



## At Issue ezine

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### Vol. 4 (June-November 2006)

## LAND IN AFRICA: Challenges of Tenure and Reform

### No. 5 - October

#### WANTED: LAND TO FARM IN SOUTH AFRICA THE STORY OF ONE CO-OPERATIVE'S DECADE-LONG STRUGGLE

*An interview with Thelma Dalamba, by Craig Hincks* Nowhere in Africa is the land issue more complex or crucial to "Africa's renaissance" than in South Africa. Apartheid's legacy of injustice is felt most deeply in the inequities of land distribution and tenure. The government's attempts, since 1994, to deal with this issue are an admitted failure. In this contribution to the series on land, one of our editors interviews a woman who worked in the Eastern Cape with a group of farmers who tried to use the government's programmes to set up a viable co-op. Their experience does not inspire optimism in the government's efforts so far, though there have been recent changes that might help.

### No. 4 - September

#### THE THIRD CHIMURENGA AND ZIMBABWE'S CRISIS

*By Hugh McCullum* This article gives a clear and complete indication of what lies behind Zimbabwe's present chaotic state. From Cecil Rhodes, through Ian's Smith UDI, to farm invasions, political violence and slum clearance under Robert Mugabe, land has been the problem.

### No. 3 - August

#### LAND TENURE SYSTEMS AND PROTECTED SITES IN SOUTHWEST CAMEROON: EFFECTS ON LIVELIHOODS AND RESOURCES

*By Ivo Ngome* The creation of "forest reserves" in southwest Cameroon during the colonial era was clearly intended more for the protection of plant and animal species than for the people who inhabited these forested areas. People were forced off their land and told to move into adjacent areas that became known as "community forests". This article shows how population growth since independence has resulted in much greater land pressure and has even prompted illegal farming and "sale" of land within the reserves. Ironically, better care for forest resources is now occurring in some areas outside the reserves where people have secure tenure. Law enforcement and the land tenure system itself clearly have not kept pace with new realities and are not serving the people well.

### No. 2 - July

#### KENYA: "THE LAND IS OURS"

*By Timothy Gachanga* After 43 years of independence, the problem of landlessness in Kenya has yet to be addressed in a fair and coherent manner. Indeed, despite repeated promises by the government and the fact that landlessness is widely seen as a root cause of poverty and inequality, corruption and conflicts of interest seem to trump every effort to improve the situation. This article traces the problem from colonial times, through the Kenyatta and Moi Governments up to the present day. A focus on the Ogiek people's efforts to reclaim their ancestral forest lands provides insight on the kinds of intractable problems that they and many other Kenyan communities face while merely trying to obtain what they believe is rightly theirs and what they need for their survival and well-being.

### No. 1 - June

#### EDITORIAL: THE DISTRIBUTION AND REDISTRIBUTION OF LAND IN AFRICA

*By Craig Dowler* Land tenure in almost every African country has been complicated by the co-existence of incompatible systems, represented on the one side by variations of African customary law and on the other by versions of European colonial law. This mishmash is often further complicated by other factors including the minor legal status of women farmers, the need both for food crops and crops for export, and the competing interests of herders and cultivators, dispossessed peasants and landed elites, and members of different ethnic groups. This editorial—and this whole issue on land—seeks to introduce some of the different land tenure challenges in Africa and the difficult choices of justice and economy in land reform processes.



## WANTED: LAND TO FARM IN SOUTH AFRICA THE STORY OF ONE CO-OPERATIVE'S DECADE-LONG STRUGGLE

by *Thelma Dalamba & Craig Hincks*

*In 1994, a thousand people who had previously worked on a large parastatal agricultural project under the Transkei "bantustan" government of Chief Kaiser Mathanzima came together to form the Kei Rural Development Trust (KRDT). Their aim was to continue working the land where the project had been located and eventually to acquire land rights to a nearby farm. A constitution for the KRDT was drafted and each member made an initial contribution of about R100 in order to purchase some used farm equipment. They began growing maize, cabbages, pumpkins, potatoes, onions, lucerne and other crops.*



**Mr Maciki, a KRDT farmer, with some of the used farm equipment belonging to the project.**

- T. Dalamba

*A few years later, Thelma Dalamba, a retired registered nurse and social worker with training in organic farming, joined the KRDT under the auspices of CALUSA, a rural development NGO.<sup>1</sup> The story she tells of their struggle on and for the land follows. To begin with, however, a brief outline of the land reform programme in South Africa is provided.*

### Macro-view of Land Reform

In 1994, land reform was expected to be a key component of change in the new South Africa. More than housing, more than water or electrification or other infrastructure, more even than employment, land reform would symbolise and realise a clear departure from the old apartheid South Africa where the black majority had been allocated and forced onto only 13 percent of the land.<sup>2</sup>

As part of its Reconstruction and Development Programme (RDP), the new post-apartheid South African government was committed to redistributing 30 percent of agriculture land (about 26 million ha) to poor and landless citizens over a period of five years, beginning in 1994. Even though World Bank advisors had said that this target was feasible, it did not happen—in fact, it didn't even come close. By 2004, after double the time originally allotted, only 2.9 percent of agricultural land had been transferred.<sup>3</sup>

**"The new post-apartheid South African government was committed to redistributing 30 percent of agriculture land to poor and landless citizens over a period of five years... (but after ten years) only 2.9 percent of agricultural land had been transferred."**

The idea under the RDP was that land would be redistributed via three programmes:

- **land restitution**, aimed at restoring land to those who had been dispossessed since the Native Land Act of 1913;
- **land tenure reform**, aimed at providing security of tenure where this was absent or in doubt, both in the former "native reserves" and elsewhere; and
- **land redistribution**, aimed at reversing decades of racially distorted ownership patterns.

Under the first programme, more than 63,000 claims were lodged with the Commission on the Restitution of Land Rights by the December 1998 deadline, but of these only one had been settled by 1997 and only 41 by the end of the five-year period in 1999.<sup>4</sup> The business of gathering evidence to support claims in the newly established Land Claims Court was found to be complicated and time-consuming.

The second programme was intended to secure the land rights of those who lived on communal land or who had worked on farms under a variety of arrangements including cash payment, share-cropping and labour tenancy. A major part of the programme was

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to ease the pressure of over-crowding in the former "bantustans" by making other land, often of better quality, available. Problems encountered in this programme included the difficulty of enforcement and the preemptive eviction of farm labourers who some commercial farmers feared might succeed in taking away portions of their land. Perhaps the greatest problem, however, was the government's aversion to addressing the complexities of land tenure and its seeming incompatibility with land ownership. Land ownership was easier to sort out and more in line with the increasing preference for capitalist solutions.

The third programme, operating on the "willing seller, willing buyer" principle, was established to redress gross imbalances by redistributing land from white farmers to the landless and rural poor. Those who lacked capital to purchase farms on their own would be able to apply for Settlement/Land Acquisition Grants (SLAG) and pool their resources with others to buy a farm. Although more land has been redistributed under this programme than the other two, it has not been of much benefit to the original target population. Instead of enabling the rural poor to acquire land, the primary beneficiaries have been a new class of black commercial farmers who have entered the market with some business savoir-faire as well as some capital to invest.

In 1996, South Africa introduced its new Growth, Employment and Reconstruction (GEAR) programme. This marked a major shift from a more people-oriented agenda under the RDP to the more neo-liberal, market-friendly agenda under GEAR. In the government's realignment of priorities for the new political economy, radical agrarian reform was all but forgotten. In February 2000, a new programme called Land Redistribution for Agricultural Development (LRAD) was introduced. Under LRAD, the 30 percent land redistribution target of 1994 was given a 15 year extension with hopes of achieving this target primarily by enlarging the new class of black commercial farmers.

**"In the government's realignment of priorities for the new political economy, radical agrarian reform was all but forgotten..."**

However, even with this extension and policy shift, the 30 percent target will be very difficult to achieve. In the first place, the budget allocated to the Department of Land Affairs (DLA) for land reform has not yet exceeded 0.5 percent of the national budget.<sup>5</sup> As one analyst remarked: "The notion that black South Africans, with minimal support from a fiscally constrained state, can buy out white privilege is logically flawed and is increasingly discredited in practice."<sup>6</sup> Secondly, due to the removal of many former agricultural subsidies and supports, commercial farming in general is becoming less viable, not only for black entrepreneurs but also for experienced white farmers. Given this scenario, any rural poor fortunate enough get land must engage either in low-input, mostly subsistence agriculture or in carefully managed joint ventures for which they have little training.

**Micro-view of Land Reform**

The history of the Kei Rural Development Trust (KRDT), as recounted by Thelma Dalamba, is the story of one group's struggle to take advantage of new opportunities and new government programmes in the context of the new South Africa. It is a microcosm of the kind of problems that have plagued land reform thus far and it takes place against the backdrop of independent South Africa's first 10 years under the macro-economic policies of the RDP and GEAR. Thelma Dalamba was interviewed by AfricaFiles' Craig Hincks for the *Ezine*:

**AfricaFiles:** What did you find when you were first introduced to the Kei Rural Development Trust?

**Dalamba:** I found a vibrant group of about 350 farmers, two thirds of them women, who were leasing land from Chief Mathanzima in the Qamata district of Queenstown. There was an irrigation system in place, which made the project possible, and they were growing a variety of vegetables and crops and selling the produce to small shops in the district. They had also included pigs, poultry and Jersey cows in the project.

**AfricaFiles:** Would you say they were succeeding?

**Dalamba:** They were not financially successful for they really could not draw "regular" salaries from the project. The locals referred to the project as "*KwaMabuyaZe*", meaning "a place of great toiling for no gain at all". Thus over the course of five years, their numbers had dwindled from about 1000 to 350. There was never enough capital for the

kind of inputs that were required. Also there were shortcomings on the business side: how to ensure that inputs did not exceed outputs.

**AfricaFiles:** What was your role?

**Dalamba:** Numerous other professionals were already involved with the group when I came to work with them. My role was essentially that of promoting organic farming through EM Technology (Effective Micro-organisms). EM Technology facilitates the production of organic compost from "farm waste" and also saves money. In some places, such as North Korea, it has helped to solve food shortage crises. Besides being good for agriculture, it also helps to solve environmental and sanitary problems. I had very good support from Prof. Prinslo at the University of the North and from Mr Yoshida from the parent institution for EM Technology in Japan.



**AfricaFiles:** What other outside help were they getting?

**Dalamba:** Through their own resourcefulness, they had managed to secure development funding from the Japanese through Kagiso Trust in Johannesburg. Though generous, the R165,000 grant was grossly insufficient for the successful running of the project. It was really their hope, faith and dedication that kept them going. Their hope was that the government would take them seriously and come to their aid, not just with funds but also with everything that could make a project such as theirs work. If they could be self-employed then they would not have to stand in line for handouts.



Jersey cows belonging to the KRDT project.  
- T. Dalamba

The Kagiso Trust representative worked diligently over time to help the group manage their funds and render the project more profitable. With his advice they had formed smaller groups for closer supervision and efficiency. As a result, salaries improved.

At one point, they had qualified for Social Welfare Funds to start a poultry group within the larger project. The grant was R20,000. Again, though "generous", this was not adequate, coupled with the fact that the planning was grossly inadequate. Problems covering running expenses,

which included poultry feed and transportation, as well as proper timing for marketing forced them to end this initiative.

The problems they faced were not simply a case of inexperience, however, and certainly not ones involving any lack of motivation. You see, when the Verwoerd and other Afrikaner apartheid governments were in power, infrastructure and subsidies were provided. Agricultural and engineering universities, commercial banks, marketing boards, transportation networks and electricity were all put in place for the white farmers. Furthermore, their farms were huge: they were more like territories encompassing fields, forests, mountains, rivers, etc. These things were not available after Independence. Black farmers have had to try to make things work with much less.

**"When the Verwoerd and other Afrikaner apartheid governments were in power, infrastructure and subsidies were provided... These things were not available after Independence. Black farmers have had to try to make things work with much less."**

**AfricaFiles:** What about rights to that land? Did the KRDT members hope to buy the land or to secure their tenure?

**Dalamba:** They had always known that they needed to secure full legal rights for the



land they wanted to work, but they knew that the land they were currently leasing belonged to Chief Mathanzima's family. (In fact they were told much later that Kagiso Trust would *not* have originally funded them had it been aware that their group did not "own" the land they were working.) When they started KRDT, therefore, they had filed an application for a nearby farm called "Occupation Post" with the Department of Land Affairs (DLA). Then in 2000, there were very heavy rains that caused flooding in the whole area, including surrounding districts. Bridges were washed away and there was widespread devastation. Some farmers, mostly the white ones in the area, were bailed out by the government. But the people of KRDT lost everything. Though unfortunate, this event provided the impetus for them to move to Occupation Post Farm – and they were encouraged to do this by the Department of Land Affairs and a DFID (Department for International Development) agent from the UK who had been assigned to assist them. Their hopes were high. They would share this vast farm with a local cattle-farming group called Greenfield. But the move was not convenient for everyone in the KRDT group and so their numbers dropped.

**AfricaFiles:** Why did the group think they could maybe acquire Occupation Post Farm?

**Dalamba:** Because it was on state land that was just lying fallow. It was one of about 70 state-owned farms in the district, called the "Gwatyu Farms". Unfortunately, as it became apparent later, the government's plan was to parcel all the Gwatyu Farms together and to make a single decision about how to redistribute them. KRDT was caught in that complicated situation even though, unlike the other farms, Occupation Post was virtually unoccupied and quite isolated from the others. Also, at this point, the Department of Land Affairs was no longer leasing land.

**AfricaFiles:** What did KRDT do there?

**Dalamba:** It was difficult to do anything there. All the water delivery systems were defunct. So there was no water, hardly any farm implements, no transport and no fencing. Try as they always did, not much could be achieved. Working at securing the land first was the main thrust of all their efforts. No funding or any help at all would come their way if the land was not legally secured.

**AfricaFiles:** Was the group successful?

**Dalamba:** There was a lot of running around between provincial offices in Queenstown, East London, Bisho and Umtata, as well as Pretoria. No one seemed to know where help would finally come from. Even within one office they had to speak to different officials who themselves did not pick up where the group had left off on the previous call. Letters were never answered. Obviously a great deal of training had to be arranged for these civil servants.



**Hope, faith and dedication: KRDT farmers at milking time.**

- T. Dalamba

Later, KRDT renamed itself the "Kei River Co-op", partly because it didn't want people they had dealt with before to be confused, and partly because they were advised by a national co-operatives organisation in Pretoria that they would be more successful in getting assistance if they were recognised as a "co-op".

In the mean time, members of the group were advised to sit on the farm at Occupation Post and do something so that when the authorities came they would find them there. So about 40 of us actually lived on the farm – in hovels. The rest of the members travelled from their villages to help. The families of members also did so much for the project in terms of being supportive through very lean times. But sometimes the strain was too much: some members left to rejoin their families and some families broke apart.

**"The families of members also did so much for the project in terms of being supportive through very lean times. But sometimes the strain was too much: some members left to rejoin their families and some families broke apart."**

**AfricaFiles:** What happened then?

**Dalamba:** Seeing how exasperating all this was, someone in the Department of Land Affairs, who was working with the group, suggested that perhaps they would get better

and faster results if they applied for the R20,000/person grants for purchasing private farm property, subject to DLA approval. Each person would then pool their grant with the others to purchase a farm together. So application forms were submitted for nearly everyone in the group, even for those who were discouraged and not planning to buy then – it would be advisable to have them assessed and qualified if possible. We also had bank forms to complete for supplementary funding and we visited numerous other possible grant and loan agencies.

**AfricaFiles:** Did you find a farm?

**Dalamba:** Yes, we got a copy of the *Farmer's Weekly* and found a real estate agent who was prepared to take us around. But there were problems.

One woman in Queenstown said to us, "What a pity – good land is being taken by foreigners and they are using it for game reserves, for tourism." So some of these farms are being sold to foreigners who are not even there all of the time. Also, at the Department of Land Affairs, there was no inventory of available farms so it was difficult to find them.



**Working to acquire land first: KRDT's Executive Committee perseveres during difficult times.**  
- T. Dalamba

Another problem was the negativity of the white farmers who were selling. They don't want to deal with government. They told us, "If you say you're going to be helped by government, you're wasting my time. The government has too many questions, it doesn't come to see what's going on, it brings our prices down. The government doesn't deliver. We really don't want to deal with you." And to a large extent, they have a point.

We found a farm for sale near Dordrecht that the group liked, but we did not manage to get it. We came so close, it was very disappointing. The white farmer that the

group dealt with there said, "I've never seen anyone like you, who worked so hard." Because members of the group would go to all these offices and really sit on them, repeatedly. They had everyone organised around the table, business plans and everything. What messed them up in the end was still the money.

Another problem, you see, are the houses on these farms. The white farmers had built mansions! The day the group saw the house on this farm near Dordrecht they said, "This is going to be our downfall. We don't need a house so beautiful, and with a tennis court." The people want land – and the bulk of the price is the house.

**AfricaFiles:** So what did the Co-op do then?

**Dalamba:** Their hopes were shattered. Most of the stalwarts in the Co-op left Occupation Post Farm at that point. I also left the farm in 2004 to rejoin my family. There were some die-hards – no more than six or so – who decided to hang on no matter how long it took, to see what the outcome of the Gwatyu Farms would be. But really, the dream was gone.

**"Their hopes were shattered. Most of the stalwarts  
in the Co-op left Occupation Post Farm at that point... the  
dream was gone."**

**AfricaFiles:** During all this time that you spent with KRDT and then Kei River Co-op, did you hear of other groups in the area who succeeded in getting land?

**Dalamba:** Occupation Post was relatively isolated, but rumours did reach us of government-sponsored groups that were collapsing all around us. Often this would happen when we thought we would try to visit these other projects. The last one I recall was a fruit farm in an orange growing area. We heard about that project on the radio. Its vision and setup were exactly like ours. Just when we thought we would make a connection, we heard that a prominent government official was embroiled in a funding scandal involving that farm.

**AfricaFiles:** Do you have any final observations?

**Dalamba:** Settling the land issue is a difficult problem in South Africa. It seems that

those who died in the struggle to restore the land to deserving people died in vain. The government's preoccupation with paying the country's "odious debt" is robbing black people of their God-given right to the land. Now South Africa is caught up with "globalisation", which is compromising small-scale farming and food security and increasing unemployment. During apartheid, the mining industry had been very aggressive in recruiting mineworkers from the Eastern Cape. Now many of those men have been retrenched. They are unemployed and their health has been severely compromised. Our country is not going the way that we thought it would in terms of addressing the needs of the people. Capitalism has quite a different plan for people. Still, in their generosity of spirit, African people are "willing" to give the government time to recover from hundreds of years of oppression and severe underdevelopment.



The struggle to restore the land: a farmer near the storage buildings at Occupation Post Farm.

- T. Dalamba

**AfricaFiles:** Thank you for sharing your experience with us.

### Recent Developments

Around the time that Thelma Dalamba and KRDT focussed their attention on acquiring Occupation Post Farm, the world was riveted by land seizures in Zimbabwe. Soon afterwards, South Africa itself was awakened by the Bredell land conflict of 2001.<sup>7</sup> Had these events not occurred, the South African Government might have gone on dreaming about land reform indefinitely. For a time, Zimbabwe and Bredell focused everyone's attention, but with the passage of time, many people fear the worst. White farmers are afraid that more "land invasions" or redistribution without compensation will occur in South Africa. Many landless blacks are afraid that the government will continue to renege on their commitments; they are getting impatient and some are looking at other options, including the Zimbabwe model. The time for reform is not limitless.

One of the major problems faced by rural people trying to secure land is the fact that they have few strong allies to help them. The struggle to mobilise and press their demands is in general quite fragmented. A number of the strong civil society groups that opposed apartheid have demobilised while others that are still active are using much of their energy and resources to fight the kind globalisation which Thelma Dalamba referred to above.

**"One of the major problems faced by rural people trying to secure land is the fact that they have few strong allies to help them. The struggle to mobilise and press their demands is in general quite fragmented."**

In 2004, the government passed the Communal Land Rights Act to give secure land tenure rights to families occupying communal land and to encourage small-scale agricultural production through groups like the Kei River Co-op. Recently, the government has also clarified that the "willing seller, willing buyer" principle does not apply to land restitution. Once a claim has been validated a "forced sale" will proceed.<sup>8</sup> Moreover, time limitations have been placed on the "willing seller, willing buyer" process so that the government will have the right to proceed with the purchase of farms when negotiations stall.

While it does appear, then, that the government is responding to public pressure by paying more attention to the land issue, it remains to be seen whether it has the will to commit the resources needed and to make the changes required, not merely to prevent violence and land occupations on a large scale, but more importantly to effect radical agrarian reform – so that hardworking people like those in the Kei Rural Development Trust and Kei River Co-operative do not need to struggle with underfunded programmes, ineffective bureaucracy and painfully slow legal procedures to obtain land and get on with their lives as farmers.

### References:

1. CALUSA (Cala University Student Association) was originally established in 1983 to assist university students residing and working in the Cala area of Eastern Cape. In the 1990s, its focus shifted to assist with rural development and income generation projects more generally.

2. Beginning in 1913, with the Native Land Act, the process continued with the Native Administration Act of 1927, the Development Trust and Land Act of 1936, and the Group Areas Act of 1950 and 1966.
3. Ruth Hall, "A Political Economy of Land Reform in South Africa", *Review of African Political Economy*, no. 100, 2004, pp. 214, 219.
4. Mfaniseni Fana Sihlongonyane, "Land Occupations in South Africa." In Sam Moyo and Paris Yeros (eds) *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia and Latin America*. London: Zed Books, 2005, p. 150.
5. Hall, 2004, p. 219.
6. Ibid., p. 225.
7. Bredell was a relatively small piece of vacant land near Kempton Park in Johannesburg where thousands of squatters began setting up rough dwellings in 2001, hoping to find jobs in factories and businesses nearby. The government decided to evict the squatters and began removing them by force although many also left peacefully. Many felt the conflict showed that the government was out of touch with people's frustration over the land issue, while the government laid much of the blame on the Pan Africanist Congress (PAC), which had offered legal and other support to the people who occupied Bredell.
8. Lulu Xingwana, Minister of Agriculture and Land Affairs, "Key Messages for Minister's Media Briefing", §3.2a, 7 September 2006.

## THE THIRD CHIMURENGA AND ZIMBABWE'S CRISIS

by Hugh McCullum

*Let us begin with two generalizations. Land reform is usually, in the developing world, a question of social justice. Land owned by a small minority should be equitably redistributed so that agrarian development can proceed for the benefit of the majority without destroying or damaging seriously a state's economy. Second generalization: that most land reforms do not work for the good of the whole country and often cause violence, chaos and long-term problems for the agricultural sector. There have been exceptions through history but the clash of traditional land use with that of agro-business where indigenous land is taken, usually forcibly, by settlers to produce crops for profit using cheap local labour usually prevails. Zimbabwe's agrarian revolution which really began in 1997 is a classic failure. Why? There has been heated debate but little consensus about the land crisis, the "fast-track resettlement" and even the "third chimurenga" (a Shona word which roughly means revolution or liberation of blacks from white domination).*

Land has been a festering wound in Zimbabwe and its predecessors Rhodesia and Southern Rhodesia. The country's agrarian economy predates colonialism by centuries and until 1890 land rights were a communal process operating at family, village and clan levels. Chiefs, although entitled to their "own" land, were really functionaries who allocated land in the best interests of their people. Land use was based on crop rotation to ensure viable pasturage for the huge cattle herds and the traditional economy was mainly barter, trading crops, weapons, livestock and even people. An almost idyllic situation one might assume but historians point out that there were constant conflicts among the Shona and between the Shona and the Ndebele. The result was fortress communities, refugee communities and migrant communities fleeing the fighting.

In 1890, Cecil John Rhodes sent the Pioneer Column into Mataberland, home of the Ndebele people, an offshoot of the Zulu kingdom. The whites were looking for gold but found none so the British South Africa Company offered the disgruntled pioneers free land which was not theirs to give. The wily Rhodes got around this by "negotiating" a series of agreements and concessions with no legal basis whatsoever which allowed the white settlers to get tracts of land ranging in size from 500 ha to 3,000 ha.

The result was a number of conflicts between the invaders and the Shona and Ndebele including an all out war in 1893 which eventually destroyed the Ndebele kingdom,



**Land problems fuel food shortages: with five grandchildren to feed, Maggie Khumalo has seen better days.**

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followed by the "first" *chimurenga* of 1896-97. It was a ferocious war, the indigenous people believing the whites were destroying the balance of nature. It was one of the first conflicts that was actually called a clash of civilizations. The "rebels" were defeated and the whites created a colonial state and institutionalized the land problem: it was centralized, racially exclusive, cash replaced barter and "natives" were resettled on reserves with nearly half the African population living on them. By 1930 there were 2,500 white farms with an acreage of 15 million ha and 114 reserves with more than a million Africans on 8.7 million ha of mostly mediocre to poor land.

**"The 'first' *chimurenga* of 1896-97... was one of the first conflicts that was actually called a clash of civilizations. The 'rebels' were defeated and the whites created a colonial state and institutionalized the land problem."**

By 1969 the Rhodesians, who had issued an illegal Unilateral Declaration of Independence (UDI) from Britain four years earlier, had stripped the country's blacks of all the best land. After World War II, British soldiers were given choice farms as a reward so that by the time independence was won in 1980, more than half the commercial farmland had been taken from Africans. Many black Zimbabweans bitterly remember when their families were forcibly removed from their ancestral land and dumped on arid, rocky land on the edges of the fertile central plateau.



**Disease control programme: cattle being tagged on a 'choice farm' in the mid-1990s.**

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Zimbabwean independence was won in the "second" *chimurenga*, one of the most vicious bush wars in Africa (1971-1980), with Robert Mugabe's election as prime minister in 1980, heading the Zimbabwe African National Union-Popular Front (ZANU-PF). The second liberation war was a war about land and little more. Freedom, independence and above all an end to land discrimination were far more important than ideology or even political parties.

The new government, contrary to popular myth, recognized the paramountcy of the land issue from the beginning but it was hampered by the narrow Lancaster House Agreement which ended the war and was adopted as the country's constitution, much against Mugabe's will. The agreement forced the ZANU-PF government to adopt a "willing-buyer, willing-seller" scheme as well as allowing state acquisition of unused or abandoned farmland. Even so, a Land Acquisition Act was passed in 1985 and plans to resettle 160,000 families were made.

**"The new government, contrary to popular myth, recognized the paramountcy of the land issue from the beginning but it was hampered by the narrow Lancaster House Agreement."**

The plans were never realised for many reasons, although by 1990 50,000 families were resettled on 6.5 million acres purchased from whites. However, the Lancaster House strictures reinforced the unwillingness of white farmers to sell their best land or to sell it at reasonable prices. But the government also suffered from lack of funds, poor infrastructure, water shortages and, above all, corruption.

The numbers were thought notable by international non-governmental organizations (NGOs) who continued to pour funds into ZANU-PF's increasingly rapacious hands. But 50,000 families was a far cry from 160,000 and most of the projects failed to become productive. The resettled black farmers remained among Zimbabwe's poorest and have required constant government assistance until the present day.

Much of the limited good land was quickly grabbed by state officials and party functionaries. The black peasant farmers who got the worst land did not have an aptitude for farming, especially on the marginal land they were offered.

So, by 1990, 10 years after the end of a war fought over land, some 4,660 white farmers held 11.2 million ha of prime farm land while 100,000 rural African families lived on 16.4 million ha. Still, in 1992 Mugabe's government passed more legislation in an attempt to seek a politically acceptable land redistribution programme which would still

preserve the commercial farming sector which was the best in Africa. It earned Zimbabwe some 39 percent of its foreign exchange from the sale of staple crops like maize and tobacco and other agricultural exports like flowers, coffee, fruit and meat.

The 1992 Land Acquisition Act was fought over by the white farmers who said taking 7.2 million ha of their prime land was "irrational" and "illegal". There were disputes over land prices and the law was never seriously implemented. With its economy humming, the Mugabe government for about five years just ignored land redistribution and rural development. The white farmers meanwhile enjoyed unparalleled prosperity after independence. With peace and relative stability they built impressive irrigation systems that increased production. Their lifestyles were often lavish and many began to treat their black workers



Small land holdings for most: a black farmer uses new drip irrigation system on his pepper field. © USAID

better through education, housing, pay and healthcare. They employed 500,000 workers, the largest single source of employment in the country.

No one, even most white commercial farmers, doubted that land reform was critical especially as structural adjustment programmes began to bite but the government was unable or unwilling to produce a large-scale plan sufficient to address what many leaders, black and white, realized was a simmering national problem. Land invasions on a small scale were beginning as early as 1997. Mugabe was under pressure from all quarters — politically for the first time, and internally from his staunchest allies, the war veterans of the "second" *chimurenga*, many of whom were landless and poverty-stricken.

**"No one doubted that land reform was critical... Mugabe was under pressure from all quarters — politically for the first time, and internally from his staunchest allies, the war veterans of the 'second' *chimurenga*, many of whom were landless and poverty-stricken."**

By late 1998 Mugabe had a plan — but it was one to ease his political pressures rather than a real commitment to genuine, rational land reform. The government held an international donors conference with experts on land. Top officials from Britain, the US, the European Union, the UN, aid organizations and many other potential donors, jetted into Harare to its five star (ZANU-PF owned) Sheraton Hotel.

The government appealed for a billion dollars (US) for land resettlement but observers noted that there were no new plans for the redistribution. The donors were singularly unimpressed and wondered aloud about where their money had gone citing misallocation of funds, lack of transparency, outright corruption and the same old plan which hadn't worked.

The donors, too, were aware of revelations in 1997 that 300 farms purchased compulsorily by the government with donor funds had not been used for resettlement of poor black farmers but instead had been doled out to cabinet ministers, senior civil servants, top army officers and ZANU-PF functionaries.

When the pledging session began, senior government officials were furious and flabbergasted. The donors, until now ever faithful, were turning them down. They warned that unless the international donors came through with big money, violence would break out in southern Africa's second largest economy. The donors would not buy it but they did come up with a plan which was a workable compromise. Based on a United Nations Development Programme (UNDP) plan there would be a gradual but steady land resettlement based on compensation for white farmers, reduction of poverty of those resettled, considerable training programmes and improved infrastructure. The donors accepted this plan.

**"When the pledging session began, senior government officials were furious and flabbergasted. The donors, until now ever faithful, were turning them down."**

But, it was not what Mugabe had in mind. It would be tightly monitored and transparent. Within six weeks, the Zimbabweans had rejected the UNDP plan and chaos loomed. There is more than enough blame to go around. White farmers refused to accept widespread redistributions. Donors, long aware of the unrest in the rural areas, did not take an early lead. Britain and America who promised money didn't pressure Mugabe to take their funds early after independence. But the largest share of the blame rests with the government who ignored effective land reform. It only returned to the issue at election time when Mugabe thought ZANU-PF could make political capital out of land reform.



**Is this the "third chimurenga"? In Chidobe, 590 families wait for food aid.**  
© WFP / Richard Lea

Events in the new millennium shifted the entire Zimbabwean political, economic and land scene in such a revolutionary manner that some analysts refer to the year 2000 as the beginning of the "third chimurenga". Others, especially the growing but fractured political opposition, argue the war has nothing to do with the first two *chimurengas*, nor was it about solving the real land issues. They said it was the ruling party's desperate attempt to cling to power by brutalizing the people and turning Zimbabwe into a nation of peasants (*The Daily News*, March 3, 2002). Still others say the slogan is used to disguise Zimbabwe's descent into anarchy.

Indeed, as the new century opened, Zimbabwe was hit with a triple whammy: first, there was the emergence of a true and credible opposition in the Movement for Democratic Change (MDC) which coincided with the defeat in the referendum of February 2000 of ZANU-PF's new draft constitution.

The rejection was an enormous shock to Mugabe and ZANU-PF and was followed in the June 2000 parliamentary elections with an even greater setback. ZANU-PF barely squeezed through to a slim and highly controversial majority. International observers said the election was corrupt, excessively violent, incompetently run and refused to certify it as "free and fair".

The farm invasions were ratcheted up in 2000 partly as Mugabe's revenge for the defeat of his constitution and also an attempt to drum up rural support for the June election. He was also getting a payback from the Zimbabwe War Veterans Association, numbering some 40,000 men and women who had fought against Rhodesian rule. Most of them lived in poverty and occasionally on Independence Day would be treated to free beer and food. In 1997 a new leader with the improbably accurate name of "Hitler" Hunzvi took over the war veterans and began to make life miserable for Mugabe. Embarrassing and violent demonstrations broke out since the war veterans were considered loyal to the president.

**"The farm invasions were ratcheted up in 2000 partly as Mugabe's revenge for the defeat of his constitution and also an attempt to drum up rural support for the June election."**

Eventually Mugabe agreed to meet Hunzvi who demanded bigger pensions and gratuities, as well as good land for the veterans. Astonishingly Mugabe caved in to all their demands and almost overnight bankrupted the shaky economy: each veteran would get an immediate \$50,000 (US\$ 4,500 at 1997 exchange rates) gratuity, a monthly pension of \$2,000 and somewhat vaguer promises of free land. The money was unbudgeted and, following the announcement, the once stable currency dropped dramatically and the markets reeled. It was the beginning of the end and today is referred to as "Black Friday." On that day, currency dropped to about Z\$11 to US\$1; today it takes a million Zimbabwe dollars to buy one US, the price of a half loaf of bread.

Added to the economic woes leading up to 2000 was a decision to send troops to the Democratic Republic of the Congo (DRC) to prop up the government of Laurent Kabila under attack from Ugandan and Rwandan backed rebels. The country was astonished and the costs of keeping 12,000 soldiers in the DRC was estimated at an unbudgeted Z\$1 million per day. But for rich business people and defence officials the Congo offered rich pickings.

By 2000 it was time for Mugabe to strike back after all these setbacks. White farm invasions by war veterans and unemployed urban youth began to escalate. Using the



militant language of the state media, the invasions were hailed as an exercise in "coercive liberation" and "national agro-retributive justice for 'evil' white farmers." (Knox Chitiyo, "Harvest of Tongues", 2003.)

For the proponents of the "third" *chimurenga* ideology, the war had begun and the rebels were urban veterans and youth, more tools of the ruling party than agrarian reformers. Gates to white farms were smashed down, houses and buildings ransacked and burned. Zimbabwe television showed pictures of people spilling into farms shouting "*hondo, hondo*" (war, war). It was the end of February and the state media quoted Mugabe as saying "the Zimbabwean people are reclaiming the land that is their heritage." He denied it was state-sponsored but also refused to call out security forces to enforce the law or protect the commercial farmers and their land. The invasion was billed as a popular uprising and labelled the "third" *chimurenga*.

**"For the proponents of the "third" *chimurenga* ideology, the war had begun and the rebels were urban veterans and youth, more tools of the ruling party than agrarian reformers."**

Chitiyo (2003) says the "*chimurenga* mythology" has become a core element of state survival and agrarian transformation. He compares the Zimbabwean model ("a populist-coercive version of socio-agrarian reform") which, for better or worse, has revolutionized the agricultural system, with the current South African model — "incrementalist, rationalist and linked to the global agenda of development as governance."

However the academics analyze it, Mugabe had an election to win in June 2000. He knew he had lost the cities of Harare and Bulawayo to the MDC. With land reform he bet he could still win the rural areas where 70 percent of the population lived. Land was his trump card.

It was not long before the invasions turned ugly. Several whites were beaten up and one was killed but no one was charged. Mugabe egged the invaders on during an Independence Day speech and declared war on the white farmers: "Our present state of mind is that you are now our enemies because you really have behaved as enemies of Zimbabwe," Mugabe said on ZTV, April 18, 2000. "We are now full of anger. Our entire community is angry and that is why we now have the war veterans seizing land."



**Not a beneficiary of "populist-coercive reform": Mr Ncube's family is utterly reliant on food aid.**  
© WFP / Richard Lee

By mid-May at least 19 people had been killed, the majority of them black. But those who dub Zimbabwe a pariah or failed state over the farm invasions of 2000 should compare the numbers of whites killed with other land struggles and it becomes clear that although the rhetoric was high the violence was not. Many more white farmers have been killed in South Africa since its independence in 1994 although land redistribution has barely begun.

As an election issue, it may just have worked for Mugabe in 2000 but more likely fraud and intimidation gave him a narrow victory over the MDC. Yet it was enough. He also attacked the independent media, the law courts and police, replacing professionals with his own people. The next test would be the 2002 presidential elections against his arch-enemy, the trade unionist and head of the MDC, Morgan Tsvangarai. Once again, the tried and true trump card — land reform — would be the key issue, but this time it must be more than talk.

Although his majority was slim in Parliament, the constitution allowed Mugabe to make 30 appointments of chiefs and loyalists giving him a clear majority. In November 2001, he issued a decree ordering the expropriation of all white-owned commercial farms without compensation.

He then moved quickly to implement the now legalized fast-track resettlement programme, extending the number of commercial farms to be resettled to 3,000. Farmers were issued with eviction notices giving them 30 days to leave. In return, they were given vague promises of payment for "improvements" at some unspecified date in the future but nothing for the land, even though many farmers had bought their farms



with government approval in the years after independence.

**"It soon became evident that the process was controlled by ZANU-PF committees and the main beneficiaries were party officials, war veterans and card-carrying party members, many of whom had no farming experience."**

It was intended, Mugabe said, to assist the resettlement of landless peasants but it soon became evident that the process was controlled by ZANU-PF committees and the main beneficiaries were party officials, war veterans and card-carrying party members, many of whom had no farming experience. There was no plan to train would-be farmers or provide support services and infrastructure. Peasants were taken by army trucks to their land and left to their own devices.

Agriculture experts predicted the disaster that would follow. Farms designated for expropriation were mainly growing export crops. Within four years production would slump by more than 75 percent and Zimbabwe's foreign exchange plummeted with it. Food shortages, even starvation, are now routine and the plight of 500,000 black farmworkers is dire.



Some smallholder farmers, like the Makombes, are doing much with little.  
Life Media / DAI

While approximately 300,000 small farmers were provided with five to 10 ha of land, and land was set aside for 51,000 black commercial farmers, the entire process was extremely chaotic, legally unclear and characterized by extreme violence, intimidation, and displacement. Moreover, at the end of 2002, although 11.5 million ha were transferred from white commercial farmers to black Zimbabweans, much of this land again went to government ministers and elites or was taken over by dubious war veterans.

But Mugabe achieved his main goal. On March 13, 2002, he was re-elected Zimbabwe's executive president (head of state and government) for the fifth consecutive time at age 80.

Although the government claimed the fast-track programme was over at the end of 2003, evidence proves otherwise. By 2003, there were still 2,500 white commercial farmers in the country, and 1,000

still had their property. Of these farmers, approximately 650 were farming, but only about half were meeting with success. Furthermore, land seizures have continued, as many small-scale farmers who were resettled from the communal areas are now being removed from their farms because ZANU-PF officials want that land.

Determined to remain in power, Mugabe used all the resources at hand to attack his opponents using land reform as a key strategy but the cost has been enormous. Zimbabwe has been reduced to a bankrupt, impoverished state threatened with economic collapse, living with catastrophic food shortages and kept alive by remittances from many of the three million exiles in the Zimbabwean diaspora.

**"Zimbabwe has been reduced to a bankrupt, impoverished state threatened with economic collapse, living with catastrophic food shortages and kept alive by remittances from many of the three million exiles in the Zimbabwean diaspora."**

For the supporters of the "third *chimurenga*" the future is grim. As Chitiyo (2003) writes "... [it] has largely been about retributive justice — true social justice has yet to be achieved."

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## LAND TENURE SYSTEMS AND PROTECTED SITES IN SOUTHWEST CAMEROON: EFFECTS ON LIVELIHOODS AND RESOURCES

by Ivo Ngome

*Southwest Cameroon has 15 forest reserves and protected sites. When these reserves were created, land tenure systems in and around the protected areas were not well articulated. In this paper, past and present tenure systems in and around two of the biggest reserves in the province – Barombi Mbo Forest Reserve and Southern Bakundu Forest Reserve – will be described. As well, an analysis of the effect of the tenure systems on the livelihoods of the communities in these areas and the viability of the biological resources in these forest reserves will be made. For details of informants from these communities and the people interviewed, please see the Appendix.*

### The Problem

The creation of nature reserves in Cameroon dates back to the colonial era. Two colonial administrations have ruled Southwest Cameroon: Germany and Britain. (Germany ruled from the partition of Africa in 1884-85 until the end of the First World War; Britain then ruled this part of Cameroon under a League of Nations mandate from 1918 to 1961, when the whole of Cameroon was united in an independent federal republic.) The colonial governments created the nature reserves mainly to protect certain floral and faunal species from extinction. In 1937, for example, recognizing the threat to the beautiful forest of Lake Barombi Mbo through the high rate of destructive tree felling and farming, the Senior Assistant Conservator of Forests for Cameroon recommended that the above area be constituted a forest reserve. By order No. 17 of 1940 (in accordance with Forestry Ordinance No. 38 of 1938, published in the supplement to Gazette No. 20 of 25 April 1940 page B. 42 of Laws of Nigeria), the reserve was established. It was intended to protect existing flora and fauna, particularly the chimpanzees (*Pan troglodytes*) that lived in the region.

**"The colonial governments created the nature reserves mainly to protect certain floral and faunal species from extinction... (due to) the high rate of destructive tree felling and farming."**

For its part, the Southern Bakundu Forest Reserve was created in 1937 as a native administrative forest reserve and approved following decree No. 22 of 25 April 1940 by the British Colonial Government (Ngwany, 2002). The forest reserve was created as private state property and classified as a forest (from which seedlings of rare and endangered plant species could be collected and planted elsewhere). The region consisted of distinctive flora and fauna with many additional endemic species.



Cameroon forest: a poorly articulated land tenure system.  
*Kuesters / Greenpeace*

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### Forum Discussion:

I am very delighted by this article because am presently carrying out a research project based on remote sensing and GIS in monitoring the land use / cover dynamics of the Southern Bakundu Forest Reserve. From my literature research I found out that the Southern Bakundu Forest Reserve which was created way back in 1937 has undergone several boundary modifications since its creation... In 1973, all forestry activities were cancelled within the reserve; patrols along the boundaries were no longer practiced ... and encroachment intensified through illegal exploitation, poaching and farming. However, by 1983 there was retracing of the boundaries by CENADEFOR with the area remaining now 18,729 ha.

In 1993, an ITTO-funded project commenced in the national forest of South Bakundu. The aim was to prepare and apply a management plan for the forest that integrated the economic activities of populations living in and around the project area and enhanced the sustainability of forest extraction activities. However, according to Agbor Pamela (project agro-economist & ITTO reporter) the role of women was recognized to be of great importance because they collect, process, transport and market non-wood forest products and they are involved in the management of both planted and naturally regenerating forest. Nevertheless, her experience suggested a number of constraints to the sustainable use of forests by women that have contributed to the degradation of forest resources and low agricultural productivity. The most important of these were: agricultural encroachment on the forest; unsustainable management of non-timber forest produce; the use of unsustainable traditional farming methods; a lack of technical know-how; inadequate capital for investment in processing and other facilities; the absence of



**Protecting distinctive flora: pods harvested from this native tree species help regenerate Cameroon's forests.**

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### Land tenure systems in southwest Cameroon: a retrospective

According to chiefs in the area, during colonial times when most nature reserves were created in Cameroon, the governments of the period were in the habit of demarcating portions of land and designating them as reserves. Very little consideration was paid to indigenous people in the process. The administration considered land to be abundant and assumed that local people would simply abstain from protected areas and search for alternative parcels of "free" land. Communities whose lands were confiscated and transformed into reserves automatically lost access to and control over such portions of land. Community members who formerly cultivated these areas were asked to harvest their crops quickly and leave. Others who depended on these forest areas for timber and firewood were asked never to venture into the reserve for any such purposes again.

**"Very little consideration was paid to indigenous people in the process. The administration considered land to be abundant and assumed that local people would simply abstain from protected areas and search for alternative parcels of 'free' land."**

In the Barombi Mbo Reserve, for example, a large majority of respondents (88.6%) reported that everybody including the local Barombi Mbo community was (and still is) prohibited from harvesting firewood and timber from the reserve. The bulk of them (75%) also said that the government had (and has) assigned no alternative place to the indigenous people of the region where they could harvest such forest resources. Though a quarter of respondents accepted that the community has its own piece of land where they are free to harvest forest products, they intimated that community members do not know the exact boundaries of this alternative land and that in any case it is too small to sustain the livelihood needs of the growing population for cash and food cropland, timber and wood for sale, firewood for local use, wildlife, medicinal plants and other non-timber forest products.

In a few cases, however, some consideration was given to indigenous people when creating nature reserves. Over three quarters of chiefs (78%) around the Banga Bakundu Forest Reserve said that, during the creation of the reserve, the colonial government of the time demarcated a large portion of land that had been shared by several communities and designated it as reserved. To replace it, the administration gave these communities access to and control over other land parcels for agriculture and the harvesting of forest resources, although without giving them title deeds. These alternative parcels of land put at the disposal of indigenous communities were referred to as "community forests". Discussions with respondents revealed that the traditional rulers of each village shared out the community forests among families. The head of each family (usually male) further shared the family land among the male children of the family. These male children had rights over the parcels of land given to them but had no land titles. A portion of the family land was usually left under the control of the head of the family. Female family members had access to family land but had no control over it. In other words, females could cultivate food crops on family land but could not dispose of the land; the reverse obtained for males. Moreover, females lost access to family land when they married.



**A Cameroonian grinds grain by hand: Secure traditional land tenure for cultivating food crops.**

T. Janssen / FAO

credit facilities; and a lack of improved/selected planting materials (ITTO 1999).

Although many of the inhabitants of the Southern Bakundu zone are involved in agriculture, there are still some people involved in non-timber forest product activities, but mainly for subsistence. A recent report said that most often, the villagers themselves are not involved in harvesting, allowing external harvesters to do it. Non-timber forest product resources are dwindling in this area because of forest degradation which, in turn, is due to forest clearance to make way for perennial cash crop plantations and also as a result of 'slash and burn' farming practices often used to clear fields for the production of certain income-generating food crops such as egusi and yams (Asaha, Balinga & Egot, 2006).

From my findings, using satellite images and GIS analysis, I realized that accessibility to big cities and markets provides a great motivation for extensive agricultural practices. The Southern Bakundu region possesses a very dense road network which links it by road to Buea, Douala, Kumba, Loum and Nkongsamba. It is also linked by rail to Douala, Kumba and Mbanga. As such, it is very easily accessible in all seasons on its eastern edges by road. Secondary roads exist going into the central and western areas. Access into the reserve itself is also very easy from various points... As a result of easy accessibility, this reserve has been exposed to encroachment and degradation. I am presently relating the dynamics of this forest reserve to the socio-economic factors that has been affecting Cameroon over time. It is clear that the forest management scheme in Cameroon has been changing with the political system from independence. Massive deforestation and illegal exploitation were aggravated by the economic crisis which started in the 1980s. This crisis ushered in retrenchment, salary cuts and unemployment.

However, by October 2006, I hope to have completed my research project and come out with possible solutions that could be applied in conserving this rich forest reserve as well as other forest reserves in Cameroon.

— **Fokwen T.D. Julius, African Regional Centre for Space Science and Technology Education, Obafemi Awolowo University, Ile-Ife, Osun State, Nigeria**

**"Community members do not know the exact boundaries of this alternative land... in any case it is too small to sustain the livelihood needs of the growing population."**



## The Implications Today

Most chiefs (85%) accepted that many years ago when most of the nature reserves in the province were created, human populations in these areas were very small compared to the land. Implicitly, it meant little or nothing to the indigenous people when their land or part of it was transformed into a reserve, especially when an alternative portion was shown to them. Today things have changed, local populations have increased and the demand for food and shelter is definitely greater than before. Moreover, the Chief of Post for the Barombi Mbo Reserve (the government official in charge) added that, due to the generally fertile nature of the soils of southwest Cameroon, many people from other parts of the country have entered the province and settled near the reserves (which are themselves located in the most fertile parts of the region) further increasing the quest for food and land.

In response to this situation, the indigenous people have engaged in dubious sales of protected land to immigrants. They seem to face no restrictions in conducting these transactions since the reserves belong to the government and no individual can claim to protect them. This state of affairs is further compounded by the absence of forest guards in the reserves plus the fact that the indigenous peoples do not have title deeds to lawfully controlled land. In the words of one non-native respondent, "We have nothing to rely on to determine the legality of land some natives purport to own. Frequently, no sooner do we buy land and commence cultivating, than we realize that we are cultivating protected land."



**A family in Cameroon works on the harvest: Secure land tenure enables farming without fear.**  
© 2005 Nomade, Courtesy of Photoshare

In Bai Many, a village west of the Banga Bakundu Forest Reserve, for example, two non-native residents interviewed intimated that their farms are located within the reserve. Asked why they bought farms in protected areas, they said nothing showed that the land was protected; there were no forest guards and no signposts warning trespassers. There was also no reason to ask for land titles from the sellers given that nobody owns a title deed for land parcels around the reserve either, although people do lawfully have rights to land in those areas. The two respondents also said that they are unable to practise sustainable agriculture on their farmland because they

are afraid the government might evict them from the land at any time. In the words of one woman, "I work in my farm with fear, I always think a forest guard will suddenly appear behind me and arrest me. With such a restless heart, how do you think I can manage my farm well or apply chemical fertilizers to it? How can my crops do well?"

**"I work in my farm with fear, I always think a forest guard will suddenly appear behind me and arrest me. With such a restless heart, how do you think I can manage my farm well?"**

In the Barombi Mbo Reserve, many respondents (75.5%) said people own farmland located within the reserve from settlements outside the reserve. Here as well, respondents are aware of the illegality of cultivating reserved land but economic and nutritional pressures force them to do so. For the same reason as in Bai Many, sustainable agriculture is not practised in the Barombi Mbo Reserve. It is therefore logical to conclude that environmental deterioration is higher in forest reserves in southwest Cameroon than in community forests that lie adjacent to them.

The poor land tenure system in and around protected sites in the research area is also blamed for the rampant land disputes in the region. Research findings reveal that almost a third of respondents (32.8%) said that they have land disputes with their neighbours, while more than a tenth of respondents (12%) in the vicinity of the Banga Bakundu Forest Reserve have land-related cases in the Customary Courts of Kumba and Mbonge. Some of the farmlands under dispute have been left lying idle as law suits drag on. A male respondent who had food growing on his farm but is not allowed to harvest it said "...the land was sold to two of us. The court asked us not to venture onto the farm until a verdict is reached as to the real owner of the plot. The person who sold the land to us has travelled abroad with his family." Perhaps the time, energy and financial resources that these respondents spend in lawsuits could better be used to apply



fertilizers to their farms or to buy improved crop seeds to boost productivity.

**"The poor land tenure system in and around protected sites in the research area is also blamed for the rampant land disputes in the region... almost a third of respondents said that they have land disputes with their neighbours."**

### The Way Forward

It seems clear that unsustainable agricultural practices and the reckless handling of land is more prevalent in farmlands cultivated within forest reserves than in those cultivated in community forest areas. Most non-native respondents (78%) in the vicinity of the Banga Bakundu Forest Reserve reported that the indigenous people prefer to sell portions of reserved land they unlawfully cultivate to immigrants rather than their lawfully controlled land. Moreover, during field observation, it was easier to identify seedlings of rare commercial trees such as iroko (*Chlorophora excelsa*), mahogany (*Khaya ivorensis*) and black afara (*Terminalia superba*) growing in private land parcels adjacent to the Barombi Mbo Reserve than in the reserve itself. From the above, it is logical to conclude that indigenous people consider it more of an obligation to conserve valuable resources in their own community forest than they do in the reserves. It appears they regard forest reserves as common resources whose devastation would not directly affect individuals. They sell portions of protected land to non-natives, knowing that one day they will be dispossessed of the land. The non-natives for their part do not bother about sustainability when tilling protected areas: they are aware that they may be evicted at anytime.

Perhaps if land titles were given to every person who lawfully possesses land in this country, natural resources would be exploited in a sustainable manner. Also, given that the Cameroonian government is not succeeding in protecting most of its reserves, perhaps it is high time that it transformed some of them into community forests in accordance with the 1994 Cameroon Law on Forestry. Under this law, "community forest" is defined as a forest in a non-permanent forest area, the subject of a management agreement between a village community and the forestry authorities. The management of such forests is the task of the village community in question, funded or assisted technically by the forestry authorities. The agreement signed confers no property title, but it does confer a sustainable right of tenure and livelihood (The Courier, July-August 2002).



**Sign for a farming and agroforestry improvement project in Cameroon: a need for sustainability.**

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### Appendix

The study sampled 100 respondents from 10 communities surrounding the Southern Bakundu Forest Reserve. This included the village chief, two male and two female councillors, and three native and two nonnative residents from each of the communities. Twenty respondents were sampled from the Barombi Mbo village, which is located at the heart of the Barombi Mbo Reserve. The later group of respondents included the village chief, four male and four female councillors, and six native and five nonnative residents of the village. The Chiefs of Post for the two reserves were also key informants in this study.

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## KENYA: "THE LAND IS OURS"

by Timothy Gachanga

### Introduction

It is unfortunate that the problem of landlessness in Kenya was not a passing phase after all. It was not a problem to be shed like the skin of a snake and then tossed away



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and forgotten. After forty three years of independence (achieved in 1963), landlessness continues to dominate political discourse among politicians who use it over and over again to gain popularity and power, creating a class of politicians who ultimately become masters of the double discourse of theory and practice in their in dealing with the issue. While on one side of this double discourse politicians openly condemn government failure to deal with the issue, on the other side they exacerbate the issue by giving land to their cronies in return for political support. This has made independent Kenya, especially during the Kenyatta and Moi regimes, contradict and bring shame upon what had been promised as independence for the country.



**Trees cleared for tea farms in Kimotho, Kenya: land is not a problem shed like a snake's skin.**

© 2003 Sammy Ndwiga, Courtesy of Photoshare

**"While on one side of this double discourse (on landlessness) politicians openly condemn government failure to deal with the issue, on the other side they exacerbate the issue by giving land to their cronies in return for political support."**

### **Background**

The problem of landlessness in Kenya goes back to the advent of colonialism when white settlers hived off parts of the Kenyan highlands and claimed ownership. But subsequent hopes that the land would revert back to the Africans were never fully realized. In an interview with a local TV station this year during the Madaraka celebrations (Madaraka is celebrated on June 1st every year to mark the day Kenya gained independence), ex-Mau Mau veterans were still expressing disappointment over Kenyatta's declaration that no land was free. Kenyans had to work for it. "This was a humiliating betrayal for Mau Mau. After spending years in the forest and risking our lives, we thought Kenyatta would recognize our sacrifice by rewarding us with land grants," complained an ex-Mau Mau veteran. They expressed disappointment over the absurdity of having to pay for "land that was rightly theirs". Understandably, the majority of landless people were unable to raise even the basic sum needed as a down payment for the purchase of "their land". They had no option other than to let go of the land which they regarded as their mother or the umbilical cord through which their spiritual and mental contentment was realized. It is this spiritual attachment to the land that made the Mau Mau sacrifice their lives and take arms to topple British colonialism.

Some landless Kenyans were accommodated as squatters by the remaining white farmers or the new bourgeoisie. Others joined cooperative societies or limited companies that purchased large farms which were later subdivided and shared out among the various members. (Even today, some cooperatives are still in operation and are subdividing land and sharing it out to their members.) This, however, was not without flaws. The process was riddled with blunders, quick-witted recoveries and fascinating power plays — all spiced with an occasional tinge of unscrupulousness. The directors were the new bourgeoisie who could use their influence to acquire more land and give it to their political cronies.

Later the government introduced alternative, cheaper schemes for settling the landless. In 1965, the Squatter Settlement Scheme was initiated whereby land was obtained through government expropriation and from confiscated mismanaged lands and donated lands. These schemes were marred by political interference, with politicians using the opportunity to reward their supporters. The Kenyatta and Moi regimes were notorious in this regard. They failed to recognize the fact that it is impossible for the government to resettle the landless without first possessing the land through a major nationalization programme. Even today, thousands of acres of land are still owned by former colonial settlers which they run as ranches or as wildlife conservation areas. As well, former home guards from both the Kenyatta and Moi regimes and some top NARC (National Rainbow Coalition) politicians themselves own thousands of acres that may have been acquired dubiously.

**"Decisions about distribution and redistribution of land were made in offices behind closed doors. There was little listening to how people who live close to the African soil**

**express their sense of belonging and practise their values."**

The Kenyatta and Moi regimes have also come under criticism because decisions about distribution and redistribution of land were made in offices behind closed doors. There was little listening to how people who live close to the African soil express their sense of belonging and practise their values. Because the Kenyan Government relies on land laws and policies established under the British colonial government, many disadvantaged groups are denied ownership of their ancestral lands. A good example is the Ogieks who live in the Mau Forest in Rift Valley Province.



**Beehive lodged in a tree in Kenya: Ogiek people depend on honey and other products of the forest.**  
© 2003 Sammy Ndwiiga, Courtesy of Photoshare

### The Ogieks

The Ogieks are a local hunting and honey-gathering people that have lived in the Mau Forest for hundreds of years. The colonial Forest Act did not recognize them as forest dwellers. Instead it regarded them as "outlaws". If you were not a forest officer, living in the forest was outlawed. The Trust Land Act (Cap 288), Forest Act (Cap 385), and Government Lands Act (Cap 280) of May 1963 do not regard the Ogieks as a forest dwelling community. Moreover, the courts are reluctant to address indigenous rights.

**"Efforts by consecutive governments to resettle the Ogieks were marred by the lack of clear resettlement policies and political greed... The Ogieks ended up losing the land which they claim was rightfully theirs."**

Efforts by consecutive governments to resettle the Ogieks were marred by the lack of clear resettlement policies and political greed. This happened in 1963 and again in 1976 when the Kenyatta government tried to resettle them. Politicians seized chunks of land for themselves and their relatives at the expense of the Ogieks. The Ogieks ended up losing the land which they claim was rightfully theirs. In the mid-1970s, the Maasai, like the Ogieks, lost huge tracts of land through the old colonial legislation when they were relocated from land that was subsequently included within Amboseli National Park, one of the continent's most famous wildlife reserves. In response, Maasai groups began systematically killing many of Amboseli's most prized tourist attractions, including dozens of leopards, elephants and rhinos. This programme of extermination was undertaken as part of a desperate protest campaign designed to counter the growing threat that tour operations posed to Maasai land rights. Although a compromise was later reached, the Maasai lost many of their traditional land rights to profitable government and environmental interests.

In 1988, the Moi Government also made an attempt to resettle the Ogieks. The government initiated a settlement scheme at Ndoinet in South and Western Mau in which the Kipsigis and the Ogieks were to be resettled. But the Ogieks refused to participate in this scheme arguing that it was their ancestral land and that they did not need to share it with the Kipsigis. The government nevertheless appeared determined to have the Kipsigis benefit from the land.



**A young Maasai in Masai Mara, Kenya: the Maasai have lost many of their traditional land rights.**  
© 2002 Amelia Burke, Courtesy of Photoshare

Since 1993, the government has been carving out huge parts of the Mau Forest for settlement but the Ogieks have not benefited. Instead senior state house officials have ended up securing huge chunks of the land, and senior Rift Valley politicians have used the land to reward their supporters. Attempts by Ogiek representatives to Moi and to other officials in his government to protect them proved unsuccessful. In 1997 they went to court to stop the surveying and allocation of their land to others. Their lawsuit eventually went to the High Court, but the case was dismissed in March 2000. Judges ruled that there was "no reason why the



Ogieks should be the only favoured community to own and exploit natural resources, a privilege not enjoyed or extended to other communities" (*Daily Nation*, May 30, 2002).

## Forests

In February 2001, the Government issued a gazette notice of its intention to take 167,742 acres from the country's 14 forests, ostensibly to settle landless people. This was met with considerable opposition. The then environmental minister had earlier claimed that much of the forest area to be taken was already occupied by squatters. However, it has since been established that the forests were indeed intact and had not been occupied by squatters. The notice did not explain the reasons for expropriation neither did it supply information on specifically who was to benefit. It merely said later that the move was meant to rationalize forest boundaries with developments on the ground (*Quarterly Peace Monitor*, 1:2, 2002, p. 23).

After publishing the gazette notice, the government reportedly deposited the proposed boundary plans in a remote district forest department's offices allegedly to deny those who opposed it a chance to scrutinize it before the 28-day notice period expired. Though the proposal was made on January 30th, it was only released on February 16, 2001, further justifying public suspicion. On January 21, 2002, a *Daily Nation* insight report exposed the government's attempt to treat the 28-day notice to expropriate the forest lands as a mere formality. While the allocations had been made illegally, the gazette would legitimize them and thus quell the public outcry. Many forests had been allocated before the notice was made. In Mt. Kenya Forest government surveyors had moved in even before the expiry of the notice (*Daily Nation*, January 21, 2002).

## Current Policy

When the NARC Government came to power, it recognized landlessness as one of the root causes of poverty and inequality. Their election Manifesto stated:

Land is one of the most contentious issues in Kenya today and has been so since colonial days. Land is of particular interest to Kenyans because of a number of factors, including the fact that 80% of Kenyans are rural peasants who eke their livelihood out of land. For such people land is life and any threat to their land resources causes fear and panic. Indeed our struggle for national independence revolved around the land issue.

**"When the NARC Government came to power, it recognized landlessness as one of the root causes of poverty and inequality."**

Unlike the Kenyatta and Moi regimes, the NARC Government recognized the need to repossess the land still owned by white settlers so as to resettle the landless. In the draft Constitution, which was one of the promises made to Kenyans, it stated that no foreigner would be allowed to lease land for a period exceeding ninety nine years. Any land with a lease greater than ninety nine years would revert back to the State. Though the draft was rejected, this clause was not contentious, meaning that the Government and the people were in agreement that the land was rightfully theirs (*Kenya Gazette Supplement*, 2005). When NARC eventually came to power, there was limited repossession of small pieces of land that had been grabbed by Moi cronies. There was also a plan to repossess underutilized land to be distributed to the landless. Addressing the media in early 2004, the then Minister of Lands and Settlement, Mr. Amos Kimunya, said that the government was touring farming regions to identify underutilized land. "We will tell them 'we are giving you one more year, if you can't demonstrate to us that you can develop it then give us back the land,' Mr. Kimunya said. 'Our emphasis now is maximizing the land use. For us all land should be economically and efficiently used'" (*Daily Nation*, February 11, 2004). Addressing the nation during this year's Madaraka Day, President Kibaki ordered the Ministry of Lands to issue title deeds to squatters in Coast Province as one way of boosting the economic growth (*Daily Nation*, June 2, 2006).

## Popular Challenges

Despite the centrality of the land issue, the process and the existing land laws are in conflict and in some instances their application is not relevant in some parts of the country. Abuse of existing land laws and other state powers has led to irregular allocation (the grabbing of public land) to a favoured and privileged few. In January 2003 for instance, villagers in Keiyo District invaded a 1000-acre public forest area which they claimed had been irregularly allocated to a Cabinet Minister. The land was to be used for a memorial in honour of the Minister's mother. The villagers cut the barbed wire



fence at several places to allow their animals into the memorial park. The invasion was led by community elders. The elders claimed that the forest was a trust land and a sacred ground used for traditional initiation rites and that it was taboo for an individual to acquire it, due to its cultural value (*Daily Nation*, January 9, 2003).

**"Despite the centrality of the land issue, the process and the existing land laws are in conflict."**



**Boundary in Bututia dry lake bed in Meru, Kenya: people have been rendered effectively landless.**

*Timothy Gachanga / AFRIPAD*

In March this year, over 3000 Ogiek squatters were left homeless after police and forest officers razed 120 houses on forest land. Reacting to the eviction, the squatters complained that they had occupied the land since time immemorial. They depended on beehives and other products of forests for subsistence as well as the maintenance of their social, ethical and spiritual order. Among these groups, bride price is counted in bee hives, not cattle. When they are displaced from their land their economic and spiritual security is uprooted. They wondered how a law passed in a far-away city could decide that "their land" is no longer theirs. While the

government views the land as a strategic national resource worthy of protection, the squatters view it as a cultural heritage and as inseparable from their life (*Daily Nation*, March 13, 2006).

In Meru, the community is up in arms following irregular land adjudication procedures. Late last year, at the sacred lake of Bututia, located off Meru-Maua road at Kianjai, Meru North, elders complained bitterly that they had been evicted from their ancestral lands by outsiders who have been allocated land in their area. Some have been rendered effectively landless in that they have been pushed into a sacred lake area which the community believes should not be settled. The lake is a gazetted area partially covered by water and surrounding marshes. It measures approximately 250 acres (Gazette Notice no. 8988, *The Antiques and Monuments Act*, Cap 215). "This is where all rain making ceremonies for the Ameru people were conducted and no one is supposed to settle here," an elder said while pointing to a bird on top of the water where the boundary mark for his land was. The elders threatened to conduct a cursing ritual on the outsiders who dared settle in their land. Cursing rituals are not new in this area. On December 16, 2005, elders conducted a cursing ritual so as to stop the encroachment and logging going on in Gitunge sacred forest located some seven kilometers from the town of Meru.

### Conclusion

Since Europeans began exploiting Africa centuries ago, the value of land to Africans and non-Africans alike has been determined partly by the worth of its natural resources. Over the centuries, the desire for agricultural products and valuable minerals led to violence, population displacement, landlessness and environmental degradation at the hands of colonialists. Though colonialism has ended, local and regional conflicts over the control of land still threaten the peace. In Kenya, the land problem has at times taken an ugly ethnic turn in which thousands have been killed



**Ameru elders in Kenya plan how to protect the Gitunge sacred forest from encroachment.**

*Timothy Gachanga / AFRIPAD*

and thousands displaced from their homes. The problem doesn't seem to be coming to an end any time soon. The rich continue to hoard and control land. The landless and the poor continue to struggle for "their land". The result is continued conflict. However, there is a need for correcting historical wrongs and for finding how best to incorporate communal interests over the years. Without this, the squatters, the indigenous communities and the small holding peasants will continue to lose land rights to local and national economic and political elites because of the distortions in the structures regulating access to land.

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## THE DISTRIBUTION AND REDISTRIBUTION OF LAND IN AFRICA

by Craig Dowler

In researching this editorial, two statements remained with me throughout and seemed to encapsulate the land issue in Africa. One was a British Privy Council decision in 1926 (Subhuza II vs. Miller and Others) that said:

The true character of native title to land throughout the Empire including South and West Africa: with local variations the principle is a uniform one... The notion of individual ownership is foreign to native ideas. Land belongs to the community not to the individual. The title of the native community generally takes the form of a usufructuary right ... obviously such a usufructuary right, however difficult to get rid of by ordinary means of conveyancing may be extinguished by the action of a paramount power which assumes possession of the entire control of the land. (In DFID, 1999, p. 2.)

The other was a statement by a Yoruba chief. When asked who owned the land, he replied: "That land belongs to a vast family, of which many are dead, few are living, and countless numbers are yet unborn" (Berry, 1993, p.106).

The coming together of these two opposed views of land tenure has given many of the countries of Africa the situation that now exists. In some, like Kenya, Zimbabwe, Zambia, Malawi and South Africa, where the climate was fine and the soil good, settlers took control of the land under versions of European received law, with their emphases on ownership. The natives were pushed into tribal trust lands or communal areas where "customary" or "traditional" law prevailed, and the soil was not usually good. In most of the rest of Africa, where the climate was not so fine, the impact of the European presence was less, but still felt in the form of large plantations devoted to commercial crops for export, such as rubber, palm oil, cocoa, coffee, tea, peanuts and cotton, and in the hard labour needed to produce them. Here the mix of flexible use-oriented customary law and the colonial laws of possession were less compartmentalized, so equity issues were not as pressing as the economic ones centred on resolving uncertainties of land tenure. But in Zimbabwe, Namibia and South Africa, though there are tenure problems, emphasis has to be on equity issues like restitution, reform and the redistribution of land.

**"The coming together of these two opposed views of land tenure has given many of the countries of Africa the situation that now exists."**

Before Zimbabwe and South Africa's current settler-based land problems, there was Kenya, where white settlers were encouraged by Britain to take over the best parts of Kenya's Central Highlands and the Rift Valley, displacing Kikuyu farmers and reducing them to farm labourers. The belief was that large commercial farms growing crops for export would help defray the costs of the hugely expensive East African railroad from the Indian Ocean coast to Uganda. During both World Wars, the commercial farms of the white Highlands prospered, and after World War II large numbers of post-war

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**An Angolan man shows off the harvest: land belongs to a vast family - many are dead, a few living and many unborn.**  
© WFP / Graciela Damiano



**A Kenyan farm couple: title deeds for customary holdings have not solved many land problems.**

USAID

immigrants arrived to bolster the number of white farmers and push even more Kikuyu into already crowded native reserves. The Mau Mau uprising of the 1950's was a symptom of this pressure, forcing the British to find a solution. The Swynnerton Plan, financed by Britain, sponsored a pre-structural-adjustment market-based solution. The White Highlands were parcelled out as smallholdings to native farmers to grow commercial crops under contract to marketing boards. People in the native areas were encouraged to register title deeds to customary holdings.

Theoretically, then, Kenya would resolve its land issue by giving security of tenure to

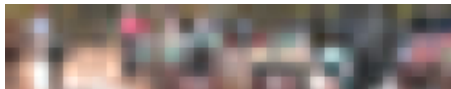
Kenyans on the European model. An obvious problem, however, would occur with disputes over contracts and titles. The colonial government, in its last years, favoured those loyal to it. Independent governments favoured their supporters. So disputes continued, and were made worse by the pressures of a rapidly expanding population, volatility in the markets for produce, and the temptations that go with government power over land. A recent article in the *Review of African Political Economy*, "The Ndungu Report: Land and Graft in Kenya," sums up Kenya's present land situation:

One of the few African countries to enact individual tenure of indigenous land, along with redistribution of chunks of the former "white Highlands," Kenya is faced with landlessness on a large scale and with recurrent land disputes among individuals and between communities. Government has just set in train a national land formation process to try and sort out these underlying problems, including those thrown up by the [Ndungu] Commission [on Illegal and Irregular Allocation of Public Land]. (Southall, 2005, p.142)

**"Theoretically, then, Kenya would resolve its land issue by giving security of tenure to Kenyans on the European model... (but) disputes continued..."**

After this brief overview of Kenya's land problems, we move on to the two countries that dominate the news at the moment: Zimbabwe and South Africa. There are those who speak of Mugabe's seizure of white-owned farms as having accomplished Africa's first "Agricultural Revolution," if only by accident (Chitiyo, 2003, p.179). That is one way of viewing the violent thrashings of a man desperately hanging on to power. After all, he is cheered wherever he goes in Africa, outside of Zimbabwe, as a champion of Africans against white domination. A strange champion, others might say, who is reported to have invited dispossessed white farmers to reacquire farms from the government under a new policy granting 99-year leases (Carroll, 2006). Then you hear that such an offer was never made, though there are precedents for lease arrangements involving white farmers, coming from Zambia, Mozambique, and Nigeria.

Such vacillation concerning the redistribution of land from white commercial farmers to dispossessed Africans is common. It has to do with the economics of the process. The call for equity and justice demands action; the calculation of the costs, political and/or economic, of such action causes hesitation. Zimbabwe fought its wars of independence over land (Chimurenga). When independence came with the Lancaster House Agreement of 1980, there were funds available from the US and UK to bring about the redistribution of land on a "willing seller, willing buyer" basis. The funds offered were not as generous as those offered Kenya in the late 1950s, and the early take-up was hesitant. The land willingly offered for sale was not that good and the costs of resettlement were much higher than calculated. Further calculations by the Mugabe government of the time suggested that better land with more resettlement costs would threaten the foreign exchange income generated by white commercial farms, so the process went dormant. However, the politics of land redistribution continued with the 1992 Land Acquisition Act: "An attempt to seek a





politically acceptable land redistribution program which would still preserve the white commercial farming sector" (Chitiyo, 2003, p.163). What eventually focussed Mugabe's mind and led to action on land redistribution at the end of the 1990s was threats to his power. Bringing on Zimbabwe's economic collapse, they began with the demonstrations of war vets, who were bought off and harnessed for Mugabe's political survival, which was threatened by his referendum defeat and the rise of the Movement for Democratic Change (MDC) on the eve of the 2000 elections. The farm invasions, the election violence and the "slum clearance" that have gone on since, have Zimbabwe "heading for collapse" (Carroll, 2006, p.8). It does not seem to be an economically effective way to accomplish land redistribution, and would seem to be a model that South Africa should avoid, given its leading role in Africa's renaissance.

**"Such vacillation concerning the redistribution  
of land from white commercial farmers to dispossessed  
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economic, of such action causes hesitation."**

South Africa's land redistribution is beset by the same problems as Zimbabwe's. The end of apartheid came through negotiations, as did the Lancaster House Agreement. So the "willing buyer, willing seller" method of acquiring land for redistribution was part of that bargain. As well, South Africa's white commercial farms, though not as large a part of its economy as they were of Zimbabwe's, still contribute to South Africa's economic strength. Apartheid was a particularly cruel and unfair system, even more than Ian Smith's U.D.I. regime. The settlement agreed to by the A.N.C. and the National Party precludes forceful restitution or redistribution of land. Commentators have observed that "in effect, colonial land theft is now preserved by constitutional sanction" (cited in Hall, 2004, p.214).

The South African Land Reform Process has three components:

1. To register land rights to those dispossessed by segregation and apartheid through a **Land Restitution Programme** served by a specially constituted Land Claims Court.
2. Securing and upgrading the rights of those with insecure rights to land through a **Land Tenure Reform Programme**.
3. Changing the racially skewed land ownership patterns through a **Land Redistribution Programme**.



The process has fallen far short of its early promise. By 1999 only 41 of 63,455 restitution claims had been resolved in the Land Claims Court (Hall, 2004). Besides the usual problems of uncertainty of land rights in communal areas, land tenure reform for tenants faces South Africa's emphasis on property rights and rights of ownership. Redistribution is beset by the usual economic constraints. The government has allotted only 0.5% of its budget for land redistribution (Hall, 2004), and though it has expropriation rights, it is reluctant to use them to acquire land below market rates. How would investors react to a mass exodus of white farmers?

The failure to move land reform forward only makes worse South Africa's biggest problem, the growing inequity between haves and have-nots. The cities and peri-urban areas are full of the unemployed. Adding the rural poor would take things to the edge of an explosion. At the moment land invasions and other forms of violence take place everywhere in the countryside. The example of Zimbabwe is there. However, in South Africa, ironically, the police are on the side of white ownership against black invasion. Another irony comes out of the government's emphasis on market-based land policies aimed at equity and efficiency and the avoidance of confrontation. "... There is evidence that white farmers gained more land under these policies than disadvantaged black farmers" (Kagwanja, 2005).

Given all the evidence that the purpose of its land policies are not being fulfilled, South Africa's government must temper its commitment to neo-liberal ideas, as it has done



recently in other areas of social need, and find the political will and money to get land into the hands of those who need it, work on it, and whose survival and dignity depend on it. Recently there have been signs of change. Mbeki's government has begun to speak of using powers of "eminent domain" to acquire land and promises 30% redistribution by 2014 (*South Africa Info*, May 5, 2006).

**"South Africa's government must temper its commitment to neo-liberal ideas, as it has done recently in other areas of social need, and find the political will and money to get land into the hands of those who need it, work on it, and whose survival and dignity depend on it."**

This editorial began by presenting two views of land: one based on ownership, the other on continuity. The issue for most African governments is how to resolve the problems arising out of two such opposite ideas about land tenure, one superimposed on the other. All must achieve some degree of equity and economic efficiency if agriculture is to contribute to poverty alleviation in Africa. In countries with settler economies, like Kenya, Zimbabwe, South Africa, and to some extent Namibia, equity is the more pressing issue; elsewhere, though inequities do exist, efficient economic use of land is the first concern. This "elsewhere" covers a wide diversity of countries, climates, and peoples. How can such a generalization be justified? One important book in the field puts it this way:

Yet within such diverse patterns of experience and situations there are generic issues relating to land tenure and land reform processes . . . The common features are a consequence of Africa's experience with colonialization, the imposition of an alien legal system on top of customary rules for managing people and land, and the many common shifts in policy and approaches to land tenure which have been pursued since independence. (Toulmin & Quan, 2000, p.8).

What are the "generic issues relating to land tenure and land reform processes?" Most lists would include:

- The uncertainty surrounding control of land in many areas of rural Africa
- The need for local decision making about land
- Finding the right balance between food crops and crops for export
- A realization that small holdings can be as productive as large commercial farms
- A need to create non-agricultural employment and better social services on overcrowded arable land
- A way of keeping the peace between herders and cultivators and avoiding ethnic conflict
- A way to enable women to get control of land if Africa is ever to feed itself.

Present African governments, with rare exceptions, rule over countries inherited from colonialists who invented the boundaries, established cities and economies, and designated some areas of land set aside for public uses, such as ports, parks, forest reserves, rights of way, public buildings, etc. Some land was given out as freehold or leased lots in the cities and larger parcels were designated for plantations, ranches, and larger farms. The rest, where the large mass of African peasants live, was under indirect rule and customary or traditional law where land rights are communal. Resolving this complex mix of land tenure arrangements towards agricultural improvement is an ongoing problem for most African countries. The Kenyan model of title deeds and formal registration of communal land is far too expensive and doesn't lead to resolution anyway. Another problem is that the process gives an advantage to the well-connected, educated urban elite and leaves the people who live and work the land at a disadvantage. One approach that is favoured is the decentralizing of land control. Botswana's Land Boards are an example that many will follow. However, for that model to work properly, there has to be a guarantee of local control. Land Boards full of government appointees will not likely be sensitive to local needs and issues.

**"Resolving this complex mix of land tenure arrangements towards agricultural improvement is an ongoing problem for most African countries."**

The years from the 1960s to the 1990s saw a very large drop in Africa's agricultural output. This was the time of "structural adjustment" with its emphasis on commercial crops for export, often at the expense of food crops. Africa became a net importer of

food. With unfair trade regimes and with so many countries pursuing the same markets there was an oversupply, prices dropped and commercial crops became uneconomical. African countries must now try to restore the lost balance between food crops and crops such as coffee, tea, cocoa, cotton, etc.

It is a common belief, in the growing of any crops, that larger farms and plantations have a productivity advantage. However, most of the informed sources in the field disagree, suggesting that the perceived advantage has more to do with ready finances and government help rather than productivity per se. If finances and government support were made available to small farms, the productivity gains would be there, as they were in the 1960s in Kenya and in the same period in Ghana where the cocoa boom was based on small holdings. There is the added bonus of more people involved in production.

However, where land is arable and production is good overcrowding is a problem. Africa's population is growing faster than in any other continent. Kenya is one example, others are the Great Lakes Region, and the Ivory Coast. In Kenya, the response to overcrowding and smaller farms is what Stephen Orvis in his book, *The Agrarian Question in Kenya*, calls "straddling." Households take off-farm work "to invest in agriculture and education . . . off-farm income is crucial to survival and accumulation" (p.150). He makes the point that for people to live productively on small farms they need non-agricultural income and good social services. In Kenya schools often get built using the "harambee" system of self-help.

**"It is a common belief, in the growing of any crops, that larger farms and plantations have a productivity advantage. However, most of the informed sources in the field disagree..."**

The Ivory Coast and the Great Lakes Region are examples of how destructive land issues can be. In both, overcrowding as well as pastoralist-cultivator clashes have led to intense hostilities stirred up by political opportunism. The Ivory Coast has not experienced the extremes of violence that have occurred in Rwanda, Burundi or the Kivus, but there is a divided country, political impasse and much suffering. It began with the Ivory Coast's prosperity under President Houphouët-Boigny who, in the glow of the prosperous years, invited herdsmen to bring their cattle from the drought-ridden Sahel to northern Ivory Coast to increase the country's beef output. At the same time the cocoa boom had moved from Ghana to the Ivory Coast attracting farm workers from everywhere in the region, especially Burkina Faso. As well, the offer of land to the cultivator attracted growers from outside the country: the present north-south divide, with militias and recalcitrant politicians on both sides is one outcome of those years. Resentment of outsiders who came to the Ivory Coast and succeeded resulted in today's xenophobic violence.

The violence in Rwanda and the Kivus was much greater. Again political opportunism played its part. It has been suggested that one of the incentives for the genocide in Rwanda was the release of overcrowded land. In the Kivus there was a different, though related, set of problems to do with land. They began with the Belgians establishing plantations in the Kivu highlands which, along with forest reserves and national parks, encroached on the communal lands of the indigenous people. Thousands of Rwandans (mainly Hutu) were brought in to work on the plantations. This was in the period after World War I when Belgium was granted trusteeship over Rwanda/Burundi. The situation prevailed until 1973, when Mobutu's "Zaireanization" movement included a land law declaring all land, plantations and communal land, as belonging to the state. He then parcelled out the land to those whom he could control. The Banyarwanda of North Kivu and the Banyamulenge of South Kivu owed their citizenship to him and were prosperous enough to incorporate modern farming methods. The selection of Kinyarwanda speakers suited Mobutu's divide and rule strategy at the time; later, when things changed in the 1980s and '90s they were dropped and subjected to government-encouraged expulsion orders. But the resentment and hostility of the indigenous people remained and was the undercurrent of the millions of deaths following the genocide in Rwanda, the refugee camps and two Rwandan-led incursions into Eastern DRC (Democratic Republic of Congo).

**"(There is a) need for women to be able to inherit and control land in order to lead Africa towards food self-sufficiency."**

The issue that remains to be discussed may be the most important of the seven "generic issues" raised: the need for women to be able to inherit and control land in order to lead Africa towards food self-sufficiency. Women, after all, have the job of giving and maintaining life, and so control of the land that supports life seems obvious. However, neither customary nor statutory law makes it easy for women to get control of land. Customary land practice places women, as the equivalent of youth and foreigners, in a secondary category in terms of land tenure. Whatever the intentions of land laws passed by new governments, the predominance of men in positions of power makes change a slow, if not impossible, process. Rwanda, with its 40% women in the legislature and the predominance in numbers of women over men since the genocide, may become an exception. Meanwhile, ironically, women in South Africa have a chance to control land during the current farm occupations (Sihlononyano, 2003, p.149).

## Select bibliography and links:

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