BOOK REVIEW

Ben Chigara (ed). *Southern African Development Community land issues: Towards a new sustainable land relations policy*, Volumes I and II (Routledge 2012)

This two-volume edition discusses a broad range of current land issues in the Southern African Development Community (SADC) region. The 19 chapters which constitute the two volumes of the book explore issues ranging from land rights, land use, farm workers, and women's land rights to land policy, management and administration. Several chapters in the edition have reviewed and commented on the outcome of the land reform processes in the region over the past two decades or so. Although the chapters discuss different topics, there are four major themes which are alluded to in almost all the chapters:

- Current land issues in the region are largely shaped by the colonial experience
- Land resources play an important role in the livelihood of majority of the region's inhabitants
- Land issues in the region are more controversial than in any other region in sub-Saharan Africa, and
- Land reforms in the region only started to receive serious attention during the 1990s.

The impact of colonial rule with respect to the direction taken on current land issues in the SADC region is mentioned in all the chapters in the book. Most of the chapters observe that the colonial experience regarding land dispossession in the region varies between colonial settler countries (mainly Namibia, South Africa, Zimbabwe and, to a lesser extent, Swaziland), and countries with smaller numbers of European settlers (Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Malawi, Mozambique, Tanzania and Zambia[1]). Nonetheless, colonial rule has generally shaped the current land issues in most countries in the region. For example, Home's chapter (2), which discusses the colonial legacy in land rights in the region, argues that many recent studies have documented –[2]

> … how colonial legal and regulatory systems have shaped urban landscapes and the land claims of different social groups … . Europeans … imposed their legal systems, took the best land into their ownership, and devised various legal devices and jurisdictional forms with which to establish, maintain and defend a hierarchy of social and spatial controls, to dominate the indigenous populations.

[1] The term *non-settler countries*, which is widely used to refer to countries with small settler populations, can be misleading. These countries had European settler populations, albeit in very small numbers.

[2] Vol 1 at 9.

Similarly, Adam and Knight contend that the way the colonial government demarcated, allocated and administered land 'has had direct impact, both on national land reform programmes and current land-holding patterns'.[3] In a chapter discussing the land crisis in the SADC region, Besada and Goetz also argue that –[4]

> [s]outhern African societies share a legacy of land dispossession and inequality that can be traced back to their colonial past which recent reforms have not been able to resolve adequately or justly.

Amoo and Harring follow this line of reasoning as well, observing that the presence of large white-owned farms in a number of countries is a physical manifestation of colonialism's legacy in the region.[5]

One of the outstanding consequences of the colonial land policy noted in many chapters in the book is the bifurcation of land tenure, administration and management into customary and statutory systems. Several chapters allude to the fact that the proportion of bifurcation largely reflects the degree of colonial dispossession, such that countries with small proportions of statutory land tenure experienced less land dispossession during colonial rule, while countries with large proportions of land under statutory tenure experienced the widespread and more violent dispossession of land.[6] Volume I, chapters 3 and 4 respectively estimate the extent of land under statutory (freehold and leasehold) and customary tenure. The total land area alienated during colonial rule amounted to 87 per cent (93 per cent before 1936) in South Africa, 49 per cent in both Swaziland and Zimbabwe, and 44 per cent in Namibia, compared with 6 per cent in Botswana, 5 per cent in Malawi, 6 per cent in Zambia, 0.9 per cent in Tanzania, and less than 0.5 per cent in Lesotho.[7] A number of chapters note that, in all settler colonies in SADC (Namibia, South Africa and Zimbabwe), although the European settler population constituted less than 10 per cent of the population, they took not only the largest share of the land, but also the best areas. In SADC countries with smaller numbers of European settlers, although the immigrants apportioned large tracts to themselves, the proportion of land they alienated from indigenous peoples was much smaller – as the figures cited above show.

However, despite the scandalous inequality in land ownership, largely along racial lines, most of the countries in the region only started to pay attention to land issues during the 1990s:[8]

> Given the history of settler colonialism, and the alienation of significant portions of the indigenous population from the land, one might expect the redistribution of land from white to black occupiers (or owners) to be the dominant policy issue in the southern Africa region. For extended periods, however, the issue has lain relatively dormant, punctuated by occasional bouts of frenetic activity, along a number of distinct lines.

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3 Vol 1 at 28.
4 Vol 1 at 171.
5 Vol 1 at 222.
6 Recent large scale land acquisitions in the region, especially by foreign companies and nations, are also having impact on land distribution in the region, but the impact of colonial land dispossession are still enduring in many countries.
7 Vol 1 at 28 and 67.
8 Vol 2 at 109.

Although several countries – including Zambia (1964), Malawi (1965), Botswana (1966), Tanzania (1962) and the DRC (1962) – became independent during the 1960s, it was only at the beginning of the 1990s that these countries started to reform their colonial land policies and associated administrative structures. While some countries such as Angola, Lesotho, Mozambique, Swaziland, Tanzania and Zambia nationalised land after independence, it is argued that there has been 'remarkable continuity between land policies in the colonial and post-colonial periods', which suggests that radical land reforms have not taken place, and that the normative and institutional parameters defined by colonialism have not changed: 'Continuity was the rule, rather than the exception'.[9] Ruppel,[10] Adam and Knight,[11] Saruchera and Manzana,[12] Lahiff[13] and Chigara[14] have all noted that land reforms in the region only started to feature seriously on the transformation agenda during the 1990s, and most especially after the Zimbabwe land disputes in 2000. However, even though this belated attention to land was noted in most chapters, few reasons have been provided to explain the lack of serious attention given to land reform in the region during the 1970s and 1980s. Those that are offered suggest that land was a sensitive, emotive and often divisive issue which most governments in the region tried to avoid.[15] Others have noted that what pushed land issues onto the agenda during the 1990s was the persistence of extreme poverty and inequality, especially towards the end of the 1980s and early 1990s, worsened by structural adjustment programmes (SAPs) together with changing economic conditions across the globe.[16] Thus, growing levels of poverty during the 1990s forced most countries to start considering land reform as a serious option for poverty reduction. Other authors in the two volumes argue that, even if a number of countries in the region have, since independence, formulated land policies and implemented a number of programmes, little has been done to radically transform the colonial land institutions, ownership patterns, legal framework and administrative structures in most countries. This failure or slow progress in land reform has been attributed not only to a lack of capacity, but also to an inadequate commitment to land reform.[17]

The irony of the failure to effectively implement land and agrarian reforms in most countries in the SADC region has been observed in most chapters in the book. The various authors point out that, although most people derive their livelihoods directly from land, there has been little progress in ensuring that rural dwellers use land more productively. This is despite the acknowledgement by SADC leaders that –[18]

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9 Vol 2 at 106.
10 Vol 1 ch 5.
11 Vol 1 ch 3.
12 Vol 2 ch 4.
13 Vol 2 ch 5.
14 Vol 2 ch 9.
15 Vol 1 at 89.
16 Vol 2 at 106.
17 Vol 1 at 71.
18 Vol 2 at 27.

> [l]and is the most basic of all resources available for social and economic development and it is a key asset for poverty reduction in the SADC region.

Several chapters in volume 1[19] and in volume 2[20] argue that land plays an important role in the livelihoods of most of the region's inhabitants. Estimates given in Volume 1, chapter 4, for instance, show that, on average, 70 per cent of SADC's population lives in rural areas, with countries such as Lesotho, Madagascar, Malawi, Mozambique, Swaziland and Tanzania being home to more than three-quarters of the region's rural populations in 2007.[21] In most SADC countries, a large proportion of the rural population engages in agricultural activities of one kind or another, with some countries such as Angola, Madagascar, Malawi, Mozambique and Tanzania having more than 80 per cent of the labour force in land-based activities.[22] In some of the countries, the larger section of the population in rural areas depends on land for their livelihood either directly, through subsistence farming, or indirectly, through other land-related activities. Such high proportions of people dependent on land show the importance of land in the region. Several chapters observe that, although land is central in the lives of the majority of SADC's inhabitants, there is little evidence that land is contributing positively to the fight against poverty in the region.[23] What a number of chapters in the book highlight is that little progress has been made in the region to address the broader agrarian question of increasing the productivity of land and of labour in the rural areas.

Several chapters in the two-volume edition also allude to the fact that land issues in the SADC region have been contested more strongly than in any other region of the continent. Commenting on the land disputes in the region, Chigara notes that –[24]

> [n]owhere else is this remarkable challenge more apparent than in the former apartheid-ruled states of the SADC … .

Sibanda explains the controversial nature of land issues in SADC in terms of the proportions of dispossession, which were more pronounced in SADC in comparison with other regions in Africa:[25]

> A particularly notable feature that distinguishes the SADC region's social and political history – from, for example, West African European colonialism – is the region's experience of settler colonialism.

It is further argued that, because of this large-scale dispossession of land in many SADC countries during colonial rule, the resultant post-colonial land reform has largely been preoccupied with land repossession and redistribution.[26] This preoccupation has often overshadowed the equally important issue of the productive use of land.

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19 Ch 3, 4 and 8.
20 Especially ch 1, 2 and 5.
21 Vol 1 at 64.
22 Vol 2 at 28.
23 Vol 1 ch 3, 4 and 7; vol 2 ch 2, 7 and 8.
24 Vol 1 at 3.
25 Vol 2 at 127.
26 Vol 1 ch 8.

The two-volume edition also discusses gender issues in relation to land,[27] as well as issues of indigenous peoples' rights.[28] Furthermore, apart from the regional discussion, country case studies on Zimbabwe land issues[29] and property rights and land reform in Namibia[30] are presented. Two particularly interesting discussions are the one by Banda[31] on farm workers in the context of land reform, that by Saruchera and Manzana[32] on the relation between land tenure reform and the dynamics of community-based natural resource management.

While most of the chapters discuss issues of land reform in the region, the book takes a very narrow perspective, focusing mainly on land rights, tenure issues, and the related challenges of land administration, management and distribution. The publication's grave silence on the broader agrarian issues of the productive use of land and labour is a major weakness. The failure to raise issues of effective and sustainable use of land as a factor of production that can play an important role in the fight against poverty gives the impression that land reform is an end in itself. Conceived in the broader agrarian framework, land reform should not just end at delivering a piece of land with secure title or property rights; a comprehensive land reform programme has to ensure that land plays an important role improving the livelihoods of the people living on and using land. If land reform does not go beyond the first step of securing tenure for the majority of the people, then it is no more than a token gesture which is often used as a tool of manipulation by populist politicians. While, for most politicians seeking the support of the rural masses, land reform can be seen as a means of winning votes and political popularity, for the majority of SADC's inhabitants, having access to land through secure land title is only a means of improving their livelihoods. Any discussion of land reform that ignores this instrumental aspect of land is an incomplete discourse.

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[27] See e.g. Vol 2 ch 2 and 3.
[28] Vol 1 ch 7.
[29] Vol 1 ch 10.
[30] Vol 2 ch 9.
[31] Vol 2 ch 6.
[32] Vol 2 ch 4.