Where Zimbabwe got it wrong - lessons for South Africa: A comparative analysis of the politics of land reform in Zimbabwe and South Africa.

by

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Declaration

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Abstract

This thesis is a comparative study of the politics of land reform in Zimbabwe and South Africa. Robert Cox's critical theory is the theoretical framework used in carrying out the study. The particular focus of this thesis falls on the similarities and differences that exist in the two countries regarding the politics of land reform. Both countries share striking similarities, some of which include: In both countries, soon after the advent of democracy the majority of blacks lived in poor marginal areas where the land was/is less productive than the rich and fertile arable land owned by whites. In both countries, the minority whites are richer than the majority native black people; in both countries, land redistribution was a key national goal of the incoming governments immediately after independence; in both countries, land redress did not however happen as immediately as the incoming governments had promised. In Zimbabwe, the process only began some 20 years after independence while in South Africa, it is now 15years since 1994 when the ANC came into power and still, the racially skewed agricultural land ownership patterns are yet to be conclusively addressed.

Some of the differences discussed in the study include; the types of governments in the two countries; land reform policies of the two countries; the type of societies as well as the relationship between Zimbabwe's war veterans to the ZANU PF government.

Steps are already underway to redress the distorted land ownership patterns in South Africa but is the process happening quick enough to prevent South Africa from facing the problems associated with inequitable land ownership patterns such as those that were faced by Zimbabwe? Where and how did Zimbabwe get her land redistribution process wrong? What lessons can South Africa learn from the case of Zimbabwe? Chapter two and three of the thesis will provide a general overview of the politics of land in the two countries, while chapter four will show the similarities and differences that exist. Chapter five will conclude by showing the lessons that South Africa can learn from Zimbabwe while also suggesting areas for further study.

Opsomming

Hierdie tesis is 'n vergelykende studie van die politiek van grondhervorming in Zimbabwe en Suid-Afrika. Robert Cox se Kritiese Teorie is die teoretiese raamwerk wat gebruik word in die uitvoering van die studie. Die tesis fokus spesifiek op die ooreenkomste en verskille van hierdie twee lande wat betref die politiek van grondhervorming. Beide lande deel opvallende ooreenkomste, wat die volgende insluit: Kort na kolonisasie is die meerderheid swart mense in arm agtergeblewe gebiede geplaas, waar die land minder produktief is/was as die ryk en vrugbare akkerland in besit van blankes. In beide lande is die minderheid blankes ryker as die meerderheid inheemse swart mense. In albei lande is die herverdeling van grond 'n belangrike nasionale doelwit van die nuwe regerings onmiddellik na onafhanklikheid. In beide lande het die herverdeling van grond egter nie dadelik plaasgevind soos die nuwe regerings belowe het nie. In Zimbabwe het die proses eers 20 jaar na die land se onafhanklikheid begin. Dit is nou 15 jaar sedert 1994, vandat die ANC in Suid-Afrika aan bewind gekom het, en nogsteeds is die ongelyke rasverdeelde grondeienaarskappatrone nie finaal aangespreek nie.

Sommige van die verskille wat in die studie bespreek word sluit die volgende in: die tipes regeringstelsels wat die twee lande volg; grondhervormingsbeleid van die twee lande; die tipe samelewings, asook die verhouding tussen Zimbabwe se oorlogsveterane en die ZANU PF-regering.

Stappe is reeds geneem vir die regstelling van die ongelyke grondbesitpatrone in Suid-Afrika, maar is die proses besig om vinnig genoeg te gebeur om te verhoed dat Suid-Afrika voor dieselfde uitdagings as Zimbabwe te staan kom? Waar en hoe het Zimbabwe se grondherverdelingproses verkeerd geloop? Watter lesse kan Suid-Afrika leer uit die geval van Zimbabwe? Hoofstukke twee en drie van die tesis gee 'n algemene oorsig van die politiek van grond in die twee lande, terwyl hoofstuk vier ooreenkomste en verskille wat bestaan aantoon. Hoofstuk vyf sluit af deur aan te dui wat die lesse is wat Suid-Afrika uit Zimbabwe se geskiedenis kan leer.

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Contents

List of Abbreviations

ANC –African National Congress

CODESA - Convention for Democratic South Africa

COSATU – Congress of South African Trade Unions

CFU – Commercial Farmer's Union

CLRB – Communal Land Rights Bill

CRLR – Commission on the Restitution of Land Rights

DA – Democratic Alliance

DLA – Department of Land Affairs

DRC – Democratic Republic of Congo

GDP – Gross Domestic Product

ESAP – Economic and Structural Adjustment Program

ESTA – Extension of Security Tenure Act

IPLRA – Interim Protection of Informal Land Rights Act

LPM – Landless People's Movement

LRA – Land Reform Act

LRAD - Land Redistribution for Agricultural Development

LSCF – Large Scale Commercial Farmers

MDC – Movement for Democratic Change

NCA – National Constitutional Assembly

PF ZAPU – Zimbabwe African People's Union Patriotic Front

RDP – Rural Development Program

SSCF – Small Scale Commercial Farmers

TCOE - Trust for Community Outreach and Education

ZANLA – Zimbabwe African National Liberation Army

ZANU PF – Zimbabwe African National Union Patriotic Front

ZCTU – Zimbabwe Congress of Trade Unions

ZIMPREST – Zimbabwe Program for Economic and Social Transformation

ZNA – Zimbabwe National Army

CHAPTER ONE

1.1 Introduction

When it comes to the issue of land, Zimbabwe and South Africa share both similarities and differences. Some of the notable similarities include – the two countries' history of colonialism, and its consequent dispossession and impoverishment of rural people, which shapes both patterns of landholding and discourses around the value of different types of land use (Lahiff, 2003:2), in both countries, soon after the attainment of democracy, the majority of blacks lived in poor marginal areas where the land was/is less productive than the rich and fertile arable land owned by whites (this is still evident in South Africa), in both countries, most of the minority white people are richer than most of the majority native black people, in both countries, land reform was a key national goal of the incoming governments immediately after independence, in both countries, land redress did not however happen as immediately as the incoming governments had promised.

Some of the notable differences that relate to the land issue include the length and degree of settler land expropriation experienced by the two countries, types of economies in the two countries,[1] land reform policies, types of government systems, the influence of war veterans as well as the fact that one is an agrarian based society while the other is not (degree of industrialization in the two countries).

Land reform in South Africa was an immediate and key priority of the incoming African National Congress (ANC) government. In fact, even before officially coming to power, the ANC, in its *Ready to Govern* policy guidelines, argued that the legacy of historical land expropriations had to be dealt with and addressed in any intended land policy of South Africa. While the process of land reform is already underway to redress the racially skewed land ownership patterns in South Africa, there are concerns regarding its pace and implementation and these have stirred much skepticism among South Africans.

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[1] Peasant economy in Zimbabwe and migrant economy in South Africa.

When the state sanctioned and violent large scale farm invasions formally[2] started taking place in Zimbabwe in 2000, President Robert Mugabe and his ruling Zimbabwe African National Unity Patriotic Front (ZANU-PF) party condoned them and justified them as a way of redressing past injustices. He endorsed all farm invasions and the hundreds of vulnerable white commercial farmers who fell victim to this chaotic and brutal process did not have legal recourse. This was the case because there was much political interference with the courts and considerable manipulation of the police and army by the ruling party.[3] Many of the white commercial farmers reported such illegal dispossession of their land to the police, who took no action against the perpetrators, led by the ruthless and fearsome war veterans of Zimbabwe's liberation struggle.

Numerous court rulings were made in favour of the affected white commercial farmers but the law enforcers did not enforce these court rulings because the President and his cabinet regarded this as a matter whose gravity weighed above the power of the courts (*Zimbabwe Independent,* March 24 2002). In 2002, a Supreme Court ruling that declared illegal all farm occupations was ignored by the government and the ruling party (*Zimbabwe Independent,* March 24 2002). The power of the courts was constrained when it came to cases involving farm invasions. Most of the court rulings that were in favor of the white commercial farmers were disregarded by the ruling ZANU PF party. There was neither a legal framework nor guiding principle to guide this process of land repossession. Government officials and indigenous Zimbabweans went on the offensive, grabbing and apportioning commercial farm land to themselves at will.

This led to the emigration of white commercial farmers *en masse* from Zimbabwe to other countries, halting production on farms and subsequently sparking a series of food and basic commodity shortages that continued to ravage the country for many years. It also marked the beginning of the downward spiral of Zimbabwe's agrarian based economy. Since the

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[2] I say 'formally' because previous attempts at violently invading farms by landless people were thwarted by the government.
[3] This will be discussed in more detail in chapter 2 and 4.

onset of the 'fast track' land reform program in 2000, Zimbabwe persistently faced severe food and basic commodity shortages that have impacted on the larger economy severely. The very little basic commodities that could be found in shops were expensive beyond the reach of the majority of Zimbabweans. Inflation rose unabated and peaked at a reported 500 billion per cent in 2007 (IMF, 2009). With this in mind, it is surprising that some recognized scholars such as Moyo (2001; 2007), Mamdani (2008) and Scoones (2008) have argued that Zimbabwe's land reform to some degree was a success. The failure of land reform in Zimbabwe earned the country various euphemistic labels such, land of poverty, failed state, basket case[4] all referring to the severe food and basic commodity shortages in the country that can be traced directly and indirectly to the country's land reform.

Lawlessness prevailed - no single black person was ever prosecuted for illegal farm invasions. Mugabe argued that land was the primary reason why Zimbabwe's liberation war was fought (*The Daily News,* November 2002). If black Zimbabweans still did not have land, the liberation struggle would not be complete yet. To end it, land taken by colonist whites was supposed to be given back to its rightful owners, the black indigenous Zimbabweans.

To an ordinary person, the President's argument did and still does make much sense. Colonialists had taken most of the fertile arable land and apportioned it to themselves, dividing it into commercial farms. They forced native Zimbabweans to marginalized arid and semi-arid areas while those who remained on their farms became farm laborers, who worked to further the white master's capitalist interests. Social justice therefore in the form of land redistribution was as necessary as it was inevitable.

President Mugabe's explanation and justification of Zimbabwe's land redistribution process however poses more questions than answers (which will be highlighted later). More important for purposes of this study however is the inquiry into whether or not this radical

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[4] See article on http://business.timesonline.co.uk/tol/business/markets/africa/article1790223.ece (accessed 13.06.09).

land reform process of Zimbabwe was a precursor to what will happen in South Africa and what lessons South Africa can draw from the case of Zimbabwe.

1.2 Problem Statement

The parallels that exist when it comes to the issue of land in South Africa and Zimbabwe provide a common context for a comparative analysis of the politics of land in the two countries. Zimbabwe's land redistribution program did not go very well while South Africa's land reform program is beset with numerous challenges. There are some sentiments emerging that South Africa will be plunged into a crisis akin to that of Zimbabwe if the land issue is not resolved expeditiously and conclusively.

Addressing a media conference on Monday 1 March, 2010, Minister Gugile Nkwinti was quoted as saying, '...it (the land situation) might explode or implode like the Zimbabwe situation...It could turn out to be actually the same if we don't act...' Jake Moloi,[5] remarked in 2007 that South Africa is only left with seven[6] of the twenty years that it took Zimbabwe to wake up, before the people of South Africa take the law into their own hands. The Chief Land Claims Commissioner in South Africa, Wallace Mgoqi[7] was also quoted as saying – '[W]e do not want to see what happened in Zimbabwe and we will ensure that our land reform program remains socially, economically and politically sound.'

Marthinus van Schalkwyk,[8] at a Land Reform conference remarked in his opening statement – '[T]he Zimbabwean situation is the kind of situation that we would like to avert in South Africa by finding practical, innovative and constructive solutions.' Congress of South African Trade Unions (COSATU) general secretary, Zwelinzima Vavi said in 2004: 'In 2014, we will be 20 years into our democracy and if we ... have not redistributed the land by then, we will find ourselves in a Zimbabwean situation.'
According to Moyo (2007:79),

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[5] Senior Researcher at the Institute for Security Studies.
[6] Presently, this would be four years.
[7] Quoted by Jake Moloi on note 1.
[8] The current minister of tourism in South Africa.

The effects of the Zimbabwean land reform since 2000, as a dissident model of radical land reform in the Southern African region need to be recognized. The most commonly considered effect is the expectation that land occupations – as a popular strategy of redressing land grievances and hunger – might replicate widely, especially in former settler states such as South Africa.

Because of this, a comparative analysis of and an investigation into where and how exactly Zimbabwe's process went wrong and what lessons South Africa can learn from this is therefore a worthwhile project.

1.3 Literature Review

Land reform in South Africa came to the fore as a result of the Zimbabwean government's departure from a 'willing-seller, willing-buyer' model to violent and large scale commercial farm invasions of 2000 (Greenberg, 2006:134). The violent large scale and fast tracked farm invasions of 2000 in Zimbabwe, had strong resonance for the ANC and landless people in South Africa, where severely skewed land ownership patterns that are in favor of the minority white people persist. Before then, while the need for land reform was acknowledged, it was not so much a topical issue as it became after Zimbabwe's large scale land expropriations. Lahiff (2007) affirms this by stating that 'having remained marginal to political debates in most countries of the region for much of the 1980s and 1990s, land and land reform are now on the policy agenda to an extent unknown since the liberation struggles of the 1960s and early 1970s'.

The legal and policy framework for land reform in South Africa was set out in the interim[9] and 1996 final Constitution as well as the 1997 White Paper on South African Land Policy[10] which provided for land acquisition in terms of the 'willing buyer-willing seller' method of land acquisition. The White Paper set out the direction of, and implementation strategy for South Africa's land policy; a policy that is just, builds reconciliation and stability, contributes to economic growth and bolsters household welfare (White Paper, 1997:v).

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[9] Constitution of the Republic of South Africa 200 of 1993.

[10] The White Paper on Land Policy received contribution from the Department of Land Affairs Framework Document on Land Policy, May 1995; the Draft Statement of Land Policy Principles, discussed at the National Land Policy Conference on August 31 and September 1, 1995 and the Green Paper on South African Land Policy, February 1 1996.

The White Paper confirmed the 'willing buyer-willing seller' method of land acquisition (White Paper, 1997:16). It also provides that where land cannot be acquired in terms of the 'willing buyer-willing seller' method, the government can, in terms of the constitution expropriate land required in the public interest.

This market based method of land acquisition has been blamed for the slow pace of land reform. The arguments against it revolve around the fact that owners of property inflate their prices and make them unaffordable or they are simply not willing to sell their land. Aliber (et al) (2002:1) however argues that 'the willing buyer-willing seller approach is not as fundamentally ill-suited a mechanism to effect state-supported land redistribution as is commonly claimed.' He goes on to claim that it is in fact the manner through which the method is applied that is slowing down land reform. Interestingly enough however, minister of land reform, Gugile Nkwinti, conceded recently[11] that the 'willing buyer-willing seller' method of land acquisition was not working and as such, the government is presently busy investigating an alternative land reform paradigm.

The interim constitution provided for the right to acquire and dispose of land[12] and made it illegal for anyone to deprive another or expropriate another's proprietary rights except in terms of the constitution. This provision was entrenched in the final constitution of 1996 with a property clause in section 25 which provides the legal constitutional framework for effective land reform. It seeks to achieve a balance between the protection of property rights on the one hand and constitutional guarantees of land reform on the other hand (White Paper, 1997:16). These constitutional provisions gave birth to the Restitution of Land Rights Act 22 of 1994.

The racially skewed land ownership patterns that existed in Zimbabwe saw frustration from indigenous black Zimbabweans, led by war veterans of Zimbabwe's liberation war struggle, being vented out on white commercial land owners in the form of violent farm invasions. An important question is whether or not the Zimbabwean farm invasions were

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[11] On Monday March 1, 2010.
[12] Section 28.

an exception or an indication of tensions that existed in Zimbabwe alone or they exist in South Africa too. Another important question is - were these farm invasions orchestrated by land deprived Zimbabweans who genuinely wanted socio-economic redress of past injustices or was another hand with a different agenda at play?

Moyo (2005:60) argues that the land question in Southern Africa has seen little progress. He contends further that the reason why the land question is still unresolved is the gradualistic approach by government and the underestimation of the peasant question by official policy as well as the denial by intellectuals and civil society (Moyo, 2005:61). While Hall (2003:273) argues that there are good reasons why land reform has been slow in South Africa, it is undeniable that the process has indeed not happened as quickly as it had been expected to. According to Walker (2008:200), '[T]hrough the Reconstruction and Development Program (RDP), the ANC committed itself to redistributing 30 per cent of agricultural land – approximately 25 million hectares – within five years of 1994', but this target has still not been met.

In 2007 and 2008, only 340 000 ha of land were distributed and this was less than 14% of the 2.5 million ha which was the intended target (Sokomani, 2009). Since 1994, only 4 per cent of land or four million ha has been transferred to Black South Africans (Sokomani, 2009). De Villiers (2008:6) confirms this by adding that only 4.5 per cent of South Africa's 82 million ha of agricultural land has been distributed to black people and rural landholding still remains dominated by white farmers. Basing on this progress, it was always highly unlikely that South Africa would meet its target of redistributing 30 per cent of the land by 2014. The Department of Land Affairs (DLA) signaled in February 2008, the recognition that the 2014 deadline was/is unrealistic. Even in the unlikely possibility that South Africa could reach that target, this would simply mean that after 20 years of democracy, only one third of the agricultural land is held by blacks (De Villiers, 2008:6).

Demand for land has been neglected by South Africa's market based land reform policies. Hall (2003:274) asserts this by stating that 'land redistribution in South Africa is market led but the market leads in its own direction.' This raises the likelihood of conflicts relating

to land, championed by a marginalized and blocked poor peasantry, mounting urban poverty as well as a 'nascent African bourgeoisie, poised against minority white landlords' (Moyo, 2005:61). Many South Africans are landless in that they neither own their own land nor have legally secure access to land (Greenberg, 2005:135). In the majority of cases, they live on land that legally belongs to someone else.

Walker (2008:198) argues that since 1994, 'the symbolic importance that is attached to land reform political debate has not been matched by its status as a program of government'. She goes on to claim that in fact, by the time the first democratic elections took place in South Africa, land reform 'had ceased to be the fundamental demand, except in an occasional rhetorical flourish'. This is cause for concern given what happened in Zimbabwe and the still racially skewed land ownership patterns existing in South Africa. Walker (2008:222) further writes;

> The failure of land reform to meet both its redistributive and developmental targets has led to a growing erosion of confidence across the political spectrum in the ability of the state to manage a significant land reform program, more specifically, a land redistribution program, whether in the interests of social justice, improved livelihoods, black advancement or political and economic stability. As Zimbabwe's shadow has loomed larger across the region, so this has increased the political tensions around South Africa's program, in contrast to the heady, hopeful days of 1994/1995 – 'Zimbabwe' serving as a compelling shorthand both for arguments why land reform should be speeded up and arguments for why it should not.

1.4 Motivation for the study

Land has emotive overtones everywhere in Africa where there have been extensive colonial dispossessions of the indigenous people's land. When Zimbabwe's war veterans occupied primarily white owned commercial farms in Zimbabwe, the South African press, land academics and land activists focused on South Africa's land reform program, asking whether its slow delivery (real or perceived) of land reform might someday lead to similar land occupations in South Africa (Walker, 2008:222). South Africa has in fact experienced militancy in the past among land activists and this attests to the fact that the demand for

land redistribution is strong and the land has the potential to become pivotal in times of economic or political crisis (Lahiff, 2003:3).

On the 16th of April 2009, *The Zimbabwean* reported that an armed mob, angered over the slow pace of land reform benefits, had launched 'a Zimbabwean-style invasion of one of South Africa's new multi-million rand showpiece agricultural reform projects, the biggest yet in value instituted by the post-apartheid government'. The mob, armed with knives and machetes, had seized control of Forana farm in the rich farming area of Mpumalanga province over the Easter weekend after threatening and driving off local managers and staff employed by the new owners, a black-run farming cooperative. There have been reports in the past of the burning of cane-sugar fields in Kwazulu-Natal as well as threatened land invasions in the Wakkerstroom district of Mpumalanga. These and numerous other reports confirming South Africa's poor black people's need for land have excited tense curiosity whether what happened in Zimbabwe is a precursor to what might happen to South Africa.

The process of land reform in Zimbabwe resulted in severe food shortages as well as an acute shortage of basic commodities. This is because production on once productive commercial farms has declined markedly and in some instances, come to a complete halt. In a land audit conducted in Zimbabwe in 2007, Didymas Mutasa, the then Minister of Rural and Land Reform threatened to evict all new land reform beneficiaries as it was felt that they were under-utilizing the farms. In South Africa, the Democratic Alliance (DA) has bemoaned the land reform program as having the potential to plunge the country into a crisis (Democratic Alliance, 2009). Mr. Swathe from the DA in fact stated that thousands of once productive commercial farms now lie abandoned as the failure of land reform in the country begins to be seen (Democratic Alliance, 2009). This, he said, would sooner or later result in food shortages and would plunge the country into problems.

Land gives security and people can use it as the foundation for their livelihoods. Derek Hanekom, in his maiden speech as Minister of Agriculture and Land Affairs in September 1994 remarked, '[T]he resolution of the land question ... lies at the heart of our quest for

liberation from political oppression, rural poverty and underdevelopment'. In 1991, then South African President F.W. de Klerk remarked that:

> Of all the processes which have brought about the inequitable distribution of wealth and power that characterizes South Africa, none has been more decisive and more immediately important to most black South Africans than the dispossession of land. To an agrarian community whose entire economic and social structure is based on the distribution of land, dispossession was an act akin to national destruction.

When Zimbabwe and South Africa attained democratic governance, redressing colonial injustices through equitable land redistribution was a key priority for both the incoming governments of the two countries (Adams and Howell, 2001:1). Both in Zimbabwe and South Africa, the policy immediately following the transition was to redistribute former white owned farmland to the rural poor (Adams and Howell, 2001:1) but this did not happen for various reasons, some of which will be highlighted later.

South Africans have looked north to Zimbabwe with mixed feelings asking time and time again whether what happened in Zimbabwe will also happen in South Africa (Hall, 2003:275). For a Zimbabwean, now resident in South Africa it is this perceived likelihood that South Africa will become another Zimbabwe that motivated this study. More importantly, as one who witnessed the violent farm invasions first hand, it is my wish to suggest some lessons that South Africa can learn from Zimbabwe's frenzied land reform program.

1.5 Research Question(s)

The main research questions that guide this project are: Where and how did Zimbabwe's land redistribution program go wrong? What lessons are there for South Africa to learn from Zimbabwe's experience?

The issue of land is a sensitive one in South Africa just like anywhere in Africa where colonialists appropriated vast tracks of land belonging to black indigenous people. Its biased ownership patterns in favor of whites at the expense of the indigenous black populace are a legacy of colonialism. Conflicts across the continent have resulted from this.

In South Africa, the skewed land ownership patterns still persist. What does this mean? Is this a 'time-bomb' waiting to explode like what happened in Zimbabwe? 'The main differences in the land questions faced and unresolved national questions are defined by the extent to which land was expropriated by colonial settlers in respective countries' (Moyo, 2005:61). As a result, countries such as Swaziland, Botswana, Zambia and Malawi have less explosive land struggles because of the mild land expropriation that they experienced 'while the most explosive land questions are found in Zimbabwe, South Africa, Namibia, and Angola where extreme settlerist land expropriation occurred' (Moyo, 2005:62).

The similarities and other differences that will be discussed in this thesis will aid in answering the two main research questions. It is noteworthy however that an urgent, extensive and visible land reform program is necessary to effect social justice in South Africa. Done with calculated precision, it is possible to achieve an urgent large scale land redistribution that will redress past injustices while at the same time contributing to economic growth and poverty alleviation.

The theoretical framework for this study is Robert Cox's Critical theory of transformation.

1.6 Robert Cox's Critical Theory

Robert Cox's critical theory is influenced by Gramscianism. It is situated within a historical materialist problematic of social transformation and it deploys many insights from the Italian Marxist Antonio Gramsci. According to Leysens (2000:265) Cox's critical theory is flexible and its emphasis is on change or transformation. It has a vibrant methodology and is reflective, it offers the analyst various points of entry which do not interact deterministically (Leysens 2000:265). 'It transcends the traditional state-domestic division of neo-realism and addresses the agent-structure problem which neither neo-realism nor world system theory could resolve' (Leysens, 2000:265). Robert Cox's critical theory materializes as an appearance of broadly based approval, revealed by the recognition of ideas, supported by material resources and institutions, which is established by social forces that occupy a leading role within a state (Bieler and Morton, 2004).

Cox's most quoted observation that theory is always *for* someone and *for* some purpose (1981:87) refers to the reflective view of theory and that it is interactively connected to concrete contexts and to the subject using it to understand that context (Kamphuis and Leysens, 2009:3). Theory therefore refers to claims that help one to understand events. A key tenet of Robert Cox's critical theory is the way it focuses on the relationship between social forces and production. It emphasizes on the transformative power of social forces in a state and how important social forces are in production in a society.

Sinclair (1996:9) explains Cox's conceptualization of 'production' thus:

> Production for Cox, includes the production of ideas, of intersubjective meanings of norms, of institutions and social practices, i.e. of the whole context of ideas and institutions within which the production of material goods takes place. Looking at production is simply a way of thinking about collective life, not a reference to the 'economic' sectors of human activity such as agriculture, commerce and so forth.

Cox's critical theory criticizes prevailing theories of International Relations and International Political Economy and it offers the development of an alternative framework for the analysis of politics (Hobden and Jones, 2008:151). His critical theory, according to Bieler and Morton (2004:86), was a crucial break from mainstream International Relations theories which provided an abstract and ahistorical conception of the state. Rather than a problem solving pre-occupation with the maintenance of social power relationships, Cox's critical theory directs attention to questioning the prevailing order of a state. It focuses on the transformation or development of various forms of a state. It is on this focus that the potential for liberation is found (Leysens, 2000:266).

According to Cox (1981:129), instead of taking institutions and social power relations for granted, critical theory rather calls them into question by concerning itself with their origins and whether they might be in the process of changing. It is therefore specifically critical in the sense of asking how existing social orders have come into being, how norms, institutions or practices therefore emerge, and what forces may have the emancipatory potential to change or transform the prevailing order (Bieler and Morton 2004:86). As

such, a critical theory develops a dialectical theory of history concerned not just with the past but with a continual process of historical change and with exploring the potential for alternative forms of development (Cox 1981: 129,133-4). Its priority is how particular processes interact, particularly springing from the various possibilities of change that exist within the sphere of production and the exploitative character of social relations, not as unchanging ahistorical essences but as a continuing creation of new forms (Cox 1981: 132).

His approach aims to distinguish between ahistorical problem-solving theory, evident within all forms of neo- realism, and critical theory, which recognizes the process of historical change and adjusts its concepts to the changing object it seeks to understand and explain (Cox, 1981). Cox's concern with social change as the predominant factor in order to understand how social dynamics are socially constructed came to be broadly shared by a wide variety of critical approaches. The basic question that the core theoretical framework of Cox addresses is, 'how are social forces (related to production) linked to the forms of state?' (Leysens, 2008:38). In answer to this question, Cox (1981:86) argues that there is need to move away beyond the study of state and society as separate entities because – while the distinction is analytical, both state and society have become so interpenetrated that a more useful way to look at them is state-society complex.

The development of Cox's critical theory can be traced to his 1981 and 1983 millennium articles (Leysens, 2008:38). His 1981 article 'Social forces, states and World Orders: Beyond International Relations theory' develops Gramsci's models of hegemony and historic blocs or historical structures as a framework for an analysis of global practices (Leysens, 2008:125). Cox does this by demonstrating that historical structures at a global level are applied within a configuration of interrelated spheres: the organization of production, determined by the character of social forces; state formations; and world orders, which define the positioning and functioning of both production and the nature of state formations on a global stage (Cox, 1981).

When Cox (1981) stated that '[T]heory is always *for* someone and *for* some purpose – there is no such thing as theory in itself, divorced from a standpoint in time and space', he

referred to the idea that theory speaks *from* a particular socio-historical situation *to* one. Because of this, it recognizes the historical particularity of that situation and seeks to understand why and how it came to be as it is and what possibilities for change there might be implicit in it. This expresses a Gramscian perspective of things. If ideas and values are ultimately a reflection of a particular set of social relations, and are transformed as those relations are sometimes transformed, then this suggests that all knowledge must reflect a certain context, a certain time, a certain place (Hobden and Jones, 2008). This suggests that knowledge cannot therefore be as objective and as timeless as some would claim (Hobden and Jones, 2008:151). This leads Cox (1981:128) to distinguish between problem solving theory and critical theory by arguing that critical theory is focused on social change. According to Cox (1981: 128-129);

> Problem-solving theory ...takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organized, as the given framework for action ... Critical theory, unlike problem-solving theory, does not take institutions and social and power relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing.

There cannot therefore, be simple separation between facts and values. A defining characteristic of Cox's problem solving theory is that it is *status quo* oriented (Leysens, 2008:39). It deals with issues that arise from within the parameters of the dominant power dynamics and institutions within which they are located and play themselves out. In this sense, problem solving theory is 'ahistorical' because it views the contemporary parameters of the system (for instance, state power politics) as being a mirror of the past and of the future (Leysens, 2008:39). Cox (1981:89-90) on the other hand, does not focus on problems by isolating them from the broader context, or by 'further analytical subdivisions.'

According to Leysens, (2008:40);

> Cox's critical theory starts by looking at an aspect of social action, but then pulls away to locate such activity within the context of the whole system. It does not deal with problems by attempting to resolve them so that the system functions more efficiently, but asks how the system gave rise to the problems in the first

instance. Drawing from the current order, it asks what the origin of that order is and how it developed. Problem solving and critical theory are both connected to practice. The former as a guide to 'tactical action' in order to maintain the *status quo*, the latter as a guide to 'strategic action' aimed at changing it. This method of historicism forms a crucial part of Cox's critical theory.

Drawing from this, it follows that analyzing the politics of land reform in Zimbabwe and South Africa cannot be based solely on events that are visible to the ordinary eye. It is worthy to go beyond apparent facts and investigate the deeply embedded structural dynamics in the politics of land in both Zimbabwe and South Africa in order to have an informed background of events that are seen by the ordinary eye. Dahms (2008) affirms that critical theory can provide the analytical and ethical foundation needed to uncover the structure of underlying social practices and to reveal the possible distortion of social life embodied in them. It takes society as its object of analysis and this makes it all the more ideal to use in making a comparative analysis of the politics of land in Zimbabwe and South Africa. Cox's critical theory challenges the prevailing order by seeking out, analyzing and where possible, assisting social processes that can potentially lead to emancipatory change (Hobden and Jones, 2008:152).

Cox's critical theory encompasses approaches that seek to overcome the gaze of positivism by showing that certain developments that are generally taken for granted, are in fact socially constructed (Knafo, 2008:3). The main tenet of Cox's critical theory is its emphasis on the process of social construction. This means that he rejects the notion that social structures are neutral or apolitical – different types of structures show that they are in fact tightly connected to specific interests or discourses as a means through which power is exerted (Knafo, 2008:6). According to Cox (1981), social construction is primarily conceived as the process by which social forces establish the conditions or structures for exerting power over others. Cox's critical theory therefore emphasizes the capacity of social forces to influence people's behavior by shaping the environment in which they operate. Social structures are full of power. In fact, structural determination is often indistinguishable from power because the way structures shape society is never neutral (Guzzini, 1993:96).

1.6.1 Cox's Critical Theory and the Politics of Land Reform in Zimbabwe and South Africa

The struggles of the marginalized landless people in Zimbabwe and South Africa for equity in the form of land reform can be clearly located within Cox's critical theory of social transformation. The landless masses in Zimbabwe have been what Cox refers to as Social Forces of Transformation (1987). They have challenged existing colonial structures and resulted in the transformation of societies both in Zimbabwe and South Africa. In his 1986 work, Cox argues that society has in fact the ability to change and transform the status quo of a society. The War Veterans and the landless poor people through various land rights' groups have given governments in the two countries something to think about regarding land reform. This is analogous to Cox's sentiments that the developing world is conducive and susceptible to transformation from below (1987:387). This shows that South Africa is not immune to the challenges and problems associated with the land because of the transformative potential of the marginalized. Because of this therefore, a speedy but well calculated land reform process is necessary. It has to be carried out within the confines of the law. Rule of law, pace of land reform and judicial independence are vitally important if the country is to avoid following in the steps of Zimbabwe.

Robert Cox's macro-theory of change suggests that the marginalized are a social force that could bring about political and economic transformation (Leysens, 2006:31). In his 1987 work, Robert Cox's theory of transformation focuses on change which emanates from the 'bottom up'. Cox regards the marginalized as subordinated social forces because of their peripheral relationship to the dominant way in which goods and services are produced in the contemporary global political economy (Leysens, 2006:31). Cox (1987:387) argues that they are marginalized because they are isolated from the creation (production) of *ideas,* institutions and social practices which form the framework within which material production takes place. This typifies the condition of the poor and landless people in Zimbabwe and South Africa. They were isolated from the creation (production) of ideas, institutions within which material production takes place. As will be demonstrated in later

chapters, the potential for revolt arising from such social relations is therefore greater (Cox 1987:387). Cox (1987) also acknowledges that although the marginalized are potentially destabilizing for the social and political order, this potential is reduced by the fact that they are mainly concerned with survival and adaptation.

Cox's critical theory emphasizes the importance of production in society. He states that '...production creates the material basis for all forms of social existence, and the ways in which human efforts are combined in productive processes affect all other aspects of social life' (1987:1). Forms of state subsequently influence the modes of production, social forces as well as world orders. There exists no historical precedence for production. The principal structures of production have been created by the state, encouraged and sustained by the state (Cox, 1987:1, 5). Social forces related to production are viewed as important agents of change and subsequently, Cox's potential for emancipation can be located (Leysens, 2000:266).

For Cox,

> 'Production...is to be understood in the broadest sense. It is not confined to the production of physical goods used or consumed. It covers the production and reproduction of knowledge and of social relations, morals and institutions that are prerequisites to the production of physical goods (1989:39).

The importance of land to the landless should not be underestimated, so is the need to support beneficiaries of the land reform program. According to Cox (1981:13), the potential for the transformation of state forms and world order is located in the marginalized because a very large part of the world's population in the poorest areas remains marginal to the economy, having no employment or income, or the purchasing power derived from it. The marginalized are a constant threat to instability in a country and the politics of land in Zimbabwe and South Africa have shown this. The intermittent land invasions and occupations of vacant land by the landless people in Zimbabwe and South Africa are testimony to this. Currently, there are inherent fears regarding the land issue about its potential to throw South Africa into chaos. There are constant comparisons

of Zimbabwe War Veterans and the Landless People's Movement, underscoring the potential of the land issue to cause serious problems in the country[13]. Cox's (1987) critical theory also challenges the notion that structures transcend history. He argues that structures are seen as consolidating the interests and worldviews of dominant forces. According to Cox (1981), theories are for and serve the interests of those who prosper under the prevailing order – often the elites in a society. The elites in both Zimbabwe and South Africa play a crucial role in the politics of land reform and it is important to analyze how the poor and marginalized in society relate to the elites regarding land reform.

1.7 Significance of study

The slow pace of land reform in South Africa is worrying, given the volatile nature of the land issue. Violent confrontations over land have occurred in countries such as Brazil, Kenya, Australia and more contextually, Zimbabwe. A well planned and urgent large scale land redistribution is required in order to redress the racially skewed land ownership patterns which are a lingering legacy of apartheid. In Zimbabwe, an urgent and large scale land redistribution program had catastrophic consequences for the local economy and stability of the region at large. It failed to contribute to the country's economic growth and mitigation of poverty. As South Africa carries out its land reform process, it is important for the country to bear Zimbabwe in mind as there are important lessons that can be learnt from the case of Zimbabwe.

A concern of land reform in South Africa is the fact that the majority of blacks who need land do not have commercial farming expertise and as a result, many once productive farms now lie unused because of, among other reasons,[14] lack of farming expertise. Giving them commercial land is therefore likely to impact negatively on economic growth and in fact, further increase poverty in a similar manner to what happened in neighboring Zimbabwe. *The Times* of March 1, 2009 carried a story entitled, 'Farms collapse as land reform fails.' In this story, Bongani Mthethwa argued that South Africa's food security is

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[13] See chapter 4 paragraph 4.3.4.

[14] Some of the reasons include (but are not limited to) inadequate government support for the beneficiaries of farms, unwillingness on the part of the beneficiaries to engage in farming. See also http://www.thezimbabwetimes.com/?p=12616 for some examples of farms that now lie fallow.

threatened by its chaotic rural land reform program. Thousands of once productive farms lie abandoned and this is causing serious shortages of staple foods.

This study will therefore compare the politics of land reform in Zimbabwe and South Africa with the main aim of suggesting important lessons that South Africa can learn from Zimbabwe's land reform program. I will highlight the similarities as well as the differences in the two countries regarding the land issue.

1.8 Research Design and Limitations

This research will be mainly a secondary analysis of existing literature and data on land reform in South Africa and Zimbabwe. The two countries will be my units of analysis. The thesis is structured in the following way:

- Chapter 1 – Introduction, background and objectives of the study.
- Chapter 2 –This chapter will deal with issues emanating from land redistribution in Zimbabwe. I will give a brief narrative of land dispossession in Zimbabwe. The chapter will address some questions that I highlighted in the introduction, including the key question of how and where the process went wrong.
- Chapter 3 –This chapter will deal with land issues emanating from land redistribution in South Africa. The chapter will give a brief historical narrative of land dispossession in South Africa, developments that have taken place since apartheid to date.
- Chapter 4 – I will here compare Zimbabwe and South Africa, noting the similarities and differences.
- Chapter 5 – Here, I will conclude by highlighting the important lessons that South Africa can take from the experience of Zimbabwe.

The biggest challenge to this thesis is that it is based on a secondary analysis of literature on land in Zimbabwe and South Africa and not on primary research. Another challende is that there are numerous conflicting scholars on the successes and failures of land reform in both countries and it is not easy to strike a balance between the two groups of divergent

pundits. For example, some scholars[15] argue that land reform in Zimbabwe was a success while the vast majority of others argue the opposite. There are also conflicting views over the relative efficacy of small scale farming on the larger national economy of a country which will be discussed in later chapters.

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[15] Like Moyo (2001), Scoones (2008) and Bernstein (2005) argue that land reform in Zimbabwe has been to some degree a success while the majority of the other scholars cited in the thesis argue the opposite based on how Zimbabwe degenerated since 2000.

CHAPTER TWO – The 'Frenzied' State-Sanctioned Land Grabs

2. 1 Introduction

In this chapter, I will explore the politics of land reform in Zimbabwe, locating them within Robert Cox's critical theory of transformation. Robert Cox's critical theory is 'flexible, change-oriented or transformative, has a dynamic methodology and is reflective' (Leysens, 2000:261) and these distinguishing features made it my preferred theory in exploring the politics of land in Zimbabwe. Cox emphasizes how the marginalized in society are a social force for change (Cox, 1987) and this assertion can be located in how Zimbabwe's war veterans, who had been neglected and marginalized for years following the country's independence,[16] became a transformative force in the country's contemporary history. I will show how Cox's critical theory offers a consistent, comprehensive and reliable theoretical framework which offers an explanation for analyzing the developments regarding the politics of land in Zimbabwe.

The tumultuous land issue in contemporary Zimbabwe can be best understood by reference to the historical narrative of colonial expropriation of indigenous people's land.[17] This fits within Cox's critical theory because according to him, 'state forms are the result of the historical dynamics and social forces within the state *and* the nature of their incorporation within the world order' (Cox, 1981:133). I will also discuss the effects of the Lancaster House Agreement in 1980 up to the time when the Lancaster House Agreement expired in 1990. Thereafter, the implications of the expiry of the Lancaster House Constitution will be noted and the 1992 Act that the country adopted in replacing the expired constitution will be discussed. This historical narrative is an important tenet of Coxian Critical theory because according to Leysens, (2008:40);

> Cox's critical theory starts by looking at an aspect of social action, but then pulls
> away to locate such activity within the context of the whole system. It does not

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[16] See Kanyenze, 2004.

[17] A condensed and comprehensive narrative of the historical dispossession of native people's land in Zimbabwe is neither in the scope nor goals of this mini-thesis. The brief narrative that I will give therefore is meant to equip the reader with a basic understanding of how the land issue evolved historically, for purposes of appreciating the contemporary developments in the country. Jocelyn Alexander's 2006 book gives a very detailed history of colonial land dispossession in Zimbabwe.

deal with problems by attempting to resolve them so that the system functions more efficiently, but asks how the system gave rise to the problems in the first instance. Drawing from the current order, it asks what the origin of that order is and how it developed. Problem solving and critical theory are both connected to practice. The former as a guide to 'tactical action' in order to maintain the *status quo*, the latter as a guide to 'strategic action' aimed at changing it. This method of historicism forms a crucial part of Cox's critical theory.

In making use of Cox's critical theory therefore, it is inevitable to locate the prevailing order within a historical context so that one can understand 'the origin of that prevailing order and how it developed this historicism' (Leysens, 2008:40).

The chapter will also discuss ZANU PF's growing unpopularity among the electorate and note the five key developments that inspired the state sanctioned commercial farm invasions. It will be argued, based on the five precursors to the fast track land reform, that the violent farm invasions were not social justice as ZANU PF is wont to claim, but rather, a case of predatory elites ensuring a continued hold onto power by all means. This can be explained by Robert Cox's critical theory when he claims that the elite perpetuate the prevailing order in a society because it serves their interests (Cox 1981). The elite therefore often guard against change to maintain the status quo in the society. Cox's critical theory challenges the prevailing order of a society and he argues that social forces are agents of and they bring about change in a society. I will show how the marginalized war veterans, unemployed youth and rural dwellers who were excluded from the country's modes of production became a social force that dramatically transformed the country to its contemporary state.

According to Leysens (2000:266), social forces of production[18] are viewed as important agents of change. It is here that the potential for 'emancipation' in Cox's framework is located. Historical structures and hegemonic orders are created by agents and can be changed by agents. The potential for transformation in a society is reflected by 'precarious

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[18] Production for Cox includes the production of ideas, of intersubjective meanings, of norms, of institutions and social practices, i.e. of the whole context of ideas and institutions within which the production of material goods takes place.

or excluded' groups. This has led Cox to reconsider the importance of social forces related to production as potentially transformative (1999:26) as will be shown through the way the land issue in Zimbabwe evolved.

2.2 Colonial Land dispossession in Zimbabwe

Prior to colonization, Zimbabwe was inhabited by the Shona (in the East) and Ndebele people (in the South and South West). The livelihoods of these indigenous people derived from intensive, continuous farming of the vlei areas (wetlands) and livestock rearing (Scoones and Wilson, 1989:16). They smelted and used iron to enhance their agricultural activities, while also keeping large herds of cattle (Raftopoulos and Mlambo, 2009:35). The more livestock and grain one had, the higher one was in the society's hierarchy of rich and influential people and for that reason, there was much farming and livestock production that took place.

Cattle and farm produce were important indicators of wealth. Those who owned large herds of cattle were able to exert even more power over the poor as they developed usufructs over them in exchange for labour. They were also able to engage in large scale farming as they had the animal power to assist them. This enabled them to engage and participate in external trade (Mazarire, 2009:36). The Ndebeles, who had fled from the Zulu monarch Chaka, continually raided and extracted tribute from the surrounding Shona villages for grain and cattle (Dore, 2002). They however also extensively engaged in farming and the main part of their diet was grain (Mazarire, 2009:36).

When the first group of white people[19] arrived in Zimbabwe in 1890, they found indigenous Shona and Ndebele inhabitants, who numbered approximately 700 000, practicing subsistence farming (Chitiyo, 2000:3). 'Land was the most precious commodity among these indigenous people; it was the foremost value in traditional society prior the advent of colonial rule' (Moyana, 2002:3). This is because it was used extensively and grazing land for the large herds of cattle that the indigenous people owned as well as for

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[19] Numbering 196 Pioneers and 500 police (Chitiyo, 2000:3).

farming. In fact, there was a distinction between grazing area and ploughing area (Dore, 2002).

In the North of the country, the British South African Company (BSA), upon failure to find minerals, decided to compensate the 'would be' miners with large tracts of land (Chitiyo, 2000:3). This saw the first colonial expropriation of land from the Shona people, sparking a series of violent confrontations between the settlers and the locals. In the South, in 1888, Ndebele King Lobengula signed the Rudd Concession, giving the British South Africa Company (BSA) legal occupancy of the country as well as mining rights (Moyana, 2002b:1).

The settler occupation soon became extensive and demanding of local resources to the detriment of the native populace. It was soon met with discontent and resistance, leading to numerous violent confrontations between the indigenous people and the colonizers, including the famed Anglo-Ndebele war in 1893 which led to the death of Lobengula, king of the Ndebele. The military defeat of the Ndebeles by the British soon saw massive displacements of territorial segregation Alexander (2006:1). When the locals were defeated, the colonial settlers introduced land ownership laws and regulations whose continued transformation saw further consolidation of colonial ownership of land. This saw the official sanctioning of the use of force in dealing with the land issue (Moyana, 1984a:14).

By 1905, under this new land allocation policy, there were about 60 Native Reserves, occupying about 22 per cent of Rhodesia. Nearly half of the indigenous population was by now living in the reserves' (Chitiyo, 2000:5).

Chitiyo (2000:6) explains the developments and challenges to land ownership thus -

> In 1890, the African population in Rhodesia numbered about 700 000 in an area of 150 000 km. In 1893, African livestock numbered approximately 400 000 head. By 1910, the African population was approximately 900 000; together with 700 000 head of cattle all were now crowded into Native Reserves comprising 70 000 km (or 8,7 million hectares). This crowding was aggravated by the competition among peasants to acquire and retain the limited amount of good land available in the Natives' Reserves. The settlers (who in 1910 numbered about 20 000) occupied 60 000 km (6 million

hectares) of prime farming land. By 1930, with the rural African population numbering approximately 1,3 million and possessing 1 million head of livestock, the demographic pressure in the Natives Reserves was clearly apparent.

Successive colonial governments passed successive racially discriminatory land ownership laws that consolidated white ownership of land and further marginalized the indigenous populace. Millions of blacks were crammed in low agro-potential reserves while a few hundreds of white settler people lived in incomparable comfort in spacious and high agro-potential areas. As a result, the land issue subsequently shaped one of the core causes and effects of indigenous people's war against colonialism. Resolving the land issue inevitably formed the heart of the negotiations that ended colonial rule with the adoption of the Lancaster House Constitution in 1979.

This marginalization of indigenous people by the incoming colonial settlers set the stage for the contemporary challenges and changes regarding land and land ownership patterns. The indigenous people were excluded from taking part in the production processes and this gave them the transformative potential which was realized and formalized in Zimbabwe in 2000. This is what Cox refers to as the transformative potential of the marginalized (Cox 1987:387). Robert Cox's macro theory of change suggests and demonstrates that the marginalization of people gives them the ability and the potential to transform a society both politically and economically (Leysens, 2006:31).

2.3 Land reform in Post-Independent Zimbabwe

Immediately after Zimbabwe attained its independence in 1980, reversing years of racially biased and inequitable land ownership patterns became a political priority for the incoming ZANU PF government (Hammar and Raftopoulos, 2003:4). For the sake of unity and reconciliation, the new government was obliged to accept, in terms of the Lancaster House constitution, that there would be no compulsory acquisition of land in the first decade (Moyo et al, 2004:155).

The character of Zimbabwe's agrarian economy started changing, slowly reflecting the country's transformed history. There was rural-urban migration by black people who

previously were restricted from going to urban areas, for various reasons. The 'agrarian economy remained articulated around the small farm sector' (Moyo, Rutherford and Wilks, 2000:182). Families held a small piece of land on which they practiced subsistence farming. This piece of land belonged to the whole family and it was passed on to future generations. In a village, there were areas that were designed as grazing areas (*mafuro/amadlelo[20]*) where the whole community or village's cattle and other domestic animals grazed during the farming season as well as specially designated farming areas (*minda/emasimini[21]*).

Unfortunately, the land expectations of millions of black people who were crammed on small pieces of land were dampened because the Lancaster House constitution only provided for the resolution of the land issue through the 'willing buyer-willing seller' method of land acquisition (Sachikonye, 2004:69). It demanded uneasy ideological compromises – the most notable was the entrenchment of and protection of private property rights, which only permitted land acquisition in the first decade[22] through a 'willing buyer – willing seller approach,' with payments to be made in the currency of the seller's choice' (Bowyer and Stoneman, 2000:2). Zimbabwe was therefore solely able to tackle the land question through the framework of only acquiring farms on the basis of willing seller-willing buyer arrangements. This severely constrained the government's ability to tackle and expedite the pace of land reform (Hammar and Raftopoulos, 2003:4).

This method of land acquisition became the structural context in which post-independent Zimbabwe embarked on a land reform program which aimed to relocate the poor and landless. The program intended to resettle about 162 000 households on 9 million hectares of land. 'If this had been carried out, it would have meant the transfer of 23% of families from the congested communal lands onto new land' (Sachikonye, 2004:71). Although this target was not met, the process under which this land redistribution process was carried out under the Lancaster House Agreement was distinct and different from the frenzied 'Fast Track' land reform of the year 2000. It was peaceful and orderly. The process of selecting people for resettlement was, by and large, transparent.

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[20] Shona and Ndebele words respectively, for grazing areas.
[21] Shona and Ndebele words respectively, for farming areas.
[22] 1980 – 1990.

Of the process, Kinsey et al (2000:106) wrote:

> The resettlement process was carried out under an intensive program of limited scope which made use of detailed planning, a systematic procedure of settler selection, large amounts of specialist inputs, and provision of a wide range of infrastructure and supporting services to assist the new communities. Families selected for resettlement were assigned arable land and residential plots on a random basis, utilizing primarily the areas made available from amalgamating former commercial farms.

According to Raftopoulos (2004:3), the government's policy on land redistribution was a cautious and market based approach. According to Moyo[23] (2000) land was purchased by the state for redistribution following willing buyer-willing seller procedures. This policy framework had its basis on the Lancaster House Agreement. Land was identified by the private sector and the central government was the buyer that chose to buy the land that was on offer. The government provided land to beneficiaries selected mainly by its officials under the direct supervision of central government officials (Moyo, 2000).

Land acquisition therefore had a principled legal framework upon which it was founded. There were however sporadic instances of people who tried to illegally gain ownership of land through informal means (Raftopoulos, 2004:3). These people claimed to be protecting land that belonged to their ancestors and forefathers. However, such illicit attempts of land acquisitions were opposed and uncorroborated by the government, which preferred the legal, market driven process (Raftopoulos, 2004:3). In *The Herald* of August 20, 1985, Robert Mugabe was quoted speaking against such unlawful occupation as saying:

> If we ask your forefathers whether they lived in the same area as their ancestors graves, the answer would be in the negative. Now that we are buying farms to resettle people, who will stay there if you want to protect ancestors' graves? Of course, we must protect our ancestors' graves but we must stay on arable land where we can be productive.

Close to three million hectares of land were purchased by the government using the 'Willing-buyer –Willing-seller' process at market value with aid from the United Kingdom

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[23] Moyo, Sam. 2000. 'The Interaction of Market and Compulsory land Acquisition Processes with Social Action in Zimbabwe's land Reform'. Paper presented at the Annual Colloquium on Regional Integration: Past, Present and Future, Harare, September 2000.

government agreed to in the Lancaster House agreement (Bowyer and Stoneman, 2000:2). This saw the resettlement of about 52 000 landless and poor families who came from overpopulated and low agro-potential areas (Bowyer and Stoneman, 2000:2). Between 1980 and 1996, before the intensive land conflicts and the 'fast track' land redistribution exercise, only 3.5 million hectares had been redistributed to 75 000 peasants (Moyo et al, 2004:157). The process was much slower than it had been promised by the incoming ZANU PF government or anticipated by the landless Zimbabwean masses. Despite this however, numerous positive developments resulted. Settlers acquired access to potable water supplies, dip-tanks, clinics, schools, improved toilets, housing loans, roads and marketing depots (Raftopoulos, 2004:4). So, while the process was certainly slower than many land-starved rural dwellers might have wished, and it experienced logistical problems, it had notable positive and sustainable results (Raftopoulos, 2004:4).

2.4 The Lancaster House Constitution Expires - The 1992 Act

The unhappiness and dissatisfaction caused by the gradualist pace of the 'willing buyer-willing seller' method of land acquisition inspired a new national land policy in 1990 when the Lancaster House Constitution expired (Moyo et al, 2004:158). The government put in place new targets for land acquisition, land resettlement, and introduced numerous policy measures that sought to expedite and improve the land reform process (Moyo et al, 2004:158). Following from this policy position, the 1992 Land Act was passed. This act allowed for changes to the way land was forcibly acquired and it cleared the mist over what compensation would be paid for land acquired. It also limited the size of the farms and introduced a land tax (Bowyer and Stoneman, 2000:2). 'It was a compromise between commercial farmers who preferred the arrangement that existed under the Lancaster House Agreement and the government which wanted to have wider powers to effect the process of land redistribution –including the power to expropriate land from commercial land owners without compensation' (Moyo, 1995:106).

Although the 1992 Land Act sought to expedite land redistribution, it also brought fears relating to national productivity levels and the national economy (Bowyer and Stoneman, 2000:2). Argument concerning the efficacy of the reform schemes that had already taken

place suddenly came to the fore. There were further debates over who was receiving the land[24] and how the process by which land reform should take place (Bowyer and Stoneman, 2000:2). There was diminutive resettlement of poor Zimbabweans.

Following on the heels of increased war veteran militancy and the successful mass anti-government strikes in urban areas, 1998 witnessed a series of mostly spontaneous land invasions onto commercial farms and other properties in various parts of the country. These reflected limited but growing discontent with the pace and priorities of the government's land resettlement program (Hammar and Raftopoulos, 2003:6). The government responded to these invasions by evicting or arresting these land activists. What then caused the government to sanction the year 2000 farm invasions and initiate the 'Fast Track' Land reform program? It is essential to analyze the underlying historical dynamics that inspired and led to the famed farm invasions of 2000.

2.5 Precursors to the 2000 Formal Invasions

The farm invasions which started formally in the year 2000, which were endorsed by the ruling party, can be traced to the Zimbabwean government's growing unpopularity in the 1990s. 'Macro-economic and fiscal constraints in the late 1980s began to reverse what development gains had been made in the country' (Hammar and Raftopoulos, 2003:5), gradually coming together to make the government unpopular among the majority of the country's electorate. The growth of the economy stalled, the lives of many Zimbabweans became difficult due to a number of decisions made by the government, such as taking part in the DRC war without a budget. There were serious and acrimonious public sector strikes in the country.

Analyzed closely, the government's loss of popularity enthused the farm invasions in an attempt by the President and the ruling party (ZANU PF) to avoid a likely defeat in the general elections that were due to be held (Bowyer and Stoneman, 2000:12). Farmers that allowed political opposition party candidates to address their workers were particularly

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[24] Many of those who were receiving land were found to be President Robert Mugabe's political associates and Supporters.

targeted, a number of them were murdered, and a condition for other farmers to return to their land was that they would denounce the opposition (Bowyer and Stoneman, 2000:12).

Some of the notable factors that contributed to the government's loss of popularity include the following;

2.5.1 The Economic and Structural Adjustment Program (ESAP)

In 1990, the impending economic decline and pressure from a new global neo-liberal hegemony after the collapse of Soviet socialism compelled the government to design 'a World Bank-style Economic Structural Adjustment Program (ESAP)' (Hammar and Raftopoulos, 2003:5). This was a unilateral decision by the government which excluded civil society and as a result, the majority resented the program (Kanyenze, 2004:122). ESAP was hypothetically about expansion and development. According to Kanyenze (2004:123), the key objectives of ESAP were as follows:

  i.   Achieve GDP growth of 5% during 1991-95.
  ii.   Raise savings to 25% of GDP.
  iii. Raise investment to 25% of GDP.
  iv.   Achieve export growth of 9% per annum.
  v.   Reduce the budget deficit from over 10% of GDP to 5% by 1995.
  vi.   Reduce inflation from 17.7% to 10% by 1995.

However, the Zimbabwean government's disputes with international financial institutions as well as the devastating droughts in 1990 and 1992 effectively annulled the country's ability to fulfill its goals under ESAP. Because of the drought, the government was forced to extend resources that had been earmarked for economic development to humanitarian assistance.

The catastrophic failure of ESAP was profoundly felt in the economy. There were increases in interest rates and inflation, de-industrialization, a decline in manufacturing which saw companies and industries being closed, job cuts as well as a general decline in standards of living. Poverty increased and the effects of HIV/AIDS were exacerbated. 'Over 18 000 government jobs were abolished, with retrenchees totaling 7 000' (Ndlela, 2003:139). The standard of living generally went down by 1996, with the majority affected being the

electorate; civil servants, domestic and construction workers, who lost 65%, 62% and 56% of their average annual earnings respectively, whilst teachers, farm workers, and miners lost 50%, 48% and 20% respectively (Ndlela, 2003:139).

ESAP failed dismally to address the social crisis that was unfolding during the decade of the 1990s, paving the way for an even greater calamity in future. Prices of basic commodities went up beyond the reach of many ordinary Zimbabweans whose incomes were not improving. The government reduced investments in education, health, housing and other public services and conditions among the poor deteriorated remarkably. Soon, the unpopularity of ESAP was realized and civil society openly resisted it (Kanyenze, 2004:124). By January 1998, the social crisis in Zimbabwe became even more obvious with the outbreak of what have been dubbed 'The IMF food riots' which were a result of the steep devaluation of the Zimbabwe dollar and a 46% increase in the price of mealie meal (Kanyenze, 2004:134), Zimbabwe's staple diet. It was not until April 1998 that a new economic policy, the Zimbabwe Program for Economic and Social Transformation (ZIMPREST) was announced.

2.5.2 Zimbabwe Program for Economic and Social Transformation (ZIMPREST)

The Zimbabwean government introduced a new structural adjustment program which succeeded ESAP, called the Zimbabwe Program for Economic and Social Transformation (ZIMPREST) in 1998. The program was meant to run from 1996-2000 and so when it was introduced, it was already two years behind schedule. It was aimed at restoring macro-economic stability and achieving some of the objectives that ESAP had failed to fulfill. For example, reduction of the fiscal deficit, public sector and enterprise reforms, financial liberalization and the enactment of a more effective supervisory and regulatory framework for the financial sector (Ndlela, 2003:134). It also included poverty reduction, land reform, black economic empowerment and the indigenization of the economy (Ndlela, 2003:134).

ZIMPREST sought to improve the quality of democratic institutions, pursue good governance and eliminate corruption. 'It sought to achieve an average annual GDP growth rate of 6 per cent, create 42 200 new jobs in the formal sector per annum, per capita

income growth of 3.4 per cent and a consumption growth of 4.4 per cent' (Kanyenze, 2004:129).

ZIMPREST was however characterized by policy reversals. These included the reintroduction of selective price controls, increased tariff rates, pegging of the exchange rate and suspension of foreign currency accounts operated by corporations. Despite the introduction of ZIMPREST, the economy continued facing the same challenges that it faced before which included lofty budget deficits and high inflation, of which 'the magnitude and severity had worsened' (Ndlela, 2003:141). ZIMPREST failed to achieve its own targets.

2.5.3 Compensation of War Veterans[25]

When the war against colonialism and white minority rule ended with Zimbabwe's independence in 1980, war veterans were not compensated for their participation in the war. The war veterans hand long complained about being excluded from the political landscape, and every time they did so, President Mugabe challenged them to compete with other citizens for consideration (Kanyenze, 2004:131). During the first half of 1997, the war veterans organized themselves and demonstrated to put their case forward. These initial demonstrations were at first ignored by the government. They however became increasingly raucous, culminating in the war veterans interrupting the President's speech at the Heroes Acre in August 1997 (Kanyenze, 2004:131).

Perpetual lobbying of the government for compensation by the war veterans, saw each war veteran receiving a lump sum gratuity of Z$ 50 000 in November-December 1997, and a monthly pension of Z$ 2 000, none of these two had been budgeted for. The lump sum payments were estimated at Z$ 7 billion (then US$700 million) (Masunungure, 2004:171). This placed an unsustainable burden on the economy. The government sought to introduce a war veterans' levy on civil servants but this was met with fierce demonstrations. The government resorted to borrowing in order to meet its new obligations. This precipitated a decisive crash of the Zimbabwean economy. Fiscal targets were severely threatened,

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[25] 'War veterans' refers to all the people who had taken part in Zimbabwe's fight for independence from British rule.

resulting in external investors bolting out of the Zimbabwe Stock Exchange (Hill, 2003:112).

Further economic and political strains accompanied the President's subsequent extra-parliamentary decision in August 1998 to take Zimbabwe into the war in the Democratic Republic of Congo (DRC) (Hammar and Raftopoulos, 2003:7).

2.5.4 The DRC War

Zimbabwe's involvement in the DRC war was unpopular with many Zimbabweans because it was financially too costly and had no benefits to the country. The cost of involvement in the DRC war was estimated at US$33 million a month (Kanyenze, 2004:131). The unpopularity of the war tainted the ZANU PF government even more. It was so unpopular that some academics even suggested that it was one of the main reasons why there was a massive electoral swing from the ruling ZANU PF party to the then opposition Movement for Democratic Change (MDC) (Pearce, 2000). There was such a huge outcry against the country's involvement in the DRC that even in parliament, several speakers protested against what they saw as an unconstitutional move by the president. On 20 September 2000, Tendai Biti, the now finance minister from the MDC - T, moved a motion on the forces in the DRC. He objected to the country's involvement in the war and how much of Zimbabwe's activities in the DRC had been kept a secret from Zimbabweans, and argued that the troops' presence there was not even necessarily constitutional.

Biti and other groups such as the National Constitutional Assembly (NCA) argued that the President's sending of troops to the DRC without Parliamentary consultation or approval was in violation of the Constitution, and was more fitting monarchial prerogatives than presidential responsibilities. Even though, in the Constitution, the President had the power to declare war, at the end of the day, it was the country which had to pay the bills.

In the case of the DRC war, the Zimbabwean Parliament was never consulted over the involvement and, citing the Official Secrets Act, efforts by MPs and the public to uncover more details about the role of Zimbabwean troops in the DRC, were in vain. Lovemore

Madhuku of the NCA argued that there was no constitutional, legal or moral basis for the troops to be in the DRC, especially given that Kabila's own legitimacy as a ruler in the DRC was questionable. He had gained power through military means, and was never elected.

Paul Temba Nyathi (MDC MP, Gwanda North) also stressed how indefensible Zimbabwe's involvement in the DRC war was. He was quoted as saying, '[W]e on this side of the House do not prescribe to devalue the values but we believe very strongly that an adventure such as that of the DRC which has messed up our foreign policies, made more enemies for us than friends, is not worth it in terms of human lives' (Chigora, 2008:648). He pushed the House to acknowledge that the spending in the DRC was unacceptable, especially given the desperate economic situation of the country. He was quoted by the BBCnews[26] as saying:

> How do we go to bed with clean conscience when we spend $6 billion on defense when hospitals have no syringes, no aspirins, it is sin and yet we spend $6 billion on the DRC and pretend in this House that we are driven by decency or by patriotic feelings? There is nothing patriotic about placing our people in an invidious position where poverty stinks... The DRC is a costly mistake for this country, it is a mistake that should not have been made in the first place, it is a foreign policy blunder, it is a fiscal irresponsibility and we should be able in this House to say so. What we should be doing now is setting a very clear cut time table of withdrawal... We need to come together and find a formula from withdrawing our defence forces in the DRC. The sooner we do that the better.

ESAP, ZIMPREST, compensation of war veterans without a budget and the DRC war were important elements that contributed to the ruling party's unpopularity. This unpopularity paved the way for the formation of a new and formidable opposition party; against which land was used to try and win back the hearts of the electorate.

2.6 A new political baby is born – the Movement for Democratic Change (MDC)

Soon after independence in 1980, the government had facilitated the formation of one labour center out of the six that existed at independence. This came in the form of the Zimbabwe Congress of Trade Unions (ZCTU). It effectively became a wing of the ruling party (Raftopoulos, 2000). 'It was dependent on the state for political patronage so that

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[26] See Bibliography.

when the ruling party abolished the twenty reserved white seats in 1987, the ZCTU leadership made an urgent appeal to be included in the new parliament, as an interest group within ZANU PF' (Raftopoulos, 2000). The ZCTU president, Geoffrey Mutandare felt that the ZCTU should be represented on the decision making bodies of the state and party so as to put across the views, sentiments and attitudes of the working people of Zimbabwe (Masunungure, 2004:162). When a new leadership emerged, efforts were made to wean the movement from the government.

In 1988, the ZCTU severed its ties with the state at its extraordinary congress. The new secretary general, Morgan Tsvangirai, accused the ruling party of being in an ideological crisis and of being insecure (Masunungure, 2004:162). According to Raftopoulos (2000), by 1990, the labour movement had moved from being a pliant wing of the ruling party to a more autonomous critical force. On the 13th of June 1992, the ZCTU organized an anti-ESAP demonstration which was suppressed by the police using crude force (Kagoro, 2003). The State controlled Herald expressed concern that the ZCTU was acting in conflict with the government and the ruling party (Kagoro, 2003). So, 'by the time the war veterans demonstrated against the party state, the ZCTU was an autonomous body and it confronted the state head on with respect to the proposed tax increases to fund the war veterans' payments' (Masunungure, 2004:172). In 1997, the ZCTU organized a strike, described as the most successful in Zimbabwe's history, which was acknowledged even by the Zimbabwean Police commissioner, Augustine Chihuri. He remarked-

> …I note with surprise that for the first time since independence in this country, we have all institutions – banks, stores, the industry and farms – being closed and urged to go out and demonstrate[27].

The government announced that henceforth, the ZCTU would be treated as an opposition party intent on ruining the government.

Because of the socio-economic challenges that the country was facing, the ruling party's popularity diminished profoundly. The decade[28] saw growing public protests, labour

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[27] The Financial Gazette, 11 December 1997.
[28] 1990 – 2000.

strikes and civil society organizations flourishing. Regarding these, Hammar and Raftopoulos, (2003:5) wrote:

> By mid-decade, the labour movement – formerly a pliant wing of the ruling party – had begun to assert its organizational capacity and broaden and intensify its mobilization strategies. A series of corruption scandals, brushed aside by President Mugabe, further tarnished the credibility of the ruling party and the state. Alliances began to form between the Zimbabwe Congress of Trade Unions (ZCTU), the student movement, women's organizations, frustrated public servants and various civil society organizations, whose collective political voice and effective strike actions became increasingly threatening to the regime.

Once the ZCTU had separated from the party state, it sought allies and joint action with similarly aggrieved members. It sought engagement with the National Constitutional Assembly and the merger became the largest civic coalition. These civic organizations came together and organized into the Movement for Democratic Change (MDC), structured with the intention of mounting a political challenge to the ruling party by contesting the 2000 parliamentary elections. Morgan Tsvangirai became the leader of the new opposition political party, which was founded in September 1999.

Faced with this growing opposition, ZANU PF organized a constitutional review which culminated in a referendum in February 2000. It sought among other things, to increase the powers of the president and legalize the expropriation of white owned commercial farms. The Zimbabwean electorate rejected the ZANU PF government's draft constitution, by more than half of the voters. This rejection, ZANU PF's first electoral defeat since independence, precipitated a catastrophe. It underscored the government's growing unpopularity and the fact that the newly formed opposition party, Movement for Democratic Change (MDC) was threatening the ruling party's hegemony (Mlambo, 2003:58). This is a government that had previously enjoyed unrivalled dominion since independence[29]. Particularly so after the Zimbabwe African People's Union (PF ZAPU), led by Joshua Nkomo, was absorbed through the unity agreement of 1988 (Feltoe, 2004:195). 'The official ZANU PF policy was to have a legislated one party state' (Feltoe, 2004:195).

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[29]Except for former ZANU PF member, Edgar Tekere's Zimbabwe Union Movement (ZUM) and Ndabaningi Sithole's ZANU NDONGA, both which had mounted very little threat to ZANU PF's dominion.

2.7 The frenzy begins – the 'Fast Track' Land Redistribution Program

The isolation of the landless and poor people in Zimbabwe from the processes of production gave them the potential to revolt (Cox, 1987:687). It is important to understand that production for Cox (1989:39) should be understood in a wide sense and not mere reference to the production of physical goods to be used or consumed. It also refers to the production of 'knowledge, social relations, morals and institutions that are prerequisites to the production of physical goods' (Cox, 1989:39). The *mis*-governance that characterized Zimbabwe since independence, laid the foundation for the marginalized people to revolt. Under the championship of the country's war veterans, sanctioned by the ruling ZANU PF party, the transformative potential of the marginalized in Zimbabwe was realized.

Evidently, by the year 2000, Robert Mugabe and his ruling ZANU PF party were trapped between a hard rock and a hard place. They were sandwiched by mounting economic problems and aggressive calls from war veterans and other landless people for land redistribution. The MDC, which had the backing of the CFU, wealthy white people as well as thousands of urban dwellers was posing a serious and unprecedented threat to ZANU PF's hegemony.

Well-orchestrated, party driven and government assisted brutal land invasions on a national scale soon followed the rejection of the government's draft constitution (Masunungure, 2004:180). This was called by the government and its supporters – The Third Chimurenga[30]. A nation wide campaign of land invasions onto mainly white owned commercial farms initiated, using unprecedented means, extremes of violence and intimidation against both white farmers and black farm workers (Hammar and Raftopoulos, 2003:11). Ruling party supporters were directly targeted for land expropriation as they had actively worked for a 'NO' vote in the referendum. They had also provided crucial logistical and financial resources (Masunungure, 2004:181). According to Hammar and Raftopoulos (2003:11), the invasions were initially fronted by belligerent and militant war veterans and ruling party trained militia and state security forces

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[30] Chimurenga is a Shona or vernacular word that refers to the country's wars of liberation against colonial rule.

subsequently joined the cause. The reaction of the party state to the rejection of the proposed constitution was brutal.

Responding to the brutal farm invasions, George Charamba, the presidential spokesperson was quoted as saying that the land invasions were merely an issue of redressing the historical imbalance of land allocation (Hill, 2003:112). He propounded further, '[T]here is a link between the historical land imbalance in the country and the actions of the war veterans' (Hill, 2003:112). In other words, the fast track land redistribution was (or meant to be) social justice. The Zimbabwean government averred that the land invasions were nothing more than a spontaneous desire by the landless to redress historical grievances and take back land that was taken from them without compensation (Bowyer and Stoneman, 2000:12).

What is striking however about the year 2000 farm occupations is that they were unregulated, chaotic, violent, fast-tracked and following immediately on the heels of a 'NO' vote to the proposed constitution. The invasions were contrary to previous land redistribution schemes that had been carried out before which were regulated, orderly, peaceful, slow but sure, that were - despite their snail's pace, observed to have made impressive strides towards meeting the principal objective of redressing past injustices (Sachikonye, 2004:74). This conclusion was also confirmed by academic research that was carried out (Sachikonye, 2004:74).

Kinsey et al (2000) remarked that the resettlement program of the first decade from Zimbabwe's independence had seen resettled families benefiting considerably through the provision of increased opportunities for income generation and access to basic services such as health and education. Numerous positive developments resulted from the process of land redistribution in the first decade of the country's independence despite the process' slow pace. As mentioned earlier, all those that had been newly resettled had acquired access to potable water supplies, dip-tanks, clinics, schools, improved toilets, housing loans, roads and marketing depots (Raftopoulos, 2004:4). So, while the process was certainly slower than many 'land-starved rural dwellers might have wished, and it witnessed

problems of implementation and funding, it produced some positive and sustainable results' (Raftopoulos, 2004:5).

2.8 Impact of Zimbabwe's fast track land redistribution program[31]

The consequences of Zimbabwe's fast track land reform program of 2000 are varied. There are some scholars[32] who argue that the fast track land reform program of 2000 in Zimbabwe achieved positive results for the beneficiaries while other scholars argue that the process was a disaster.

Moyo and Yeros (2005:165) argue that the biggest positive achievement of the fast track land reform program in Zimbabwe was giving landless black people access to land. This was a huge step in terms of achieving social justice. This was seen as the culmination of black empowerment and economic indigenization. It was, according to Moyo and Yeros (2005:167), a necessary step in achieving social equilibrium between blacks and whites. The main difference between blacks and whites had been economic power which could be directly and indirectly traced to the amount of land that both blacks and whites owned. The discrepancy in land ownership patterns had entrenched racial segregation and promoted a white elite (Moyo and Yeros, 2005:167) while continuing to marginalize and exclude blacks from participating meaningfully in the economy. The majority of all economic activities remained wholly owned by white people by virtue of owning more land than blacks (Moyo, 1995).

Mamdani (2008) wrote that Mugabe's violent seizures of white commercial farm land earned him significant fame among black poor Zimbabweans. This is because the poor felt emancipated by the government's stance of redistributing land to them. This was fulfilling the basic reason why the war against white colonial rule was fought. By redistributing commercial land to poor landless Zimbabweans, Mugabe became a champion of mass justice (Mamdani, 2008). The era of the violent farm invasions of 2000, to the people of

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[31] I will give a brief evaluation of the consequences of the fast track land reform program because the scope and purpose of this mini thesis do not allow for a comprehensive account of the impacts of Zimbabwe's fast track land reform program.
[32] Some of whose sentiments I will briefly discuss.

Zimbabwe, signifies an era when settler colonization ended in Zimbabwe (Mamdani, 2008). This saw an end of the acute dualism of Zimbabwe's agricultural sector (Moyo, Scoones and Cousins, 2009) which had been a perennial legacy of colonialism. It gave security of tenure to those that did not have it before (Moyo, Scoones and Cousins, 2009).

Scoones (2008) and Mamdani, (2008) argue that referring to Zimbabwe's fast track land reform as a failure is mythical. They five myths which they identify are: that land reform in Zimbabwe has been a total failure; that its beneficiaries have been largely political cronies; that there is no new investment in the new settlements; that agriculture is in ruins; and that the rural economy has collapsed. Scoones (2008) argues beneficiaries of Zimbabwe's fast track land reform have not been largely political cronies. All landless Zimbabweans got land if they indicated their need for it to the authorities. Those that had been segregated to low agro-potential areas were emancipated by the land reform program irrespective of political affiliation. He goes further to state that contrary to popular opinion, while there has not been enough investment and support for the new land owners, there indeed has been recognizable financial support and other relevant support that the beneficiaries of the fast track land reform have received. Scoones (2008) further argues that Zimbabwean agriculture is not in ruins following the fast track land reform and the rural economy is still thriving. It has not collapsed.

Despite arguments over the relative success of Zimbabwe's fast track land redistribution program of 2000 by renowned and established scholars, other arguments show the contrary. Zimbabwe's economy, unlike South Africa, was founded upon agricultural production. The agricultural sector in Zimbabwe (prior 2000) had historically been the largest formal employer and it contributed immensely to the country's foreign currency earnings. There were huge exports of agriculture produce from crops such as maize, tobacco, cotton, horticulture which were produced by the country's commercial farmers. Most of the lending by financial institutions were inclined towards agriculture. More than 75% of all Zimbabweans derived their livelihood directly and indirectly from the land (UN Economic Commission for Africa, 2002:113). Commercial agriculture accounted for about 25 per cent of the country's total formal employment and 40 per cent of Zimbabwe's

foreign exchange earnings (Zimbabwe Commercial Farmer's Union, 2003). More than 40% of Zimbabwe's staple food (maize) was produced on commercial farms (Central Statistics Office, 2003). Before the fast track land reform program, Zimbabwe was the 6th largest producer of tobacco in the world (Tobacco Atlas, 2008). With the commencement of the fast track land reform program, tobacco production started plummeting as productive activity was disrupted on farms and taken over by less skilled farmers. The country is presently not even included in the list of tobacco producers anymore (Tobacco Atlas, 2008). Despite arguing the contrary, Moyo, Scoones and Cousins (2009) acknowledge that 'the importance of formal employment (in Zimbabwe's) commercial agriculture was undoubted and the consequences of the land reform program on farm workers' livelihoods have been dire.'

Until 2000, the country produced more than enough grain that it exported the surplus to the rest of Africa[33]. 'At this time, the World Food Programme's (WFP) only operation in Zimbabwe was a procurement office from where it purchased Zimbabwean grain for food aid programmes elsewhere in Africa' (Amnesty International, 2004:1). While other factors such as seasonal droughts, disease, the global economic challenges have played a part in contributing to food insecurity in Zimbabwe, food security experts, including the WFP and the Food and Agriculture Organization (FAO), have stated that the government's fast track land reform program and its implementation has been a major cause of the country's food challenges (Amnesty International, 2004:1).

About 95 per cent of farm workers lost their jobs as a result of the 'fast track' land redistribution program (Sachikonye, 2003). According to Mamdani (2008), a major casualty of the fast track land reform program were farm workers. They numbered about 300 000 in all and were massively displaced by the fast track land reform program (Mamdani, 2008). Many went from steady employment to contract work or casual work while others were forced to supplement their meager incomes through fishing, theft and prostitution. Millions more people in related industries also lost their jobs. Companies that depended on raw agricultural materials were severely affected and many of them had to

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[33] This is where the status of 'bread basket of Africa' came from.

cease operations, resulting in thousands being retrenched. The sudden halt in food production soon saw acute food shortages. This led to massive hikes in food prices coupled with inflation rates that were rising unabated (Amnesty International, 2004). The poor became even poorer. Thousands of people who had apparently benefited initially from the fast track land reform program became even worse off as the economy gave in. They lacked essential support to farm their land. They did not have money, the expertise and in most instances, the desire to farm and the majority of them did not engage in agricultural production. Hundreds of people died from starvation as food production almost came to a complete halt (Norwegian Council for Africa, 2007).

The crumbling economy resulted in a slow down which eventually became a complete halt in service delivery. Schools closed, hospitals ceased to function as the government lacked money to buy medical facilities. Thousands died from diseases such as cholera[34] and malaria. Thousands of skilled workers left the country to seek for better living and working conditions outside the country, resulting in an acute brain drain. Zimbabwe's relationship with Britain and other European countries reached an all time low as the fast track land reform program was chided from all corners. Zimbabwe was suspended (and ultimately quit) from the commonwealth. Various euphemistic ontologisms such as 'failed state, rogue state, basket case' (among others) were used to describe the country.

Because the land reform program was fast tracked and frenzied, without proper planning and demarcations to clearly identify who owned which piece of land, numerous boundary disputes arose as a result of this. Neighbours have turned into enemies and there have been reports of murders and other malicious acts as a result of disputes over boundaries.[35]

The fast track land reform program also brought with it much undermining of the rule of law. In the violence that characterised the fast track land reform program, many people died while many more were persecuted and totured but none of the culprits were brought

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[34] A cholera outbreak which was declared a national disaster broke out in 2007.
[35] See, www.herald.co.zw_boundarydiputes/90021

to book. While the courts declared the program unlawful and ordered the government to stop[36] none of the culprits were brought to book. According to Mamdani (2008) -

> The judiciary was reshaped, local institutions in rural areas narrowly politicized and laws were passed which granted local agencies the powers necessary to crush opponents of land reform. Denouncing his adversaries in the trade unions and NGOs as servants of the old white ruling class, Mugabe authorized the militias and state security agencies to hound down opposition as repressions and reform went hand in hand.

2.9 Conclusion

2.9.1 Social Justice or Greed?

A tirade of criticisms directed at the government, locally and internationally, soon followed - the program lacked funding, planning, accountability and diplomacy (Palmer, 2000:15). The program was glaringly error infested, visibly divorced from past land reform programs of the early 80s and evidently politically motivated as to be the subject of much ridicule (Palmer, 2000:15). The process was characterized by gruesome violence and attacks on opposition supporters and all suspected supporters of the newly formed opposition party, MDC. This immediately raises eyebrows - why the discrimination?

It is evident that while spontaneous land invasions occurred prior to 2000, they did not have state support and culprits were brought to book. The falter of compromise and negotiation in 2000 resulted in the radicalization of land expropriation in Zimbabwe. With the rejection of the draft constitution, which sought to extend the powers of the president, the post-colonial state was being challenged for the first time ever, both in theory and in practice, on every aspect of governance (Palmer, 2000:20). Never before had Mugabe, his ZANU PF party and government been defeated so soundly on a national scale and so near an electoral contest; the 2000 parliamentary elections (Masunungure, 2004:186). Realizing that its support base was dwindling, the government sanctioned farms invasions and embarked on a 'fast track' land redistribution program. The program followed immediately on the heels of the formation and emergence of an opposition party that had successfully campaigned for the rejection of a government proposed constitution in the referendum of

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[36] See discussion in Chapter 4 and 5 on par 4.2.6 and par 5.3.3 respectively.

February 2000. The shock June parliamentary elections' loss stimulated the fast track land redistribution (Raftopoulos, 2004:14).

The ZANU PF led government was facing the potential of massive urban job loses and economic decline which would result in inflation. This would lead to deindustrialization. Landless masses, championed by war veterans were becoming a perennial irritant and in this context, the government resuscitated its liberation promise in the context of land redistribution and increased inter-class competition over diminishing domestic and external resources and opportunities' (Moyo, 2007:76). Because of this, land reform was used as a potential instrument for allegedly restructuring the racially skewed economy. It became an important and generally justifiable resource that could be used for both 'trans-class accumulation and survival, as part of the economic indigenization thrust and contestations of nationalist ideology' (Moyo, 2007:76).

According to Chitiyo (2003:180), when Zimbabweans rejected the government proposed constitution in the referendum of February 2000, the government deliberately encouraged the occupation of farms by war veterans and other pro-government elements. This followed accusations by government that white farmers had encouraged their workers to vote against the proposed and refused draft constitution. From the chronology of developments, it is clear that the land invasions were a vendetta against the white farmers for openly supporting and assisting the opposition (Chitiyo, 2003:180).

The farm invasions were a crude attempt to deflect attention away from mounting opposition and growing economic problems by finding an easy scapegoat (Palmer, 2000). With a parliamentary election impending in June, four months after the rejection of the draft constitution, the government had to act decisively to claim its lost political ground (Hammar and Raftopoulos, 2003:10). The government took refuge in drastic measures in order to retain its hold on power (Dansereau and Zamponi, 2005:16). Thus, a return to the land question was a predictable and ideal strategy to use in trying to win the hearts of the electorate. In a fit of panic, with no more promises to offer to the electorate, the ruling

party sanctioned commercial farm invasions and the land was subsequently used as a political weapon to appeal to the masses.

ZANU PF claimed that the invasions were a spontaneous manifestation by the people desperate for land and a peaceful protest against the rejection of a constitution that contained a provision allowing government to acquire white farm land without compensation (Feltoe, 2004:200). These farm invasions formed an essential part of a political strategy to 'combat the growing influence of the MDC and to win back rural support by using the promise of land resettlement' (Feltoe, 2004:200). Land invasions were also used to try to deflect the attention away from other pressing problems such as the dire state of the economy and widespread corruption within the government.

The timing of the invasions also provides answers to the mystery of why they took place. The invasions took place a few days after the referendum results, in a synchronized fashion. This was after the ruling party realized its unpopularity and the high likelihood that it was going to be defeated in the impending parliamentary elections due in June. The way the process expanded rapidly and unabated showed that it enjoyed considerable logistical support from the government as well as government sponsorship. For instance, the farm invaders were transported in an assortment of government vehicles. President Mugabe declared that government would not drive the farm invaders off the farms until the land issue was resolved (Feltoe, 2004:204). In his perception, the invaders were the vanguard of a land revolution (Feltoe, 2004:209). This was necessary to complete the goals of the War of Liberation.

According to Masunungure, (2004:165):

> Land invasions motivated by genuine land hunger were not new; they had been a perennial irritant since independence and often led to illegal settlers 'squatting' on commercial farms. The government had always insisted on the forcible removal of such settlers. What was new in the post-referendum period was that they were orchestrated by the party state. The difference with the occupations that ensued in March (2000) was the central role of the state in the logistics and violence that accompanied it. This state-sanctioned policy aimed to achieve a cluster of political objectives: to appease the land hungry electorate, to decimate the opposition and to regain the party's rural

support base in preparation for the long season of elections in 2000 and 2002.

It is evident that the 'fast track' land reform program in 2000 was not as much about redressing past injustices as it was about the ruling party keeping itself in power in the face of impending electoral defeat. This is where Zimbabwe's fast track land redistribution program went wrong. It was covert greed on the part of the ruling party - desire by the elites to hold on to power by all means. High ranking government officials, including the late minister of youth, Border Gezi and former Matebeland governor, Obert Mpofu, were quoted in *The Herald* of June 9 2000 as saying that 'only ZANU PF supporters would be settled on the land acquired'. This showed clearly the political objective of the whole exercise.

In *The Herald* of 29 February, 2001 the then leader of the war veterans, Dr. Chenjerai Hunzvi stated categorically that he had been involved in organizing farm invasions because it was within the rights of the former combatants to invade the farms. He further submitted that they did so because they were bitter about the fact that white farmers had engineered the rejection of the draft constitution that contained a provision for the state acquisition of land without compensation. Evidently, the land invasions of the year 2000 were not, as the ZANU PF has wont people to believe, a continuation of the liberation struggle to bring about economic emancipation for the majority of poor landless black Zimbabweans. It was instead a campaign of violent lawlessness primarily motivated by political considerations and interests (Masunungure, 2004:185). The way the land was used to reward supporters of the government and punish those who were against the government and also induce others to join the ruling party establishes this. The process had more to do with power politics than it had to do with concern for the needs of the landless black people. It was also used to punish whites who had the effrontery to support a political opposition party (Masunungure, 2004:185). Thus, the process went wrong.

CHAPTER THREE - Land reform in South Africa, the Snail's Pace

3.1 Introduction

In this chapter, I will discuss the politics of land reform in South Africa, locating their evolution within Robert Cox's theory of transformation. Because Cox's critical theory 'is situated within a historical materialist problematic of social transformation' (Bieler and Morton 2004:86) and subsequently, historicism is a key tenet of his theory, I will therefore begin by giving a historical narrative of the land issue after which a brief analogy to colonial South Africa's land legislation will follow. This is so because according to Cox, 'critical theory does not take institutions and social power relations for granted but rather calls them into question by concerning itself with their origins and whether they might be in the process of changing' (1981:129). The core question, which forms the principal basis of Cox's critical theory is, how social forces (related to production) are linked to the present forms of state. (Leysens, 2008:38). Robert Cox's critical theory's emphasis on investigating how existing orders have come into being, how norms, institutions or practices emerge and what forces may have the emancipatory potential to change or transform the prevailing order makes it specifically critical (Bieler and Morton 2004:86).

I will then discuss land reform under the post apartheid government and highlight its programs and policies. Focus will then shift to the pace of land reform where its sluggish pace has resulted in frustration among the majority of the marginalized landless black people. The Chapter will also highlight the present demand for land in South Africa. Again, in terms of Robert Cox's critical theory, the marginalized are a force for change in a society. Those who were racially dispossessed of their land are still excluded from the means of production in the economy. They are the marginalized in South Africa and according to Cox (1981) they are a constant threat to the stability of a country.

The marginalized are vested with the potential for transforming the state form (Cox, 1981:13). The landless people in South Africa have pressured and are still pressuring the government for a speedy land reform. The need for land by the marginalized landless people has resulted in the formation of Land Rights' Groups, landless peoples'

representations, sprouting of illegal settlements and the militant and intermittent grabs of vacant land in urban areas. These developments all demonstrate the transformative ability of the marginalized landless people in South Africa. Attesting to this transformative ability of the landless people, is the formation and existence of land rights groups and institutions such as the Landless People's Movement (LPM), the Right to Agrarian Reform for Food Sovereignty Campaign, the Institute for Poverty and Land and Agrarian Studies (PLAAS) among others.

3.2 Colonial Land Dispossession in South Africa[37]

The land issue is a sensitive and potentially volatile matter in South Africa.[38] This is due to the brutal and discriminatory ways by which the land was expropriated from the indigenous people by the incoming white settlers. This marginalization of indigenous people by the incoming colonial settlers effectively instilled in them transformatory potential which can be located and explained by Cox's critical theory of transformation. According to Leysens (2006:31), 'Cox regards the marginalized as subordinated social forces because of their peripheral relationship to the dominant way in which goods and services are produced in the contemporary global political economy'. He argues that they are marginalized because they are removed from the creation (production) of ideas, institutions and social practices which form the framework within which material production takes place (1987:387). Such social relations therefore have greater potential for revolt (Cox, 1987:387) as is presently the case with South Africa's landless people.

The melancholic history of land dispossessions results in discussions about land stimulating depressing memories of the vindictive ways by which it was taken away from the indigenous populace. The contemporary results of such expropriation stir rage among other poor and landless South Africans.[39] More so, the inequitable distribution of wealth between blacks and whites can, to some extent be traced to the historical land

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[37] The scope and purpose of this mini-thesis do not allow for a very detailed and comprehensive historical account of land expropriation in South Africa. The brief history herein given is meant to shed a foundational understanding of colonial land expropriation.
[38] Just like it is in all former colonial states that experienced large scale expropriation of indigenous people's land.
[39] The intermittent and sometimes violent land grabs every now and then attest to this rage.

dispossessions. According to Mngxitama (2005:43), '[H]istorical land dispossessions created a situation of accumulated privileges of being white.' The white settlers not only forced blacks off their land but also compelled them to work for them, going to the extent of creating legislation legitimizing such a situation. In fact, Mngxitama (2005:43) writes further - '[T]he South African social, political and economic realities of today are founded on the long colonial conquest and later, apartheid land dispossessions, oppression and exploitation of indigenous people'. It is not surprising therefore that Cox's critical theory emphasizes on investigating how the present order came to be and how norms have emerged (Bieler and Morton, 2004:86).

The coming of colonial settlers to Africa saw many black indigenous people being deprived of land that they had traditionally occupied for many years before. The deprivations were often violent and brutal. Colonial governments wanted to gain ownership and control of land for various enterprises and this became the basis of their frenzied colonization of the continent (Greenberg, 2003:3). Two years after the arrival of the Dutch East India Company in 1652 at the Cape, the first battle for land in South Africa between Jan Van Riebeeck and the Khoi and San people started and 'it continued with differing intensities, spanning approximately three centuries' (Mngxitama, 2005:36). This resulted in the expropriation of land from the inhabitants of the Cape through wars of conquest. After settling in the Cape, the colonizers began moving inland in a movement commonly referred to as the 'Great Trek.'

Land for Black rural life was significantly reduced (Letsoalo, 1987:30). Beginning with the *1913 Natives Land Act No. 27*, various pieces of discriminatory legislation were enacted, 'which restricted the areas where Africans could live and stripped black African cash tenants and sharecroppers of their land, replacing land ownership with labor tenancy which restricted black land' (Gibson, 2009:11). Without land, the black African became a laborer serving the interests of the settler colonialists in the development of modernization of South African mining, agriculture and industry (Mngxitama, 2005:44). Indigenous Africans became just another factor of production.

According to Hall and Ntsebeza (2007:3), the expropriation of more than 90% of indigenous people's land confined local people to reserves in the remaining marginal portions of land. Of this, Gibson (2009:11) remarks that during the height of apartheid, little of South Africa was owned by black South Africans. Many people who lived in the rural areas and practiced subsistence farming were forced to go and find employment in urban areas or on farms owned by white people. 'Some 3.5 million people were forcibly removed from their homes and dumped in relocation camps, closer settlements and apartheid townships' (Walker, 2008:36). The areas that could be occupied by blacks were situated 'deliberately outside towns and cities removing them from the centres of power and wealth' (Walker, 2008:36). During the process, people suffered, families and communities were destroyed, lives were lost and economic potential was squandered. Many people were forced to adopt a nomadic lifestyle, with had a fragile connection to land (Hall and Ntsebeza, 2007:3).

From the 17th century onwards, blacks were compelled to vacate the land that they occupied, forcing them to go to low agro-potential areas which were neither really the best for human habitation nor farming. According to Bernstein (2005:49), consecutive colonial governments sought to destroy independent African farming communities, handing down their land to white commercial farmers instead. In 1936, reserves that were made for occupation by blacks were expanded from 7% to 13.6% by the Development Trust and Land Act No. 18 (Gibson, 2009:11) for habitation by 80% of the total population of South Africa who were black people. Areas of land that were occupied by black people but surrounded by white owned land were referred to as black spots and these were eliminated by the Department of Bantu Administration and Development (Gibson, 2009:11). According to Gibson (2009), 'roughly 470 000 black South Africans were removed and relocated due to 'black spot' cleansing'. The relocation areas were later called 'Bantustans' and they constituted the 'homelands' for blacks in South Africa.

From 1948 to 1990, the apartheid government in South Africa relocated millions of black people, in both urban and rural areas, attempting to create separate racial zones and ethnically-defined 'homelands' (Cousins, 2009). The Surplus People Project (1983)

estimates that, between 1960 and 1983, 1.29 million people were evicted from farms, and 614 000 were resettled during the abolition of 'black spots' and homeland consolidation processes (Gibson, 2009:11). This resulted in a society which was highly unequal and racially polarised (Cousins, 2009). Inevitably, blacks lost their productive land and the small-scale farming that helped their rural households to survive was undermined. White farmers on the other hand, received colossal financial support and subsidies, and as a result, with time they became highly productive commercial farmers.

The two vital issues that determined the amount of land to be reserved for blacks against whites were - the 'superior' needs of the whites as opposed to the 'primitive' needs of the blacks and the need to supply black labour for mines, industries and farms to the white economy. The *Farmers' Weekly,* newspaper of January 31, 1912 put it thus;

> The scarcity of land and the want of labour are being more heavily felt, and with land of the European reserves occupied by natives, it is the Europeans and not the natives who are, and who will continue to be sufferers. I fail to see how the difficulty is to be overcome unless we segregate the races and confine each to his own reserve.

Because the 1913 Act mainly applied to rural areas, in 1923, the *Native (Urban Areas) Act No. 21* was passed. The 1923 act established separate areas for habitation based on skin colour in urban areas (Gibson, 2009:13). After four years, the *Black (Native) Administration Act No. 38* was passed and it gave authority to the minister to move or relocate any black person without prior notice whenever he deemed necessary (Gibson, 2009:13). This created a situation of insecurity as black people could be moved at any time without a preceding warning for them to prepare to relocate. In 1936, there was need to release more land to black people because of their soaring numbers. The colonial government of the time enacted the *Native Trust and Land Act No. 1,* which increased the area owned by blacks from the initial 7 per cent to 13.6 per cent (Letsoalo, 1987:40).

The displacement of indigenous people by colonizers created a migrant labour society in South Africa whose results are evident even up to date.[40] White farmers faced a serious shortage of labour and had to recruit blacks as farm labourers. Because agriculture is a seasonal enterprise and demands labour seasonally, many black workers were migrants who were in their rural homes during off seasons and went to work during the agriculture seasons. Black people had a home in the rural areas and place of work in mines, farms and industries. They migrated from rural areas to centres of employment (Schlemmer and Moller, 1982:1). They worked on a contract basis (Wilson, 1979:1). 'A pattern was therefore established where men continued to live in the rural areas but left their families for several months at a time whilst they went to earn money on farms, mines and industries' (Wilson, 1979:2).

Successive colonial governments passed many consecutive discriminatory laws that entrenched white ownership of land. These and other related laws contributed to overcrowding in the areas that were occupied by black people.[41]

3.3 Land Reform in Post Apartheid South Africa – Government Policies

The land reform policies of the first non-racial democratic government of South Africa begin with the Constitution, the Reconstruction Development Program (RDP) and a process of consultation involving community level research and advice from international experts, the most influential being from the World Bank' (Khanya College, 2000:19). In 1993, the ANC, as part of the broader democratic movement, undertook a process of drawing up its election manifesto and program. Land reform became a priority. In 1994, the end of apartheid in South Africa raised hopes among black people that their struggles for land would be finally realized. In response to this anticipation, the ANC government came up

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[40] For example, there is a ballooning urban population as people migrate from the rural areas to urban and a serious problem of squatters. See Gibson (2009).

[41] For example, the population in QwaQwa, a rural area in the Free State along the Lesotho border, increased significantly between 1970 and 1983 from 25 334 to 500 000, and the population density was as much as 500 people per sq. km (Letsoalo, 1987:39).

with ambitious programs and policies. The Department of Land Affairs (DLA) was mandated with formulating land policies.[42]

3.3.1 The Reconstruction and Development Programme (RDP)

The RDP made clear an intention to have a process of restitution for those dispossessed of land by racial laws and redistribution of land to those who needed it (Khanya College, 2000:19). A specific target of redistributing 30% of agricultural land within five years was set. The RDP suggested a range of measures for redistributing land including a land tax to free up land, substantial funding, expropriation of land, and support services to ensure effective land use (Khanya College, 2000:19). It is important to note that the RDP was completed after the interim constitution was written and put its plans for land reform within the confines of the provisions on land contained within section 25 of the constitution – also known as the Property Clause.

3.3.2 The Interim and final Constitution

The first transformative constitutional provision for land reform in post apartheid South Africa was found in the interim constitution. Section 28 provided for rights to acquire and own property. It sought to address the legacy of apartheid where the marginalized blacks were deprived of access to property (Chaskalson, 2006:31-6). The section also meant to 'guarantee general access to the legal institution of property, protect eligibility to acquire and hold rights in immovable property, subjecting to judicial scrutiny state action which arbitrarily denied people access to land' (Chaskalson, 2006: 31-6).

In the final constitution,[43] s25 that deals with land rights was hotly debated. The resulting compromise set the political direction for the handling of land reform and set the legal parameters within which land reform has to be dealt with (Khanya College, 2000:20). Property rights are recognized in section 25(1) and in section 25(2) there is provision for

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[42] The DLA developed the following 3 policy documents – the DLA Framework on Land Policy (May 1995), The Draft Statement of Land Policy and Principles (August/September 1995) and the Green Paper on South African Land Policy (February 1996) (Ngqangweni, 2004:136).
[43] The 1996 constitution.

expropriation of land only for a public purpose or in the public interest and with compensation being paid. Section 25(4) goes on to explain that the public interest includes the nation's commitment to land reform.

The constitution also makes specific mention that land reform is a ground for expropriation. The compensation to be paid does not have to be at market rates; there are four other factors that have to be considered including the purpose of the expropriation. Section 25(8) provides that there is no stipulation in the property clause that impedes the 'state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination.' Sub-sections 25(5), (6), and (7) require the state to take legislative measures to; ensure that there is equitable access to land, people with insecure tenure get secure tenure or equitable redress, and people dispossessed of land rights due to racially discriminatory laws or practices can claim back those rights. These sections oblige the state to deal with aspects of land reform while also recognizing current property rights.

Besides the Constitution, other legislation have been passed by the post apartheid government that seek to redress the historical and colonial expropriation of indigenous people's land.[44]

3.3.3 The 1997 White paper on South African Land policy

The 1997 White Paper on South African Land Policy set numerous and far reaching ambitious objectives. These were aimed at redressing discriminatory apartheid land dispossessions. They ranged from dealing with the injustices of racially based land dispossession, to promoting economic growth and providing secure tenure for all. The white paper also states that the vision is 'of a land policy and land reform program that contributes to reconciliation, stability, growth and development in an equitable and sustainable way.' There is an emphasis in the document on giving land rights and opportunities to the poor and addressing gender issues in land ownership.

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[44] For a full chronology of the legislation, see Gibson, 2009.

3.4 Government Programs

With majority rule in 1994, the incoming ANC government put in place a comprehensive program aimed at undertaking land reform. A complex and ambitious land reform curriculum whose main goal was to address the unjust and discriminatory land dispossessions, in the broader context of national reconstruction, was embarked on. The Department of Land Affairs (DLA) was made to be the institution responsible for land reform in the country. The DLA subsequently developed 3 central components through which the process of land reform was supposed to happen which are - Land Restitution, Land Tenure Reform and Land Redistribution.

3.4.1 Restitution

The Land Restitution Program aims to redress past apartheid racially discriminatory legislation and polices. It aims to recompense people who were victims of compulsory resettlements. The restitution program is provided for by the Restitution of Land Rights' Act 22 of 1994 (LRA), (which was the first piece of transformative legislation to be passed by South Africa's newly democratic Parliament in November 1994) and the 1996 final Constitution of South Africa[45] (Walker, 2006:67). In terms of the LRA, a Commission on the Restitution of Land Rights (CRLR) was created which seeks to investigate claims and a Land Claims Court was also born whose mandate is to arbitrate claims and 'order land to be restored or grant orders for financial compensation' (Hall, 2003:262). In November 1994, former Minister of Land Affairs Mr. Derek Hanekom declared that restitution would put South Africa on the real road to reconciliation and reconstruction.

According to the DLA (1997), land restitution has to be embarked upon in a manner that provides for and supports reconciliation, development as well as the broad view of fairness and justice for the general populace in South Africa.

In terms of land restitution, all people who were arbitrarily dispossessed of their land by the 1913 *Natives Land Act*, should have their land returned (Cousins, 2009). According to

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[45] In section 25.

Cousins (2009), 'restitution is rights-based, and the law provides for either the restoration of land rights or cash compensation to the victims of forced removals. Nearly 80 000 land claims were lodged by 1998; most of them to urban plots.' Where large pieces of land are claimed, claims are first validated before the government enters into negotiations on the prices and the would be beneficiaries are required to develop a business plan outlining how they will use the land when they take possession of it (Cousins, 2009).

Visible strides have been made regarding the number of restitution claims processed and settled. However, the most difficult and costly claims are still not yet settled (Bernstein, 2008:16). As an example, in 2006, about 80 000 claims had been validated – of these, approximately 81 per cent were for urban land and the remainder for rural land (Bernstein, 2008:16). The process is continuing and as such, it is difficult to give precise numbers. By the end of 2007, it is likely that the majority of 'validated claims had been settled, mainly because most of the urban claims could be settled with cash payments that did not entail complex negotiations or very large price tags' (Bernstein, 2008:16). Many rural claims have also been settled with cash.

According to the Commission on the Restitution of Land Rights, 79 031 claims were dealt with out of the 79 696 claims that were. Mathematically, 94% of the claims were settled. Table 3.2 below clearly indicates a sharp increase in the settlement of land claims, particularly in Limpopo and Mpumalanga. In Kwa-Zulu Natal however, a relatively slow pace of settlement is noted where only 72 of the 1 736 claims have been settled against 1 652 outstanding rural claims. Kwa-Zulu Natal faces the highest number of unsettled land claims.

Table 3.2 - Restitution Summary, March 2009.

Province	Number of Outstanding Claims	Total Claims settled: 01 April 2008 – 31 March 2009	Dismissed Claims: 01 April 2008 – 31 March 2009	Number of Outstanding Claims
Eastern Cape	555	33	0	522
Free State	97	15	54	58
Northern Cape	218	18	11	189
Gauteng	4	1	0	3
North West	215	20	0	195
KwaZulu Natal	1 736	72	12	1 652
Limpopo	674	235	17	422
Mpumalanga	851	139	0	712
Western Cape	599	12	14	573
Total	4 949	545	108	4 296

Source: Commission on the Restitution of Land Rights – March 2009.

3.4.2 Land Tenure Reform

According to South Africa's land reform programs, every previously disadvantaged person whose land tenure is insecure as a result of apartheid discriminatory laws and policies[46], will have their rights consolidated through land tenure reform (Cousins, 2009). People living in the former homelands and those living on commercial farmland are the two main groups whose informal rights to land are to be upgraded and secured through the land and tenure reform program (Hall, 2003:263).

Tenure reform is a constitutional imperative; in s25 (6), the constitution states that 'a person or community whose tenure is legally insecure as a result of past racially

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[46] For example, farm workers, labour tenants and rural households living on privately owned land and people living in the former homelands (communal areas) under the authority of traditional chiefs.

discriminatory laws or practices is entitled … either to tenure which is legally secure or to comparable redress'. The government passed two laws aimed at implementing tenure reform in commercial farming areas: the Extension of Security of Tenure Act (Act 62 of 1997) (ESTA), and the Land Reform (Labour Tenants) Act (Act 3 of 1996) (LTA). ESTA seeks to protect dwellers on privately owned land against arbitrary eviction, and allows farm workers to 'upgrade the rights in land' from tenancy to freehold (Bernstein, 2008).

The main purpose of the Interim Protection of Informal Land Rights Act (IPILRA), no 31 of 1996, is to deal with the insecure tenure of homeland dwellers. This includes those who are under the jurisdiction of traditional authorities. The IPILRA was an interim act, for the time before the promulgation of a Land Rights Act. The Land Rights Act was expected to create a single but flexible tenure regime, with a variety of options, each of which would have a clear legal basis, and institutions dedicated to the protection of rights and resolution of disputes (Hall, 2003).

At the end of 2001, the DLA released the Communal Land Rights Bill (CLRB) which suggested that rights to land in the communal areas of the former homelands would vest in institutions and not in the people living on the land. Land Tenure Reform seeks to improve security for all citizens by recognizing individual as well as communal land rights. It is a complex process which involves interests in land and the form that these interests should take (Department of Land Affairs, 1997).

3.4.3 Redistribution

Land redistribution aims to address the racially skewed and inequitable land ownership patterns that were inherited from the apartheid era (Cousins, 2009). The program was meant to deal with the disparity 'between the 87% of the land dominated by white commercial farming and the 13% in the former 'homelands'' (Hall, 2007:90). Land redistribution intended to relieve overcrowding in communal areas and broaden the ownership structure of commercial farmland along racial lines (Hall, 2007:90). It intended to provide land for productive and residential purposes to black people who were dispossessed during the years of apartheid, using market-based mechanisms. The aim was

to improve their livelihoods. Land Redistribution aimed to assist the urban and rural poor, farm workers, labour tenants as well as emergent farmers (Department of Land Affairs, 2007).

Unlike land restitution, the process of land redistribution is not based on rights and anyone who wants land in terms of this process should apply to the government for grants (Cousins, 2009). These grants are used to acquire farms offered for sale on the market, from 'willing sellers'.

The redistribution program in turn has three sub-components, which are;

- Giving access to land for agricultural purposes;
- Providing land for settlement purposes; and
- Making land available for non-agricultural enterprises.

Land redistribution commenced in 1995 and it intended to assist low income households who could apply to the government for grants of R16 000 that would enable them to purchase land and have a 'little startup capital' (Hall, 2007:89). Those that were eligible for the grants were those earning below R1 500 a month. Because of the paltry size of the grants, groups of people pooled their grants together to purchase pieces of land that were being sold (Hall, 2007:89).

According to Lahiff (2008:1), the land reform program had by March 1997, transferred about four million hectares, constituting close to five per cent of white owned land. Of this, approximately 45% came from restitution and 55% under various aspects of redistribution[47] (Lahiff, 2008:1). This was a far cry from the targets of the government and the expectations of the citizens. Focus was only on land transfer while the new land owners lacked support for productive use of land and this was held to be a key failure of the program.

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[47] See the figures under paragraph 3.7 (Snail's pace…) illustrating these numbers.

In 2001, the government subsequently launched a new policy called, Land Redistribution for Agricultural Development (LRAD). It was a joint program of the Department of Land Affairs and the National Department of Agriculture which was envisaged as closely linking land acquisition to support for new farmers (Hall, 2007:90). The goal was to establish a class of African commercial farmers, and this policy has since emerged as the primary means by which people are able to acquire land (Hall, 2007:90). The LRAD is not means tested like its predecessor. It does not have an income ceiling and it offers 'grants on a sliding scale from R20 000 to R100 000 - depending on the level of cash or loans that the applicants are able to contribute' (Hall, 2007:90). Subsequently, the poor have to compete with others for access to limited resources (Hall, 2007:91).

Land redistribution also aims to provide grants to municipalities for the purchase of land for public use to groups of people such as livestock farmers. According to Hall (2007:91), this aspect of land redistribution has been a significant undertaking: by the end of 2002, a third of all land that had been transferred nationally was through redistribution.[48] Little emphasis has however been put to commonage and this has resulted in it receiving a small budget while emphasis has increasingly been on transferring land directly into the ownership of new farmers through the LRAD initiative (Hall, 2007:91).

The implementation of land reform initially proved to be daunting. This, according to Walker (2002:53) is because;

> the Department of Land Affairs (DLA) struggled to turn policy goals into programs, establish institutional structures and systems, recruit and train new staff while reorienting the thinking of the many officials that were inherited from the former apartheid regime and at the same time, manage the very different interests of land reform communities, land owners, provincial and national politicians and other government departments in the process.

The relevant government departments do not have enough capacity and resultantly, this is impacting on land reform (Cousins, 2009). Departments lack enough members of staff and the majority of the few available members are not adequately trained (Cousins, 2009). The

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[48] According to Hall (2007:92), this has not been uniform across provinces. Most commonage land has been acquired for extensive grazing in the Northern Cape.

government agricultural extension service is very weak. 'Many agricultural officials see household-based production systems as inefficient and backwards, favour large scale farming methods, and are not motivated to support land reform for the poor' (Cousins, 2009).

3.5 Snail's Pace – catalyzing the marginalized

When the new ANC government took office in 1994, more than 87% of the land in South Africa was owned by 15% of the entire South African population - the white minority (Khanya College, 2000:17; Walker, 2008:36). The challenge to the process of land reform was enormous; 'to respond to the demands of the landless for land and livelihoods and to introduce a sizeable sector of African smallholders, in order to reduce poverty and promote equity' (Hall, 2007:98). The ANC target for land reform, which was proposed by the World Bank and adopted in the RDP, was to transfer 30% of agricultural land within the first five years of coming into government. This was to be achieved primarily through a market led program in which the state supported those who wanted to buy land – 'willing buyers' – to purchase land at market prices from

Figure 2 below left - Land Barometer – *(Source, PLAAS newsletter 2009, edited by Kleinbooi).* **Figure 3 below right - Pie Chart** *–(Source, PLAAS newsletter,2009, edited by Kleinbooi).*

LAND BAROMETER

Percentage of land delivered by programme
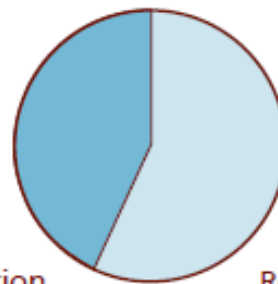
Restitution	Redistribution
44%	56%
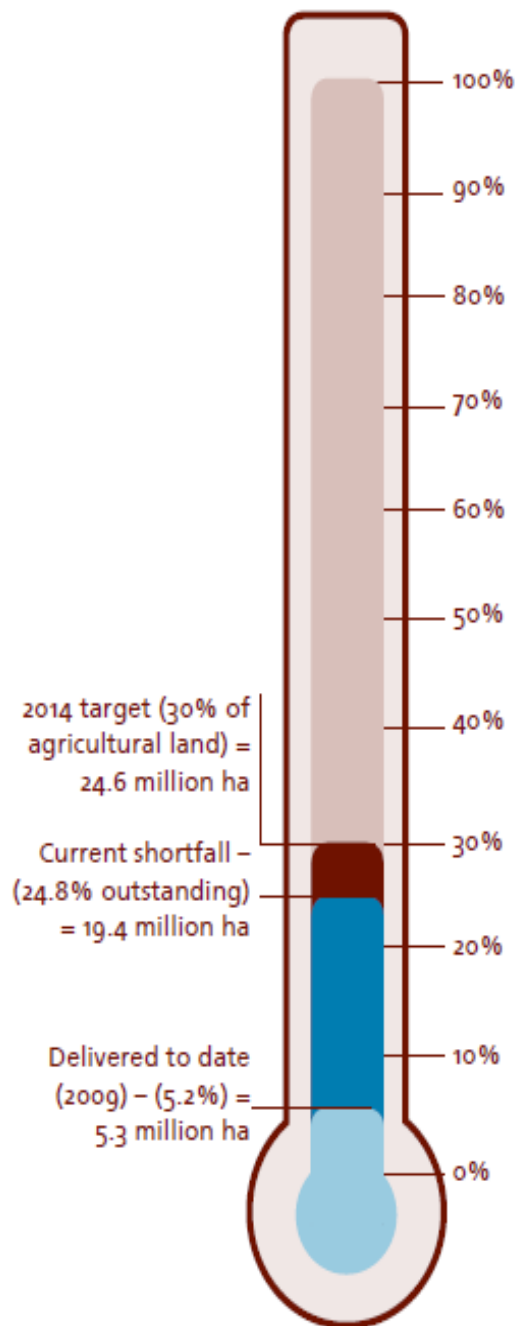
'willing sellers' (Hall, 2007:98). This 'willing buyer – willing seller' policy was confirmed in the *White Paper on South African Land Policy.* The state would also purchase land directly to restore it to those previously dispossessed, through a program of Land Restitution.

Despite government utterances however, it is evident that 'since 1994, the symbolic importance that attaches to land reform in national political debate has not been matched by its status as a national program of development' (Walker, 2008:198). The process and pace of land reform has been sluggish. This is despite broad consensus in the government and civic organizations on the need for a conclusive land reform process in the country. Besides the sluggish pace, the land reform program has failed to impact significantly on the land tenure systems prevailing on commercial farms and in

the communal areas. In the last 15 years, the government through the DLA, has set out to achieve ambitious targets but has thus far been unsuccessful. According to Kleinbooi (2009), by March 2009, 5.2% of the targeted 30% of agricultural land, amounting to 5.3 million ha, had been transferred through the various land reform programs. Three million ha of land had been transferred through the redistribution and tenure reform programs combined (Kleinbooi, 2009). The slow pace of land reform is '… disturbing given that one of the key challenges facing the post-1994 South African state was and still is how to reverse the racial inequalities in land ownership resulting from colonial conquest and the violent dispossession of indigenous people of their land' (Hall and Ntsebeza, 2007:3). Almost since its introduction, the land reform program of the post apartheid government has faced relentless criticism for failing to reach its targets or achieve historical redress, redistribution of wealth and opportunities, and contributing to economic growth (Lahiff, 2008:1). According to Cousins (2009):

> Critics have chided government for the slow pace of land reform, and warned of the possibility of the land question becoming politically explosive, as in Zimbabwe. Land activists see the 'willing seller, willing buyer' approach as expensive and cumbersome but also unjust, given that land was forcibly appropriated by the racial minority in the past. The small budget for land reform (around 1% of the national budget) has also been heavily criticized. The National Treasury, however, has been reluctant to vote more money to land reform because of the failure of many projects and lack of evidence that land reform is making any impact on rural poverty. Critics have in turn pointed to the almost complete failure of government to provide adequate post-settlement support, and to badly designed business plans. Water reform has not been integrated into land reform.

Moyo (2005:60) also remarks on the snail's pace characterizing land reform by asserting further that the pace is a key challenge facing the entire SADC region in implementing land reform. The gradualist approach to resolving the land issue is due to the marginalization of the land reform program by official policy, intellectuals and civil society (Moyo, 2005:61). In July 2007 Carl Opperman, chief executive of Agri Wes-Kaap argued that the slow pace of land reform was largely due to clumsy bureaucratic processes, an insufficient budget, and a lack of capacity in the Department of Land Affairs (DLA).

With the failure to redistribute 30% of land to landless people within the first five years of independence in view, the government adopted what was perceivably a more realistic target of transferring 30% over an extended time frame of a further 15 years by 2015. A revised land policy was introduced to offer higher subsidies to those buying land through the redistribution program, including those aiming to enter into commercial farming (Hall, 2007:100). By February 2005, 3.5 million hectares had been transferred through all aspects of land reform[49] (Hall, 2007:101). In 2007/08, the South African government only redistributed 340 000 hectares of land – less than 14 per cent of the intended target of 2.5 million hectares (Sokomani, 2009). As of 2009, only 4 per cent of land or four million ha has been transferred to Black South Africans (Sokomani, 2009). According to De Villiers (2008), about 5 per cent of South Africa's 82 million ha of agricultural land has been distributed to black people and rural landholding still remains dominated by white farmers.

Set time-frames for achieving land reform targets have consistently been revised as the magnitude of transferring land to the landless becomes patent. In February 2008, the Department of Land Affairs (DLA) signaled the recognition that the 2014 deadline of redistributing 30% of land was unrealistic. Even in the unlikely possibility that South Africa does reach that target, this would simply mean that after 20 years of democracy in South Africa, only one third of the agricultural land is held by blacks (De Villiers, 2008).

Despite dedication to a rigorous land reform process in 1994, 16 years later, the land issue is yet to be resolved. There is general consensus across the political and social spectrum that the state's program of land reform is in severe difficulties. It is much slower than it was promised, certainly much slower than what the poor landless people expected and the process has not achieved the equity that it was anticipated to achieve.

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[49] Redistribution, Tenure Reform and Restitution.

3.6 Lingering Demand for Land

Cox's critical theory of transformation regards the marginalized people as powerful social forces for change (Cox, 1982). Their peripheral relationship to the dominant in the society gives them this transformative potential which South Africa is realising today (Lesysens, 2006:31). They are a constant threat to the stability of a country (Cox, 1981) and the service delivery protests that South Africa has experienced have demonstrated this.

Ever since the new ANC government came into office, there has been unrelenting demand for land by the marginalized and excluded landless South Africans. In fact, the demand is escalating. The end of apartheid has essentially exacerbated the land problem as countless rural poor people flock to the cities in the hope of securing some degree of economic subsistence (Gibson, 2009:31).

In many cities throughout the world, there is a problem of people who possess unoccupied pieces of land illegally – this is caused by limited formal housing that is available to the thousands of internal migrants from rural areas to urban areas (Gibson, 2009:132). While the problem of squatting confronts many cities in the peripheral and semi-peripheral countries, it is especially pronounced in South Africa (Gibson, 2009:132). Although informal land occupations of vacant land are not new in South Africa, the rates at which they are occurring are alarming and unprecedented. Many rural dwellers are relocating to urban areas and this has led to a swollen size of urban squatter communities, further increasing the demand and need for land as people want to live where jobs are (Gibson, 2009:16). For example, in 2001, a major land grab took place in an area between Johannesburg and Pretoria called Bredell. Hundreds of squatters put up shacks on vacant land but they were evicted by the government and the shacks were destroyed[50].

Despite the lingering demand, it is surprising that the majority of analyses relating to the land question usually underestimate the nature and scale of the demand. They do not take into account the tensions that exist in the society and persist still because of the land reform agenda which is yet to be completed (Moyo, 2007:61).

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[50] For a full version, see http://www.greenleft.org.au/2001/456/25673 (accessed on 13.09.09).

Demand for land reform takes various forms and arises from various sources – there are formal and informal demands, legal and underground or illegal demands for land redistribution, demands which may be based upon the restitution of historic rights or contemporary demands based upon different needs (Moyo, 2007:70). The demand for land is mediated by various 'socio-political organisations which include civil society organisations, farmers' unions, political parties, war veteran associations, business representatives' associations, community based organisations and traditional structures' (Moyo, 2007:70).

Because land carries a powerful political charge, as is the case in neighbouring Zimbabwe, which had a similar history to South Africa's, there is enormous bitterness amongst black South Africans and a powerful desire to have the land restored to its rightful owners (Cousins, 2009). Bearing testimony to this is the sporadic and sometimes violent militancy resulting from the existing demand for land. Cousins (2009), refers to the land issue as a 'time bomb', citing its potential to cause chaos in future should it not be resolved timeously.

In 2001, the fiery Landless People's Movement (LPM) was formed by representatives of landless people in South Africa to present their desire for land (Greenberg, 2006:133). The LPM's drive came from a deep frustration with engagement with the state's land reform program that has failed to deliver[51] (Greenberg, 2006:148). The movement adopted numerous tactics and campaigns as a way of highlighting its demands for land redistribution and secure tenure. Most notable of these was the movement's support for Zimbabwean president Robert Mugabe's land expropriation program and its own land occupations campaign (Greenberg, 2006:147).[52]

As already referred to in the first chapter of this thesis, on the 16th of April 2009, *The Zimbabwean* described how an armed group of people, used a 'Zimbabwean-style' of land invasion, to take occupation of one of South Africa's big agricultural reform projects. The group had been angered by the slow pace of land reform benefits. They were armed with

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[51]For example, in some cases, community groups had waited for more than seven years without tangible progress in resolving land claims or transferring land.
[52] In 2002, the movement actually requested Mugabe to address its members in South Africa.

knives and machetes and they seized control of Forana farm in Mpumalanga province over the Easter weekend after threatening and driving off local managers and staff employed by the new owners, a black-run farming cooperative.

In 2001, at the same time as the Bredell occupations, landless people forcibly occupied land in Grootvlakfontein in the Northern Cape, leading to their leaders being arrested. There have been reports in the past of the burning of cane-sugar fields in Kwazulu-Natal as well as threatened land invasions in the Wakkerstroom district of Mpumalanga. These and numerous other reports confirming South Africa's poor black people's need for land have excited tense curiosity whether what happened in Zimbabwe is a precursor to what might happen to South Africa and they attests to the fact that the need for land redistribution is real and also, 'that the land has the potential to become pivotal in times of economic or political crisis' (Lahiff, 2003:3).

3.7 Conclusion

The way the land issue has unfolded in South Africa is characteristic of many former colonial territories on the continent where colonial governments restricted black African land rights and racially segregated society as a result. There is a distinction between countries that went through large scale land dispossession and settler colonialism such as South Africa, Namibia, Zimbabwe and Mozambique, and those that went through limited settler colonialism such as Botswana, Lesotho and Swaziland. Land has much stronger emotive overtones in those countries that experienced large and extensive colonial settler dispossessions of the indigenous people's land such as South Africa.

Apartheid resulted in a dual structure of agriculture where black Africans produced less as compared to white commercial farmers. Constitutional guarantees in s25 have resulted in the continued legacy of racially inequitable land ownership patterns (Hall and Ntsebeza, 2007:6). Tensions currently exist in the society as a result of the racially inequitable distribution of land. There is a general feeling that the ills of the past require redress in the present. According to Mngxitama (2005:43), '[T]ransforming the South African society from its colonial and apartheid past to a more democratic dispensation directly correlates

with the extent of land redistribution to blacks' because the present society is built on the foundations of land dispossession.

There is compelling evidence that demand for land is there[53] and the land issue in South Africa is in fact a time bomb that needs to be managed and concluded before it detonates. This can be explained by Cox's (1981, 1982, 1987) critical theory of transformation. The establishment of the Landless People's Movement in 2001 and the People's Tribunal on Landlessness that was organized by the Trust for Community Outreach and Education (TCOE) in 2003 provides evidence for the demand of land in South Africa.

Lingering fears of a Zimbabwe-style land grab exist in South Africa among commercial farmers (Hall and Ntsebeza 2007:8). According to Cox, this is because the marginalized and excluded are vested with the potential for transforming the state form (Cox, 1981:13). Landless people and their supporters are becoming increasingly frustrated with the slow pace of reform. There is perceptible need for the government to speed up the process of delivery because the land issue has the potential to become problematic as is evidenced by the cases of Zimbabwe and Kenya. The significance of land reform lies in achieving social justice and fulfilling electoral and constitutional promises. Writes Mngxitama (2005:47); [L]and reform 'is important and fundamental to redressing historical injustice predicated upon land dispossession'. It is also hugely imperative for 'the re-articulation of a different civil society' (Mngxitama, 2005:47).

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[53] See the brief discussion on paragraph 3.8 above.

4. CHAPTER FOUR – Zimbabwe and South Africa Compared

4.1 Introduction

This chapter seeks to highlight the similarities and differences between South Africa and Zimbabwe. This is done to later highlight important lessons that South Africa (in chapter five) can draw from the case of Zimbabwe. On a secondary note, the differences will illustrate why Zimbabwe's frenzied land reform will not be replicated in South Africa. I will do this by listing and discussing the similarities first, then the differences in both countries regarding the land issue.

In the conclusion (Chapter five), I will illustrate the application of Robert Cox's Critical theory in understanding the subsistence, role and efficiency of contemporary social forces in changing history in the two countries with reference to this chapter (four). An imperative attribute of Cox's critical theory is its emphasis on modes of production[54] in 'explaining social change and action' (Kamphuis and Leysens, 2009:2). In 1981 (p87), Robert Cox wrote what has arguably become one of his most used and quoted phrase when he observed that 'theory is always *for* someone and *for* some purpose.' This quote refers to the reflective view of Coxian critical theory and it demonstrates that theory is closely knit to concrete contexts. 'It is not revealed truth but rather claims that are made to potentially contribute to understanding a set of events' (Leysens, 2007). I will therefore, in conclusion (Chapter five) take a reflective view of the developments in the two countries in suggesting important lessons that can be drawn by South Africa from the case of Zimbabwe.

4.2.1 Zimbabwe and South Africa

Numerous narratives that relate to the history of the black African in Zimbabwe and South Africa are littered with an overwhelming sense of dismay, injustice and exasperation by the indigenous black people. A contextual case in point is the story of land-grabbing and the attendant black people's displacement. Colonial administrations referred to it as the

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[54] For Cox, 'Production…is to be understood in the broadest sense. It is not confined to the production of physical goods used or consumed. It covers the production and reproduction of knowledge and of social relations, morals and institutions that are prerequisites to the production of physical goods (1989:39).

'alienation of land to Europeans (Letsoalo, 1987:2) – meaning the transfer of land ownership from blacks to whites. However, because of the bond between the indigenous black people and their land, alienation meant estrangement – frustration as a result of one's separation or distance from their land (Letsoalo, 1987:2). The black man became a pariah in his own environment and this was as a result of the historical and racial dispossession of their land.

Land had strong resonance among the native populace before the advent of colonialism and capitalism to the African continent. It was a resource that was the basis for political and productive systems for the indigenous people. Its history of colonial dispossession makes it consequently a delicate subject. Zimbabwe and South Africa have remarkable similarities but equally vast differences regarding the issue of land. These similarities have led to speculation in some quarters that Zimbabwe's violent farm land invasions were a precursor to what will at some point in future, also occur in South Africa.[55]

Jake Moloi[56] remarked in 2007 that South Africa is only left with seven[57] of the twenty years that it took Zimbabwe to wake up, before the people of South Africa take the law into their own hands. The Chief Land Claims Commissioner in South Africa, Wallace Mgoqi[58] was also quoted as saying - '[W]e do not want to see what happened in Zimbabwe and we will ensure that our land reform program remains socially, economically and politically sound.' Marthinus van Schalkwyk,[59] at a Land Reform conference remarked in his opening statement - 'The Zimbabwean situation is the kind of situation that we would like to avert in South Africa by finding practical, innovative and constructive solutions.' Congress of South African Trade Unions (COSATU) general secretary, Zwelinzima Vavi said, '[I]n 2014, we will be 20 years into our democracy and if we … have not redistributed the land by then, we will find ourselves in a Zimbabwean situation.'

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[55] See chapter one and paragraph 4.2 for some of the similarities.
[56] Senior Researcher at the Institute for Security Studies.
[57] Presently, this would be four years.
[58] Quoted by Jake Moloi in note 2.
[59] The current minister of tourism in South Africa.

According to Moyo (2007:79), '[T]he effects of the Zimbabwean land reform since 2000, as a dissident model of radical land reform in the Southern African region need to be recognized'. Moyo further states that, the most commonly considered effect is the expectation that land occupations – as a popular strategy of redressing land grievances and hunger – might replicate widely, especially in former settler states such as South Africa. South Africans have looked north to Zimbabwe with mixed feelings, wondering whether what happened in Zimbabwe will also happen in South Africa (Hall, 2003:275).

In 2000, when the violent and militant farms invasions began in Zimbabwe, championed by Zimbabwe's war veterans, 'the South African press, land academics and land activists focused on South Africa's land reform program, asking whether its slow delivery (real or perceived) of land reform might someday lead to similar land occupations in the country' (Walker, 2008:222). The militancy that South Africa has experienced in the past among land activists has done little to condense fears that the Zimbabwe situation might replicate in the country someday.

It is necessary to initially analyze the two countries' similarities that have excited speculation that violent farm invasions in the country are only a matter of time.

4.2.2 Similarities

4.2.2a Colonial Legislation That Provided For Dominant Ownership of Land by White People

In both countries, colonial governments put in place legislation[60] that sought to maintain and consolidate ownership of the land that had been expropriated from black people. Areas that had high agro-ecological potential were legally reserved for white habitation and ownership. Successive racially discriminatory laws were passed in both countries by the colonial governments. While these laws were not exactly identical, they had matching characteristics - exclusive white ownership of land and habitation in all high agro-ecological areas. These laws required blacks to vacate arable land and settle in designated

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[60] For a detailed chronology of South Africa's colonial legislation, see Gibson (2009) and for Zimbabwe, see Zimbabwe's Ministry of Lands and Agriculture Ministry on http://www.moa.gov.zw/.

less arable areas. It became a crime for black people to be seen in the areas that were especially designated for white habitation except if they were promoting the cause of their colonial masters. The minority white settlers could legally acquire and settle on vast and spacious pieces of land while blacks, who were in the majority, were forced to occupy small pockets of land in designated areas.

This pushed millions of black people into overcrowded and impoverished reserves, homelands and townships. As a result, when the two countries ended white colonial rule,[61] the ownership of land in the two countries was much skewed in favor of the white minority populations. It is no wonder the continued white ownership of land in South Africa, being a legacy of colonialism, is seen as requiring redress in the present for social justice to be achieved.

4.2.2b Inherited Agrarian Structures (dual patterns of agriculture)

Because of the racially discriminatory laws, both countries inherited land ownership patterns and agrarian structures that reflected colonialism. The colonial governments had continued with their colonial policies of restricting native black people who did not take up employment on white farms or to 'native reserves' (Hall, 2003:256) and as a result, this was evident when majority rule was achieved in the two countries.

The dual system of agriculture was such that in one sector, there was a minority of white people who owned the vast majority of all agricultural land which was by and large more productive and then on the other sector, the majority black people who owned the largely unproductive communal lands that were designated for them by colonial laws (Lahiff, 2007:1579). According to Hall (2003:258), until recently,[62] significant white populations owned or operated most high-value agricultural land and were engaged in commercial and export oriented agriculture, alongside reserves characterized by overcrowding, substantial poverty and landlessness.

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[61] 1980 for Zimbabwe and 1994 for South Africa.
[62] For Zimbabwe.

In South Africa 87% of the land area was legally designated for exclusive white ownership by the 1936 Land Act (Hall and Cliffe, 2009:7). More specifically, 'there were about 60 000 large commercial farms owned by whites'. On these farms, there were farm workers and their families whose lives evolved around working on the farms and those that did not work on the farms lived in reserves. Meanwhile, some 13 million people were crammed into the former homelands, making up a disproportionate share – about 70% – of the poor (Hall and Cliffe, 2009:9).

In Zimbabwe, an analogous situation existed. At its formal independence in 1980, Zimbabwe's inherited racially skewed agricultural land ownership patterns saw white large-scale commercial farmers, who consisted of less than 1% of the population occupying 47% of agricultural land (Ministry of Land Affairs, 2005). According to Moyo et al (2004:157), 6 500 white large scale commercial farmers held approximately 15 million hectares, which constituted 48% of national agricultural land, in farms averaging 2000 hectares. The large scale commercial farmers held over 80% of the prime lands with high agro-ecological potential (Moyo et al, 2004:157). Seventy-five (75) percent of this was in the high rainfall areas of Zimbabwe, where the potential for agricultural production was high. Equally significant, 60% of this large-scale commercial land was not merely under-utilized but wholly unutilized (Ministry of Land Affairs, 2005). The state held 4 million hectares while indigenous black Zimbabweans, who were located in Communal Areas, held the remainder of the land which was located in low agro-ecological potential (Moyo, 2004:156).

4.2.2c Political Settlements that Entrenched Ownership of Land by White People

Zimbabwe and post apartheid South Africa both achieved independence from negotiated political settlements which involved concessions 'on the parameters of the laws that would govern land reform' (Hall, 2003:255). In both countries' negotiation processes for the end of colonial rule, the land issue was a major issue. The outgoing governments managed to get guarantees that compelled the incoming ZANU PF and ANC governments not to immediately engage in compulsory land acquisitions.

The legacy of racially unequal land control was thus maintained through the Lancaster House Constitution in Zimbabwe and the 1996 constitution in South Africa, which guaranteed the protection of private property and consecrated ''willing buyer-willing seller' approaches to the redistribution of freehold land' (Moyo, 2007:62). The constitutions made it difficult and in fact prohibited the incoming ZANU PF and ANC governments from immediately embarking on large scale land redistribution.

Despite ambitious plans to transform their rural economies through land reform, both ZANU PF and the ANC failed to realize these dreams because of the limitations placed on them by their constitutions (Hall, 2003:255). 'Both inherited ideologies and practices from the state bureaucracies of the Rhodesian and apartheid regimes' (Hall, 2003:255) that entrenched white ownership of land.

In Zimbabwe, a constitution was framed in a manner which protected existing property rights and required that land reform should only take place on a market basis. According to Bowyer and Stoneman, (2000:2), the Lancaster House constitution that dictated the terms of initial transition to independence, demanded difficult compromises - a key and contextual compromise being the protection of land ownership by white people. The country was therefore only able to deal with the land question through the framework of only acquiring farms on the basis of willing seller-willing buyer arrangements. Such conditions imposed substantial constraints on the legal means, financial scope and political pace of land reform (Hammar and Raftopoulos, 2003:4).

In South Africa, an analogous occurrence took place as well. The protection of property rights in the Interim Constitution negotiated through the Convention for Democratic South Africa (CODESA) was confirmed in the final Constitution of South Africa in 1996. The protection of property rights was balanced against constitutional obligations to enact land reform, and explicit provision that expropriation of property was acceptable in view of 'the

nation's interest in land reform' (Hall, 2003:257). A property clause was added and entrenched in the final constitution in Section 25.[63]

4.2.2d Willing Buyer-Willing Seller

When both Zimbabwe and South Africa saw the end of white minority rule in 1980 and 1994 respectively, they both adopted market biased approaches to land reform, 'influenced by conservative forces within the two countries and international backing for market-assisted agrarian reform (Lahiff, 2007). This was the 'willing-buyer willing-seller' method of land acquisition. In terms of the 'willing buyer-willing seller' method of land acquisition, the transaction is a completely voluntary one between a person who willfully buys land from one who is willfully selling it. It therefore denotes the absence of compulsion on the part of owners and buyers of property.

4.2.2e Slow Pace of Land Reform

The pace of land reform is another notable similarity that exists in both countries. When independence was achieved in Zimbabwe and South Africa, land reform was an important goal of the two liberation (*cum* ruling) parties – ZANU PF and the ANC. However, the 'willing buyer-willing seller' principle posed a great set back to the pace of the envisaged

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[63] The property clause in s25 reads thus:

(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
(2) Property may be expropriated only in terms of law of general application –
  (a) For a public purpose or in the public interest; and
  (b) Subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including –
  (a) The current use of the property;
  (b) The history of the acquisition and use of the property;
  (c) The market value of the property;
  (d) The extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
  (e) The purpose of the expropriation.

  (s 25, Constitution of the Republic of South Africa, 1996).

land reform. It limited the capacity of the governments in the two countries to engage in a large scale land redistribution process.

Before the year 2000 farms invasions in Zimbabwe, the process of land reform was so slow as to be almost non-existent. Its pace was a source of sporadic confrontation between the landless people and the government. At independence, large scale commercial farmers held over 80% of all land with high agro-ecological potential (Moyo, 2004). However, four years after independence, the government had only acquired approximately 2.5 million hectares of land (Mlambo, 2003:66). After that, land acquisition fell drastically due to the effects of the three year drought, the international economic recession affecting the economy and escalating land prices (Moyo, 1987). By 1985, only 2.5 million hectares of land had been reallocated to 35 000 families while by 1989, the figure had increased to 52 000 families (Mlambo, 2003). This was way much less than the government's envisaged target of allocating land to 162 000 families, as the 1989 figure of resettled people was a mere 30% of the government's projected total (Moyo et al, 2004:158). By 1990, very little had been accomplished in the area of land reform as the government had only acquired 3 million hectares of land, 44% of which was in the dry and infertile Natural Regions while only 5% of the peasant farmers in the communal areas had been resettled (Mlambo, 2003:66). Thus, more than almost twenty years after independence, land ownership patterns were still highly skewed in favour of the white population.

In South Africa, despite the broad consensus on the need for a speedy land reform, the process has also been markedly slow. According to Lahiff (2008:1), 'almost since its inception, land reform in South Africa has faced criticism for failing to reach its targets or deliver on its multiple objectives of historical redress, redistribution of wealth and opportunities and economic growth'. While the government had promised to transfer 30% of land to landless poor in 1994, only 1% of this target had been transferred (Hall and Ntsebeza, 2007). By 2008, a total of 5.8 million hectares (around 5% of commercial farmland) had been transferred to blacks through a combination of restitution and redistribution (Cousins, 2009).

Land reform in South Africa has consistently fallen far behind the targets set by the state and behind popular expectations (Lahiff, 2007).

4.2.2f Illegal and Militant Land Invasions

Before the fast track land reform program of the year 2000 in Zimbabwe, the country had experienced militancy from many landless Zimbabweans. There were numerous attempts by so called 'squatters' to pursue land redistribution through systemic land occupations (Moyo, 1995:12). According to Mlambo (2003:68), in the years immediately following independence, hundreds of black Zimbabweans took the law into their own hands and moved into white commercial farms to cultivate crops or graze their herds illegally. However, these, like is the present case in South Africa, were forcefully or legally rejected. Any such people who tried to occupy land through 'squatting' were evicted by the government. Strong-arm tactics were resorted to by the government to remove these illegal settlers from the white farms (Mlambo, 2003:68). Evidently, land invasions motivated by genuine land hunger were a feature of politics in Zimbabwe since independence. However, the government did not tolerate them and the invaders were always evicted by the government. All illegal occupiers of land always faced the wrath of the law (Raftopoulous, 2004).

In the late 1980s and 1990s, land fights and struggles became common place. In the late 1990s, land invasions intensified and became violent[64]. War veterans of Zimbabwe's liberation struggle began to forcibly invade and occupy white owned commercial farms. Huge tracts of land were still in the hands of a minority number of white commercial farmers. Landless people, led by war veterans of the liberation struggle pressured the government for land and compensation for their role in the war. They continued to forcefully occupy white farmland and when the government officially sanctioned and allowed the fast track land reform, their momentum to violently occupy land was enhanced.

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[64] Although the state still opposed them.

South Africa has also seen illegal land occupations in some areas of the country just like what happened in Zimbabwe in the late 1990s. Delays in land reform have exacerbated the problem. This has led to urban land invasions and subsequent evictions by local and provincial authorities. State land has been invaded in some areas where there is no proper control or supervision (White Paper, 1997:12). Some community groups who have been involved in planning land and housing developments on identified land have found their development brought to a halt by land invaders (White Paper, 1997:12).

Greenberg (2006:135) wrote:

> Illegal mass occupations are not uncommon in the struggle for land in South Africa. In urban areas, the intense demand for housing has resulted in regular mass land occupations. Many, if not most of the informal settlements around the major urban areas are the direct result of illegal occupations in the past. This has been the form of urbanization in South Africa; shaped by displaced urbanization…Mass occupations of vacant land are also fairly widespread

According to Plaatjie (2003:300), the myriad of land invasions or land grabs in South Africa have taken place in most provinces in the country. These land grabs have taken the form of forceful occupation of land that was not mainly in use. However, the South African government has strictly evicted and quelled the illegal land occupiers and unlike Zimbabwe, the South African government has been intent on pursuing an orderly land reform, despite the process being slow.

4.3 Differences

Despite the summarized similarities above that have been the basis for speculating that history will reproduce another Zimbabwe out of South Africa, a closer perspective at the country's laws and institutional arrangements shows why this is unlikely. It is important at this juncture to analyze South Africa's invaluable land legislative framework and institutional arrangements that shield the country from being another Zimbabwe.

4.3.1 Constitutional Supremacy vs. Parliamentary Supremacy

Post-apartheid South Africa's land reform legislation is rooted in a supreme Constitution which is above all other laws in the country.[65] While Zimbabwe has a constitution,[66] the country's system of government sees its parliament being supreme. Its parliament is sovereign and has the country's legislative authority.[67] It can pass or repeal any law or act as it likes as long as the correct procedure is followed. This is regardless of what the constitution regulates. On condition that a decision or law is supported by majority of members of parliament and is voted for, it will be enacted. This resulted in numerous oppressive and repressive acts by government[68] in the past as ZANU PF enjoyed unrivalled majority in parliament before the coming of the opposition MDC.

In 1986, the Zimbabwean parliament passed the Presidential Powers Act which allows the president to assume legislative powers on behalf of Parliament[69] (Ross, 2005). This made Mugabe an executive President, infringing on the doctrine of separation of powers. This resulted in Mugabe being able to thwart the Judiciary. On numerous occasions, he unilaterally passed controversial bills into law and made numerous other unlawful declarations because of his powers.[70] Because of this, speculation before the formation of the unity government was that Zimbabwe is a dictatorship or an authoritarian state. The

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[65] Section 2 of South Africa's constitution clearly sets out this supremacy thus; 'This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled'. Zimbabwe on the other hand, is a parliamentary democracy whose constitution is not supreme.

[66] Which is presently being reworked.

[67] South Africa's legislative authority is also vested in parliament. However, in Zimbabwe, the executive was and is much stronger than parliament and could even act against parliament's wishes.

[68] For example, sanctioning violent farm invasions and demolishing opposition people's homes in 2005 under the infamous operation *murambatsvina*.

[69] For example, Mugabe invoked his executive powers to order the participation of Zimbabwe in the DRC war without parliamentary consultation.

[70] For example, in a decree on August 29 2007, the president froze wages, school fees and service charges for six months alongside a price reduction ordered in June. In doing so, President Robert Mugabe invoked the Presidential Powers (Temporary Measures) Act. The new regulations barred employers, retailers, professional bodies and schools from pegging any future increases of prices or wages on the Consumer Price Index. All further increases were to be authorized by the National Incomes and Pricing Commission, which had been handed sweeping powers that gave it more authority than government ministries or the Cabinet Taskforce on Prices led by Industry and International Trade Minister, Obert Mpofu.

fact therefore that South Africa is has a supreme constitution as opposed to Zimbabwe which, despite having a constitution, has a supreme parliament has major implications on whether or not another Zimbabwe will be born out of South Africa.

4.3.1a Property Clause – s25

In s25, the South African constitution also provides for a property clause which gives the legal constitutional framework for effective land reform. 'It seeks to achieve a balance between the protection of property rights on the one hand and constitutional guarantees of land reform on the other hand' (White Paper, 1997:16). It provides clear authority for land reform and together with the equality clause, protects property owners of any arbitrary land expropriation such as those that happened in Zimbabwe. The property clause provides that where land is to be acquired for land reform, the state is obliged to pay 'just and equitable' compensation.

Because the South African constitution is entrenched, so is the property clause. Despite existing fears regarding the land issues in some circles, no one can unilaterally make a declaration encouraging land invasions and land expropriation as what happened in Zimbabwe as this would be unlawful. Existing property rights are protected and guaranteed. At every stage of the land reform process, the Department of Land Affairs has adhered to the provisions of the constitution in the property clause.

4.3.1b Separation of powers[71] - checks and balances

A key feature of the South African system of government provided for by the country's constitution, which has huge implications to the land issue, is the division of powers between the three pillars of government namely - the Executive, the Legislature and the Judiciary.[72] Such a structure of governance exists in order to prevent the abuse of state power (Ross, 2005). According to the Constitutional Court (2009), the South African constitution protects democracy by separating state power into these three arms. This is a

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[71] Also known as *trias politica*.
[72] See chapter 3 of the South African constitution.

crucial function of the constitution. The legislature (parliament, provincial legislatures and local councils) makes the laws and monitors the executive; the executive (presidency and the ministers) makes policy, proposes laws and implements laws passed by the legislature; and the judiciary tries cases and administers justice (Constitutional Court, 2009). In Zimbabwe, while the doctrine of separation of powers existed, it has been abused by ZANU PF. There have been perpetual interferences with organs of state that has undermined the doctrine of separation of powers.

The separation of powers between the three branches of government has resulted in a situation where each branch of government keeps watch over the powers of the others – checks and balances. This inhibits the excessive use of power and regulates 'the exercise of discretionary authority of the institutions of governance within the constitutional provisions and political culture of a country' (Ross, 2005). Checks and balances are also intended to constrain the dominance of one institution, the executive in particular, over the other institutions and agents of governance (Ross, 2005). The courts can therefore judge the actions of the legislature and the executive but cannot pass laws (Constitutional Court, 2009). The Legislature can make laws but cannot hand down judgments or take executive action (Constitutional Court, 2009).

The recognition of the doctrine of separation of powers in South Africa, juxtaposed to the abuse and non-recognition of separation of powers of powers in Zimbabwe explains why Zimbabwe saw violent land invasions in the year 2000, which were sanctioned by the government. In November 2000, Zimbabwe's Supreme Court ruled that the 'fast track' land expropriations were illegal. This ruling followed two similar high court rulings that had been heard before. Because there are no checks and balances in Zimbabwe like in South Africa, the court rulings were ignored by President Robert Mugabe and his government. This absence of checks and balances resulted in a situation where there was very little concern for the rule of law and other democratic principles. There was no government branch or state institution that could limit the power of the government. The government instead became more committed to a speedy land redistribution process despite the high levels of contention. Constitutional processes were ignored and commercial farms were

compulsorily acquired with no compensation. This neglect for the rule of law was complemented by the war veterans who terrorized and forcibly occupied white people's farms (Moyo et al, 2005:155).

4.3.1c Independence of the judiciary[73]

Under the doctrine of separation of powers, the judiciary is the branch of government that is responsible for interpreting the law (Chikuhwa, 2007). The judiciary is a very important control agent for good and effective governance. It acts as an administrator to ensure compliance with the law. The importance of its independence can never be overstated. The independence of the judiciary means that judges and magistrates are secure in their position to dispense justice uninterrupted or interfered and cannot be dismissed or intimidated for taking a position against the executive or for making decisions that might have an adverse impact on the executive (Ross, 2005). 'Without independence, the judiciary is subject to the whims of political leaders and their changing priorities' (Ross, 2005).

In South Africa, the judiciary is unique and different from Zimbabwe's because it is independent. This means that no one can interfere in the work of the courts or any other courts in the country. This independence is provided for in the 1996 constitution.

Sections 165 of the constitution provide thus:

(2) The Courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.

(3) No person or organ of state may interfere with the functioning of the courts.

(4) Organs of state, through legislative and other measures must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.

(5) An order or decision issued by a court binds all persons to whom and organs of state to which it applies.

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[73] Chapter 8 of the constitution (s165 – 180).

Despite the unity government in Zimbabwe, independence of the judiciary is still a dream. The government and president Robert Mugabe have on numerous occasions overlooked the judiciary and its rulings. The land invasions of the year 2000 are a case in point. During the farm invasions, the Commercial Farmers' Union challenged the government in court and had judgments made in their favour but the government ignored these court rulings. The government simply continued with its process of violent land acquisitions.

In November 2002, the Supreme Court of Zimbabwe ruled that the 'fast track' land occupations were illegal. Ex-combatants were instructed to vacate commercial farms but this ruling was challenged by both the ZANU PF government and the Attorney General (*Zimbabwe Independent,* March 24 2002). This followed two similar High Court rulings that had been ignored by the Zimbabwean government. The independence of the judiciary became constantly under threat after the farm invasions, leading to verbal attacks on judges as well as threats that were hurled at the judicial officers by war veterans. The government did nothing about it. In fact, the Zimbabwean Supreme Court had to overturn its earlier verdict that it had given against the illegal land acquisitions because the government had now set up a legal land reform program, retroactively making past illegal occupations illegal (Chitiyo, 2000).

4.3.1d State Institutions

South Africa has independent chapter 9 institutions which are provided for in Chapter 9 or section 181 of the constitution. The constitution, in s181 states that:

1. These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.
2. Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions.
3. No person or organ of state may interfere with the functioning of these institutions.

They are - the Public Protector; the Human Rights Commission; the Commission for the Promotion and Protection of the Rights of Cultural and Linguistic Communities;

Commission for Gender Equality; the Auditor General and the Electoral Commission. These institutions were created to support and consolidate constitutional democracy. For example, the Public Prosecutor, according to s182 (1) of the Constitution, has the power to investigate any conduct in state affairs or in the public administration in any sphere of government, that is alleged to be improper or to result in any impropriety of prejudice. This means that had the Public Protector and the Human Rights Commission been in Zimbabwe, the government would have faced serious trouble for inciting and encouraging the illicit farm invasions.

These chapter 9 institutions are another major difference in Zimbabwe and South Africa that has notable implications for issues that may involve land reform that strays from the parameters of the law. A notable importance of these institutions is that they are independent and impartial. No person or organ of state may interfere with their work. They are there to support and strengthen democracy in South Africa and Zimbabwe never had them to the same degree as South Africa. The year 2000 farm invasions in Zimbabwe were a slap in the face of democracy and because South Africa has them, they ease fears about a possible and arbitrary unlawful land redistribution process such as what happened in Zimbabwe.

4.3.1e Semi-federalism

The government of South Africa is a semi-federal government[74]. This means that there is a central national government as well as semi-autonomous provincial governments. This allocation of power between national government and central government has a fundamental impact on the implementation of land reform (White Paper on South African Land Policy, 1997[75]). In terms of the constitution, there are areas that are exclusively the responsibility of central government and there are areas that are concurrently the responsibility of both the government and the provinces.

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[74] Although it is debatable whether or not South Africa is completely semi-federal because of the erosion of most of the powers that provincial governments had, I will argue for purposes of this thesis that it is indeed semi-federal because provincial governments still exist in terms of section 103 and 104 of the final constitution.
[75] Herein referred to as 'The White Paper'.

In terms of the constitution, deeds registration (section 29), land survey and land reform (section 25) are the responsibility of national government. This includes the three key elements of land reform: redistribution; restitution and tenure reform. According to the White Paper (1997), provincial governments also have responsibility in a number of functional areas which are closely related to land reform. These are provided for in schedule four which provides for areas where national government as well as provincial governments have concurrent jurisdiction. These include agriculture, environment, soil conservation, housing, regional planning and urban and rural development. In terms of the constitution, it would be unlawful therefore for the government or anyone to unilaterally embark on land reform in areas that are of concurrent national and provincial legislative competence without regard to provincial authority regarding land. Provincial governments do have a say constitutionally regarding land that is provided for in schedule four. This is important as it prevents against unilateral and arbitrary decision making regarding land.

An important example illustrating the significance and relevance of semi-federalism to the country's land reform is the case where Western Cape Premier stopped a land expropriation by the national government in Constantia. According to *The Times* (05 February, 2010), the government had transferred 1400ha of provincial land to 'the new Housing Development Agency.' However, following legal advice, the Premier reversed this land transfer.

Zimbabwe however does not have a semi-federal government system. All power is vested in central government and the leader of that government had executive powers, his party dominated in parliament and as such, they could pass any land policies and legislation that they wanted. They could expropriate any land to anyone at will. This resulted in the year 2000 farm invasions and judging from the system of governance in South Africa, illegal farm invasions such as those that were seen in Zimbabwe, declared unilaterally and sanctioned by government are unlikely.

4.3.2 Land Reform Policies

Another noteworthy difference in the two countries' politics of land lies in their land reform policies after the advent of majority rule and the importance that both countries attach to the land reform process. The Zimbabwean government did not adopt and dedicate itself to a serious land reform program based on policy. In 1980, the government adopted a Land Reform Program (LRP) and under this program, some three millions hectares of land were transferred to blacks (Cliffe, 2009:235). There was neither pressure nor set targets by the government and the importance of this land redistribution process quickly weaned as time passed by.

South Africa on the other hand committed itself to a land reform program based on strict policy and austere adherence to the constitution. There are even set targets that, although the government is struggling to meet, show how serious land reform is in the country. The policy framework for land reform was set out in the 1997 White Paper on South African Land Policy.

As was noted in chapter two and chapter three, the political settlements that led to both countries attaining majority rule in 1980 and 1994 were restrictive in nature when it came to any intended immediate large scale land reform. In Zimbabwe, the Lancaster House constitution demanded that the government should not engage in any land reform for ten years (1980-1990) except in terms of the willing buyer-willing seller method. In South Africa, the property clause in the constitution protects the rights of the existing property owners, the majority of whom are whites who acquired the land under apartheid's racial policies. It is constitutionally very difficult to engage in any substantial land reform (Ntsebeza, 2007:118) because of the protection of property rights provided for in the constitution.

Despite this however, the South African government established a Department of Land Affairs as well as a three pronged land reform process. The policy providing for South Africa's land reform process is based on:

- Restitution – provides relief for victims of forced dispossession
- Redistribution – a discretionary program that seeks to redress racial landholding imbalances.
- Land tenure reform – intended to secure and extend the tenure rights of the victims of past discriminatory practices.

It replaced apartheid's racially based land ownership policies that were a 'cause of insecurity, landlessness and poverty amongst black people' (Department of Land Affairs, 1997). This land policy was described by former minister Hanekom as 'just, building reconciliation and stability, contributing to economic growth and bolstering household welfare.'

4.3.3 Agrarian Based society V Non-Agrarian Based society

In South Africa, demand for land is more pronounced in urban areas than in rural areas. Zimbabwe was/is a peasant based society while South Africa is a migrant economy. The homeland and migrant labour policies undermined South Africa's subsistence farming. In Zimbabwe on the other hand, the majority of the population derives its livelihood from agriculture.[76] Many black people have homes in the rural areas and places of employment in urban areas.[77] This is evidenced by the countless shack dwellers as well as the ballooning number of informal settlements in urban areas all around the country. The communal areas on the other hand, are not as densely populated as the informal settlements. According to Gibson (2009:31), 'the end of apartheid has exacerbated the land problem as countless rural poor people flock to the cities in the hope of securing some degree of economic subsistence'. The country side has emptied of many people as citizens have made their way to the cities in hopes of a better life (Gibson, 2009:31). A lot of people are concerned with land, homes and jobs in or near urban areas and only very few rural black people want to farm commercially.

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[76] See discussion in Chapter 2 (par 2.7) on the impacts of Zimbabwe's fast track land reform program.
[77] See discussion in Chapter 3 (par 3.3) on the creation of a migrant labour society in South Africa. See also Gibson (2009).

Land confrontations are more common around urban land than they are on rural farm land. According to Lahiff (2007), what is significant about the actual or threatened land invasions of South Africa is that they have happened in urban areas or on state land. In the rural areas – occupations of operational commercial farms are still very rare. When people leave the rural areas going to the urban areas, 'the first step toward this better life is finding a place to live and as such, squatting becomes the only possibility' (Gibson, 2009:132). 'While squatting is not new to South Africa, the magnitude of the problem of land grabs is enormous, unprecedented and growing – virtually every piece of vacant land in South Africa's cities is at risk' (Gibson, 2009:132).

In Zimbabwe, demand for land was more for agricultural purposes and rural settlement than it was for urban settlement. This also helps to explain why Zimbabwe does not have the problem of informal and illegal settlements such as in South Africa.

This difference has noteworthy connotations for any land crisis that might happen in South Africa. Because of this, it is unlikely that South Africa will face large scale commercial farm invasions such as those that occurred in Zimbabwe because of the nature of the demand for land in the two countries. South Africa is a country which is quickly industrializing and people are migrating in large numbers from the rural areas going to urban areas in search of employment and better access to sources of subsistence and services. Zimbabwe on the other hand was not and still is not as urbanized as South Africa is.

4.3.4 War Veterans

The existence of war veterans in Zimbabwe and their relationship as well as their significance to the ZANU PF party is another noteworthy difference between the two countries. 'At its independence in 1980, many of Zimbabwe's ex-combatants were successfully re-integrated into urban or rural life but a substantial number slipped deeper into destitution and social ostracism' (Chitiyo, 2000). About 20 000 of these became part of the new Zimbabwe National Army (ZNA) (Chitiyo, 2000). The rest, who were officially demobilized, were awarded a monthly pension of Z$185 until 1983 and encouraged to form self-help co-operatives and/or receive skills training (Musemwa 1996). Beyond this,

there was little national attempt to assist their socio-economic re-integration. They became marginalized and largely ignored.

In April 1989, the ex-combatants got together and formed the Zimbabwe War Veterans Association (ZNWVA). According to Musemwa, 'the formation of ZNWVA was a reactive initiative taken by ex-combatants when it had become clear that government had failed to assist them' (Musemwa, 1996). Led by the fearsome Chenjerai Hunzvi, this united group of war veterans started pressuring the government and lobbying for compensation. After much acrimonious threats of violence, President Mugabe bowed to pressure from the war veterans and announced a package for war veterans that would pay each genuine war veteran a lump sum of Z$50 000 and a gratuity for life of Z$5 000 per month (*The Herald* September 17, 1997). This marked their transformation into being one of the most dreaded and powerful groups in Zimbabwe.

'By mid-1999, however, factional struggles within the war veterans' movement and mounting criticism of the government were bringing the two sides closer to the rapprochement that was to become so evident in 2000' (Sachikonye, 2003). By 2000, Hunzvi's war veterans had effectively become the 'military wing' of ZANU-PF in the 'war' against white commercial farmers. Land was one of the war veterans' primary grievances. The war veterans, with the support of the government, took the lead in the violent farm invasions. The land issue became militarized (Chitiyo, 2000). 'War veterans' armed with axes, spears and knives threatened farm-owners, farm-workers, and even the police and some farmers were actually assaulted and killed (*The Daily News*, April 9, 2000). Linguistically, the President even threatened to 'go back to the trenches' if the white farmers resisted (*The Daily News*, April 3, 2000). The deliberate delegitimisation of the police by the state was a major part of the politicization and remilitarization of the land issue in Zimbabwe (Chitiyo, 2000).

An equivalent of Zimbabwe's War Veterans in South Africa would be the *uMkhonto WeSizwe,* a former military wing of the ANC during the struggle against apartheid. However, in the spirit of reconciliation after apartheid, it was disbanded and the members

were reintegrated into the society or co-opted into the army (Williams, 1998). The *uMkhonto WeSizwe* ceased to exist on 27 April 1994 (Williams, 1998). As a result, South Africa's war veterans do not have as much influence on the government as Zimbabwe's war veterans. South Africa's war veterans are different in a number of ways from Zimbabwe's war veterans. For example, in Zimbabwe, war veterans were used by Mugabe and the ruling ZANU PF to campaign whenever elections were being held and this does not happen in South Africa.

The Landless People's Movement[78] has pressured the government for land and also adopted numerous tactics aimed at getting the government to redress the land issue. However, still this movement is different from Zimbabwe's war veterans in that it (together with South Africa's ex-political prisoners) does not have expected reciprocal obligations with the state. The Zimbabwean government had promised to take care of Zimbabwe's war veterans and as such, when they started pressuring the government for compensation and land, the government had to oblige. Because they were made up of former liberation war soldiers, they acrimonious threats against the government were well founded.

4.3.5 Land Claims Court and the Land Commission

Unlike Zimbabwe, South Africa has a Land Claims Court which was established in 1996 under the Restitution of Land Rights' Act 1994 as well as a Land Claims Commission[79]. Section 25 (7) and (8) of the Constitution read thus;

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

> 25 (8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).

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[78] Discussed in Chapter three.
[79] These two are also part of the Chapter 9 institutions but will be discussed separately because of the thematic specificity (land issues) of their work.

Subsequently, the government passed the Restitution of Land Rights Act which set up the Commission on Restitution of land Rights and the land Claims Court to look at people's land claims. The Land Claims Commission and the Land Claims' Court can investigate, mediate and settle land claims (Cape gateway, 2009). The Land Claims Commission is an independent body that is only accountable to the Constitution and to Parliament. It consists of a Chief Land Claims Commissioner and nine commissioners, one in each province.

Besides helping people make claims, and receiving claims the Land Claims Commission's other functions are:

- investigate claims
- mediate and settle claims
- report on claims that have been settled
- advise and make recommendations to the Land Claims Court on claims that the Commission cannot settle
- monitor Land Claims Court orders and make sure they are carried out

The services of the Commission are free.

If the Land Claims Commission cannot solve a dispute, the claim must be referred to the Land Claims Court. The Land Claims' Court is on the same level as the High Court but it is independent of the High Court. It is a specialist court that hears matters arising out of South Africa's program of land reform, when the parties to those land claims have been unable to reach an agreement through a mediation or negotiation process (Agreements, Treaties and Negotiated Settlements Project, 2009). These claims are referred to it by the Commission on the Restitution of Land Rights, whose role is to manage and mediate these claims (Agreements, Treaties and Negotiated Settlements Project, 2009). Evidently, it also acts as an appellate court of the Land Claims Commission.

The Land Claims' Court has its own rules and is allowed to conduct its proceedings informally and inquisitorially (where the judge asks witnesses questions directly, rather than through lawyers) (Cape gateway, 2009). It can sit wherever there is a need to

although it is housed in Randburg. This helps to hear claims from those people who cannot for one reason or the other, travel to Randburg for their case to be heard. Appeals of the Land Claims Court's ruling go to the Supreme Court of Appeal unless the appeal is on a constitutional matter, in which case they go to the Constitutional Court (Cape gateway, 2009).

4.5 Conclusion

It is important to note that despite the similarities, the two countries also have significant differences. Without analyzing the differences, it will therefore be too simplistic for anyone to conclude that because of the similarities between the two countries, South Africa will follow in the footsteps of Zimbabwe. Zimbabwe and South Africa both have a history of state-supported land dispossession for the benefit of white settlers. 'Peasant farming was deliberately undermined by policies that were aimed at developing white people's agriculture' (Lahiff and Cousins, 2007:654). Black people were restricted to native reserves and they were compelled by circumstances or by the colonizers to labour on white owned farms and industries. They became poorer and poorer because of lack of arable land as well as their undermined agriculture. The most obvious similarity between Zimbabwe and South Africa was the racially skewed land ownership patterns at independence (Lahiff and Cousins, 2007:655). ZANU PF and the ANC strongly articulated demands for the restoration of land rights to the black populace during their struggles with white minority governments. Both liberation *cum* ruling parties announced ambitious targets for land reform immediately after independence but these were not met.

However, policy frameworks as well as the type of governments in the two countries display some important differences. South Africa has a constitutionally mandated land reform program which Zimbabwe did/does not have (Lahiff and Cousins, 2007:660). It is also a semi-federal system of government that has land areas of exclusive and concurrent provincial and national government jurisdiction. South African society is not as agrarian based as was Zimbabwe's society. The majority of people no longer live primarily from

farming and as a result, there is more demand for land for housing and general settlement in urban areas as compared to Zimbabwe where demand was mainly for agriculture.

Land has social and cultural significance for indigenous black people. 'Even if this significance may in part be archaic and even non-functional, it is a fact which cannot be safely or humanely ignored' (Green, 1991:68). Black societies in Zimbabwe and South Africa revolved around access to land, uses of land and the spiritual, normative and political roles of land – even now after the end of colonialism and white minority rule, to some notable degree, there is still a social and cultural attachment to land in addition to or interacting with its economic uses. In both countries, history reinforces social and cultural land hunger.

5. CHAPTER FIVE: Conclusion – Lessons for South Africa

In this chapter, I will highlight the lessons that South Africa should learn from how the land issue evolved and came to be in Zimbabwe. I will begin by contextualizing Robert Cox's critical theory then discuss the lessons and finally suggest areas for further study.

5.1 Introduction

Chapter one discussed at length Robert Cox's critical theory and gave reasons why it was the chosen theoretical framework for conducting this study. In conclusion, I reiterate that Cox's critical theory 'is relevant within the context of non-state society complexes such as South Africa and Zimbabwe' (Kamphuis and Leysens, 2009:2). A characteristic feature of the economies of both countries is the exclusion of the majority poor people from the processes and modes of production[80].

> 'The poor are a threat or a force for change. Yet no one seems to offer a systematic approach that can help show why this is the case...by revealing the nature of the political attitudes, consciousness and forms of action of poor populations and the trajectories that social and political action might take' (Harrod, 2006:39).

The exclusion of the poor from the production of ideas, of intersubjective meanings of norms, of institutions and social practices, i.e. of the whole context of ideas and institutions within which the production of material goods takes place, is a time bomb that facilitates frustration which, when it explodes, influences transformation. Zimbabwe as an example demonstrates this, so do numerous landless people's groups in other countries. They shape the actions and collectivities at the local and national level. This in turn impacts on the state society complex as illustrated by the fast track land invasions in Zimbabwe. This, as highlighted in chapter one, has excited speculation that radical land reform might replicate in South Africa.

Because critical theory removes itself from the prevailing order and instead asks how the prevailing order came to be (Cox, 1981:90), it helps one to take a wholistic analysis of a

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[80] 'Production' for Cox is defined in Chapter one.

situation to understand how the process of change that occurred. Contextually, a wholistic analysis of how the fast track land reform program evolved in Zimbabwe is necessary when one wants to know whether the same could occur in South Africa. It is therefore imperative for one to look beyond the prevailing situations in the two countries, in other words, 'to remove oneself from the prevailing order and instead ask how the prevailing order (in Zimbabwe) came to be' (Cox, 1981:90). Viewing the social and political complex as a whole aids in understanding 'the process of change in which both the whole and its constituent are involved' (Leysens, 2007:267). Cox's critical theory therefore aids in the understanding of social change (transformation). To achieve this, critical theory incorporates the dynamic interaction and mutual influence between social forces[81] (Kamphuis and Leysens, 2009:4).

The social forces[82] as they interact with politics become a catalyst that brings about transformation. It is because of the existence of such social forces and their transformative potential that this thesis sought to compare Zimbabwe and South Africa as both countries have similar and yet also different foundations and social forces that relate to the land issue. Cox's critical theory analyzes how a state form evolves in response to the way social forces relate to production.

> Cox emphasizes the potential of those that are marginalized or excluded from the economy, but he is careful to point out that being marginalized is in itself not a sufficient condition to bring about transformation. Rather, increasing inequality creates the potential for instability[83]. This, if the marginalized were effectively mobilized, could result in a populist backlash and/or counter-measures by the state (Kamphuis and Leysens, 2009:5).

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[81] In Zimbabwe and South Africa, these social forces would be for example; the poor, the slow pace of reform, exclusion of the poor from modes of production, the various landless representatives, the desire to remain in power of the ruling parties and the frustration from being landless among others.
[82] See note 8 above.
[83] As was exemplified by a discussion of the precursors to Zimbabwe's 'radical' farm invasions in the 90s. The same could be said for South Africa.

5.2 Zimbabwe: Lessons for South Africa

While South Africa and Zimbabwe may share some striking similarities regarding the land issue, the two countries also share some equally striking differences. Although the similarities have to some degree excited speculation in some quarters that a radical land reform program such as the Zimbabwe one might someday replicate in South Africa[84], the compelling differences as discussed in chapter four suggest a different view point. However, while, based on the differences noted in chapter four, Zimbabwe's radical land reform program may not replicate in similar fashion in South Africa, it is important to note that the land issue has the potential to cause serious problems in the socio-economic and political landscape of the country. This has been the experience of other African countries such as Kenya and Namibia that experienced large scale settler deprivation of indigenous people's land. As such, it is important and timely[85] for South Africa to derive lessons from the experiences of these countries and more contextually, derive lessons from the case of Zimbabwe which is a too uncomfortably immediate example relating to the volatility of the land issue.

Some important lessons in the story of Zimbabwe's large scale violent commercial farm invasions that South Africa can draw are:

5.3.1 Importance of Land

A very important lesson that South Africa can draw from the story of Zimbabwe's land redistribution, is the importance of land to the black African people. The importance of land has been spelt out by Yudelman (1964) thus:

> It is not a coincidence that rights to land have played a prominent part in social, political and economic upheavals in countries with large peasant societies. Peasants rarely have anything other than land and labour to sustain themselves. Without capital, with limited mobility and few alternative opportunities for making a livelihood, they are tied to the land; threats to their position vis-à-vis the land are threats to their securities.

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[84] See chapter one for examples.
[85] Timely because South Africa is presently revisiting its land reform framework, with admissions from relevant authorities that the 'use it or lose it' principle is not working.

'Land remains a basic source of livelihood for the majority of Africans and is key to the development of agriculture, tourism, mining, housing and industry' (Moyo, 200760). The land is thus important as a source of life, social status and political power. Its importance is demonstrated in how it was successfully used as a political ploy in order to win the electorate in Zimbabwe.

ZANU PF's defeat in the referendum of 2000, revealed its growing unpopularity and the real likelihood that it would lose the next elections. The return to the land issue could not have come at a better time for the ruling party than during election time. Despite the potential disaster of such action, the electorate bought into it because land is very important for people's livelihood. It has strong resonance to blacks as it was the main point of contention between the colonizers and the indigenous populace. It was one of the main reasons why liberation struggles against colonial rule were fought in South Africa and Zimbabwe. The resolution of the land question is significant for the re-articulation of a new society. Having land back will be the sign of ultimate independence for the black person. 'Historical land dispossessions created a situation of accumulated privileges of being white and also fed into the ideology of development that legitimized the continued colonial settlement and preservation of the white elite societal structures and patterns of accumulation and consumption' (Mngxitama, 2005:43).

In South Africa, there is glaring evidence attesting to the value that people attach to land. The numerous land confrontations between the landless masses and the government are a sign that people need land and it is an important resource. In 1993, the National Land Committee spearheaded the 'Back to the Land Campaign' in the hope of pushing for the rescinding of the decision to include the property clause in the final constitution. The Landless People's Movement has also demonstrated in the past how landless people value and need the land. According to Mngxitama (2005:61), given that the history of land dispossession in closely linked to and is a function of exclusion of the dispossessed from 'effective citizenship,' it is imperative that the extension of citizenship is not only a formal matter but a practical one as well.

While the South African government has acknowledged the importance of the land by institutionalizing departments that deal with the process of land reform, such acknowledgement of this importance should also be matched by serious delivery of land reform. It is not enough to only have a Department of Land Affairs, a Ministry of Land and Rural development and numerous land committees, without noticeable[86] progress on the ground regarding land reform. The case of Zimbabwe brings out this lesson. When the farm invasions began in the year 2000, there was land legislation (the 1990 Land Acquisition Act, which sought to acquire land for resettlement) and different land committees but the legislation was not corroborated by events on the ground. South Africa should therefore not underestimate the importance of land to the populace and this acknowledgement of importance should be corroborated by discernible delivery and the meeting of set targets.

5.3.2 Pace of Land Reform

Besides appreciating the importance of land to indigenous people, another lesson that South Africa can draw from the case of Zimbabwe is the need to expedite the land reform process. In Zimbabwe, the process of land reform was so slow that it in fact 'stimulated the desire to have land' (Mamdani, 2008). In 1980, the incoming ZANU PF government called for the purchase of eight million hectares of land to settle 162 000 households. However, even when the ZANU PF government did purchase land for resettlement, it purchased land with marginal or low agricultural potential. As the decade drew to a close, only 58 000 families out of the initial target of 162 000 had been settled on three million hectares of land.

According to Mamdani (2008),

> No more than 19 per cent of the land acquired between 1980 and 1992 was of prime agricultural value. As the 1980s wore on, land transfers declined, dropping form 430 000 hectares per annum during the first half of the decade to 75 000 hectares during the second. Soon there was a series of farm invasions as hundreds of landless people vented their frustrations. By 1990, 40 per cent of the rural population was said to be landless. By the year 2000,

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[86] I say noticeable because a lot of ordinary people are not even aware of the government's land reform programs.

people were so frustrated with the slow pace of land reform that they easily
fell into ZANU PF's election campaign gimmick of land expropriation.

In South Africa, the colonial legacy of unequal land redistribution needs redress urgently – otherwise the stability of the South African society will remain fragile (Vavi, 2001). Land reform has been a remedy for many socio-economic impediments in countries that experienced settler land expropriation such as Brazil and Australia. In South Africa however, land reform has not yet performed this remedial action because of its slow pace. The demand for land is evident. The continued growth of informal settlements in urban areas as well as the ever sprouting illegal and informal squatter areas attest to this demand. In addition, there have also been numerous occupations of vacant land by landless people and all this tells that the pace of land reform is sluggishly below expectations.

The targets that the government set to achieve in terms of land reform have not been met and present land reform is essentially lagging way behind the intended targets. This slow pace of reform is worrying given the existing demand for land and the fact that the skewed land ownership patterns are a legacy of apartheid. According to Moyo (2007:81), an important lesson to be learnt by South Africa from Zimbabwe regarding the pace of land reform delivery is that, 'by not speedily and sufficiently addressing the problem of inequitable ownership of land, the downstream entrenchment of unequal racial economic opportunities is likely to fuel agitation for radical land reform'. A speedy land reform process which redresses historical grievances, addresses poverty and promotes social justice is a crucial ingredient of reconciliation and development.

5.3.3 Rule of Law and Judicial Independence

Another lesson that South Africa can draw from the case of Zimbabwe is the importance of the rule of law and as well as judicial independence. In Zimbabwe, the rule of law has been under attack for some time with the year 2000 particularly seeing a ferocious and unrelenting offensive (Feltoe, 2004:193). Scores of people died from the ensuing widespread violence in 2000. Many of the people affected were completely deprived of the protection of the law (Feltoe, 2004:193). Most of the violence was caused by the farm invasions orchestrated by ZANU PF and supported by the government.

In any country where the rule of law exists, no one is above the law – the law is therefore supreme. The country's judiciary is independent and subject only to the law and the courts. This is an important feature of the South African state which Zimbabwe did not enjoy. On numerous occasions,[87] court rulings were ignored and there was much political meddling and interference with the courts in Zimbabwe. 'During the farm invasions, the Judiciary was reshaped, judicial officers were recused from cases, local institutions politicized and laws were passed which granted local agencies the powers necessary to crush opponents of land reform' (Mamdani, 2008). A state of anarchy ensued and lawlessness abound. ZANU PF militias perpetrated crimes with obvious impunity and absolute disregard for the law.

This lawlessness and political meddling with the judiciary saw the turmoil and violent farm invasions continue unabated, leading to a collapse of Zimbabwe's agrarian economy as thousands of landless people invaded commercial farms. Zimbabwe's war veterans became a military wing of ZANU PF who could not be impugned for the atrocious land grabs that they carried out with ruthless intent. The importance of the rule of law in a country can therefore never be over-emphasized. South Africa needs to perpetually have regard for the constitution and appreciate its supremacy as the law of the land and everyone be subject to it. The constitution provides for checks and balances as well as the separation of powers between the judiciary, executive and the legislature. Each arm of government must limit the other branches' power, thereby protecting the country against abuse of power such as what happened in Zimbabwe. Complementing the rule of law, the South African Constitution also provides for chapter 9 institutions whose function is to strengthen democracy in the republic (s181(1)). According to s 181 (2), these institutions are independent and subject only to the Constitution and the law. They are an important pillar of democracy in South Africa that Zimbabwe never adopted.

When the Bredell land invasions occurred in South Africa, the PAC called for a nation wide acceleration of land 'repossession' as a means to attain true liberation for the indigenous African population (Plaatjie, 2003:300). In response to this call, the government intervened, resulting in a court battle between the land invaders at the Pretoria High Court

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[87] More detail in chapter 4.

(Plaatjie, 2003:300). The court ruled that such land invasions were illegal and subsequently, the occupiers were ordered to vacate the land and only occupy any land through legal channels provided for through the country's land reform program. This shows how important the rule of law and independence of the judiciary in South Africa is.

5.3.4 Support for Land Reform Beneficiaries

One of the biggest challenges to land redistribution in South Africa is its potential to yield disastrous results because the beneficiaries of land reform have not received the much needed support. This support could be in the form of either expertise on how to work the land, financial support, infrastructural support as well as other skills necessary to ensure ongoing production on farms. Currently, Zimbabwe, which was once the 'Bread Basket' of Africa due to the fact that it used to produce and export food to other countries, has been ravaged by severe food and basic commodity shortages. This can be directly and indirectly linked to the lack of support for people who benefited from its land reform program. Thousands of once productive farms now lie abandoned because the farmers who benefited from Zimbabwe's land reform program have received little or no support at all from the government on how to work the land that they received.

In 2007, the Zimbabwe government reportedly repossessed 1 449 farms that it had seized from their white owners after it discovered that the land was either empty or the new farmers were not doing any farming (Africa News, 2007). Lands Minister Didymus Mutasa was quoted in the 'state-controlled' daily *Herald* as saying that his ministry was repossessing 'all vacant and underutilized A2 farms (a state scheme meant for settlers with independent finance to carry out commercial farming) and we are not going back on this exercise.' The farms would be given to new, deserving applicants who can put them back to use and ensure that there is food production.

In South Africa, struggling and failing land reform projects are a common and depressing feature resulting from a land reform program that lacks adequate government support, expert guidance to land reform beneficiaries as well as infrastructural aid. The case of Zimbabwe has shown that giving agricultural land to people without the necessary farming

expertise, adequate finance, infrastructure and management skills, will inevitably lead to a crisis.

On September 1, Rural Development and Land Reform Minister Gugile Nkwinti told parliament that the government had acquired thousands of farms to redress racially skewed land ownership patterns in the country. However, according to the Minister, more than half have failed or are failing to produce the crops that they once produced. Bongani Mthethwa, of *The Sunday Times*[88] has warned that South Africa's food security is endangered by its disorganized rural land reform. In an article entitled, 'Farms collapse as land reform fails,' Mthethwa argues and uncovers the failures of the land reform program showing thousands of formerly productive farms lying abandoned – with some reportedly having been turned into community soccer fields. The *Business Day* of October 7 quoted the Democratic Alliance (DA) arguing that the current land reform policies will plunge the country into a food crisis. This is because many once productive commercial farms now lie abandoned without being used. According to Mpowele Swathe of the DA, almost 70% of the farms that have been redistributed under the land reform program now lie idle and this has the potential to undermine the country's food security.

5.4 Conclusion

Robert Cox's critical theory of transformation emphasizes on the transformative potential of marginalized people. The developments regarding the land issue in Zimbabwe has confirmed this. The poor are a threat or a force for change because of their relationship with the rich or well off. Cox's critical theory focuses on the interaction between those that are in the periphery of the economy and those that are not and how this exploitative relationship leads to the transformation of the prevailing order (Cox, 1981:132). The main tenet of Cox's critical theory is its emphasis on the process of social construction (Knafo, 2008:3). According to Cox (1981), social structures are neither neutral or apolitical.

'The land question challenges in South Africa and Zimbabwe, despite strong resonances, remain distinctly different and this has been underscored by the different political

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[88] 1 March 2009.

economies in which they have evolved and now play out' (Hall, 2003:279). While there have been sentiments that South Africa is headed for land struggles and a crisis akin to that of her neighbor Zimbabwe, the inherent differences in the two countries discussed in chapter four have shown that this may not likely be the case. The institutional and constitutional provisions for land reform should be maintained in South Africa so that the land issue is not politicized as was the case in Zimbabwe.

While the government and opposition parties in South Africa have sought to depoliticize the land issue and reduce it to a technical and managerial aspect of good governance, the ruling party ZANU PF party in Zimbabwe advanced a politically mobilized agenda. It argued that 'opposition parties in Zimbabwe sought to reverse the land reform momentum on behalf of former colonial masters and landlords, who were allegedly financing opposition politics' (Moyo, 2007:81). ZANU PF went on to use the land as a political tool in order to attract the electorate. South Africa should guard against the politicization of the land issue. The lessons mentioned in this chapter provide an important foundation for the success of the country's land reform program. If the importance of land to the landless is appreciated and the responsible institution[89] acts in accordance with this appreciation, pace of land reform is significantly increased, rule of law and judicial independence are upheld and if land reform beneficiaries are given adequate support[90], it is possible that South Africa's land reform program might be a success story as compared to its neighbor Zimbabwe.

5.5 Areas for Further Study

Despite the huge amounts of literature that exists regarding the politics of land in South Africa, there are still areas that remain for further study. One such area is investigating the role of the law in expediting the pace of land reform. How can South Africa's legislative framework expedite the pace of land reform in the country? Another worthwhile investigation would be the feasibility of an urgent large scale land redistribution process that does not undermine rule of law while simultaneously contributing to economic growth and reduction of poverty. This is because the case of Zimbabwe has shown that a large scale

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[89] DLA.
[90] In various forms such as financial, infrastructural, expert support on how to use the land.

land reform program can have dire consequences on the country's economy. Is it therefore possible to have a large scale land reform process that reduces poverty while contributing to human development and consolidation of economic growth? It would also be very valuable to investigate how Zimbabwe's land reform program can be rectified after the disastrous course that it took in the year 2000. Finding ways of correcting Zimbabwe's land reform program would go a long way in relieving the country of most of the socio-economic challenges that it is facing. This is because Zimbabwe's economy is agrarian based therefore, resuscitating commercial agricultural activity would be an invaluable exercise to the country.

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