was led by the state, and Mugabe turned a blind eye to land invasions, stating that they were merely peaceful demonstrations, and that he would therefore not intervene.

This amendment to the Land Rights Bill has also been passed in South Africa, but will only be used as a last resort if negotiations on land fail. It is true that many white landowners have hiked their prices, for which the government has to negotiate. Mayende has stated that "if negotiations fail irrevocably, then the state has the option of invoking the right to expropriate the land in the public interest" (Mudzwiti, 2002). There have been a number of cases which have been pushed to that extent, but in the majority of these cases, the landowners have decided to pull back and opt for a negotiated settlement. Mayende says that the reason for this decision is that "expropriation comes with costs. If you are going to oppose, you must litigate, and if you simply lose the case, you will end up with less than what you would have got if you simply acceded to a negotiated settlement" (2002).

The South African government has taken a strong stance against land invasions, and has not condoned them in the way that Mugabe did. South Africa's agriculture and land affairs minister, Thoko Didiza has been in negotiations with the LPM about the land issue – where the LPM have made threats to boycott the 2004 national election. Although their threat has not been retracted as of yet, the LPM national organiser, Mangaliso Kubheka said that "the meetings have been a success, and we hope to have more such meetings so people can see the LPM is not a radical group" (Quinn, 2004). They also expressed optimism that the government was listening to their pleas.

These recent developments, including campaign promises for the upcoming national election in South Africa have swung the South African economy into a very precarious position – due to the situation in neighbouring Zimbabwe. The government has stressed that South Africa's moves to put land in black hands after decades of white apartheid rule, would proceed in a systematic, transparent and fair way, following acceptable mechanisms.

Today, South Africa's situation is very different to that of Zimbabwe's. It does not look like South Africa will tumble into a situation similar to Zimbabwe, even though it has seen slight hitches – violent farm invasions in Gauteng and Kwazulu-Natal, sluggish

procedures in claims, lack of integration between government departments in tackling land policy issues such as urbanisation, migration, industrialisation and job creation. As Hill (2003b:279) states "just because Uganda suffered under Idi Aman, it didn't follow that Kenya and Tanzania would go through the same experience. Likewise, there is no reason to believe that Mugabe's behaviour will spread to neighbouring states". Its up to the electorate of South Africa – voters of all races – to make sure that the freedoms they enjoy under the constitution are not tampered with or compromised. The international community must play a role too – the protection of human rights, and the freedom to speak out and act against the defamation of these rights. The current South African government has made it very clear that they will not embrace the kind of behaviour we have seen in Zimbabwe. For now, at least, there is evidence that they plan to honour that commitment.

CHAPTER FIVE
CONCLUSION

5.1 ASSESSMENT OF THE STUDY

The research methodology of this thesis was accurate and sound for the purposes of this study, as well as for the time and funding available for this project. The aim of this paper was to describe and systematically compare the land reform processes in the former colonies of South Africa and Zimbabwe. The groups or units of analysis in this study are the countries of Zimbabwe and South Africa, and their land reform policies – which were compared historically, economically, politically, socially and environmentally.

There have also been brief referrals to land policies of other Southern African countries within the region of the study - for richness in the comparison. This was successfully completed in chapters two, three and four of this thesis. We have seen that in fact there are many similarities in the historical arena of Zimbabwe and South Africa, but that the differences between the two have come in, concerning governance of the country after the transitions to democracy – and how they have decided to deal with land reform.

Many of the terms used in this thesis have been conceptualised to a full extent, with explanations, mainly found in chapter one, drawing on a large variety of sources. Due to the fact that this study is based on existing data, it is necessary to draw on a large variety of sources for the most objective viewpoint on classifications of terms and concepts used throughout the thesis. One can see the variety of sources used by referring to the references included in this chapter.

In chapter four, there were limitations to discussing comparisons, as the information being used for reference, was existing data, and was not received first hand by those who are involved in the land reform process in both countries, firstly, on grass-roots level, and secondly, by those who are making the decisions on government levels. Due to the nature of this thesis, it was impossible to conduct this kind of study - one of great magnitude – using methodology other than secondary analysis.

There was also a limitation with regards to using case studies. This limitation was due to the fact that there was not a sufficient amount of case studies which referred directly to the topic of land reform in Zimbabwe, within the resources chosen. These case studies were also very weak content wise with regards to this study. It would create an imbalance to refer to an integral case study concerning land reform in South Africa, which describes the problems with the land reform process in South Africa, and not have an important Zimbabwean case study to compare it with.

The final section of chapter four – in the assessment of trends and forecasting whether South Africa will go the same way as Zimbabwe was really a challenging chapter to write. There was a great frustration in naming the country which has come out with the best land reform policy in the region – because as was stated before, land reform policies have taken different forms and have been met with different approaches, successes and failures in terms of coverage and impact. It must be remembered that the demands and circumstances for land reform vary across nations and thereby conditions the character, dimension and outcome of reforms.

This thesis has achieved the mentioning and the analysis of the trends in the region of Southern Africa with regards to land reform. A forecast has also been made concerning the plight of South Africa. Chapter four presents a determination of the further need to revitalise land reform policies, with issues such as urbanisation, migration, industrialisation and job creation, being some of the main ingredients to be considered for future reference. These ideas which have been discussed, hopefully, will be considered when SADC look to providing a sound framework on the way in which Southern Africa can improve on their land reform programmes.

5.2 ISSUES FOR FUTURE RESEARCH

The focus of this research was mainly on the comparison of two countries in the Southern African region. It should be noted that future studies should include a more in depth look, by including assessments of neighbouring countries of the SADC region – which fell out of the scope of this study. This will add richness to the study if it is addressed from a broader point of view including other countries in the region. Perhaps once this has been accomplished, a conceptually sound framework for the way in which countries in Southern Africa can improve on their land reform programmes can be provided. This research should be conducted by SADC research development. By way of this research, a document could be set up as a framework on how to approach land reform for the following of all SADC countries.

It is also suggested that in depth case studies be looked at concerning land reform processes in South Africa and Zimbabwe. This will provide a greater understanding of the more detailed events which take place within the land reform programme.

Government departments in South Africa should be more integrated in dealing with land reform. Other departments, especially housing and safety and security, should focus on researching statistics in their fields that could impact the land reform process positively. This means researching housing developments, urbanisation, illegal squatting settlements and the types of people who live in these settlements, such as migration, employment etc. for the purposes of including these issues into the main framework set up for land reform. Any land policy which does not include the addressing of these issues, will ultimately fail.

ANNEXURE A
INDICATION OF LAND DISTRIBUTED UNDER THE LAA

Category	Acres	Percentage (of land)
European (settler) Area	19 179 174	50,8
Native Reserves	12 600 000	22,4
Native Purchased Areas	7 646 566	7,7
Forest Area	590 506	0,6
Unassigned Area	17 793 300	18,4
Undetermined Area	88 540	0,1
Total	**98 686 080**	**100,0**

Source: Chitiyo, 2000:8

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