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Fair Land Reform Without Violence

WITH its legacy of violent, extra-legal land seizures and resulting famine, Zimbabwe has asserted to the world that the only path to reform is the mailed fist. President Robert Mugabe is correct that land ownership and the historical inequities left by colonialism are evocative. Fair redistribution of land is politically and morally necessary in many places in Africa.

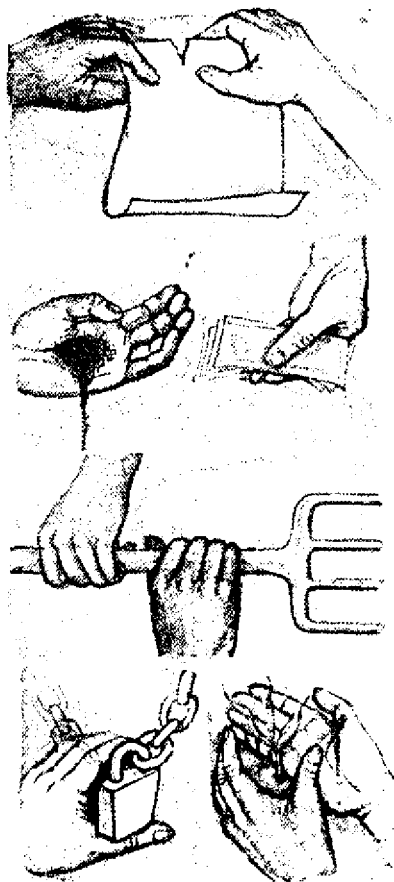
But while Mugabe has captured global headlines, there are other stories of land reform in Africa that offer hope and valuable lessons.

Kenya, which has some of Africa's largest commercial agricultural estates, suffered violent land grabs as part of pre-election pogroms in 1992 and 1997 that left thousands of embittered peasants nursing grievances. The politically powerful exploited connections to the ruling clan to transfer vast chunks of land — national parks, parastatals and government holdings — to private hands. Population pressures and age-old tensions between farmers and pastoralists further complicate the land issue. Despite demands for redress by ideologues citing Mugabe's plan, the new Kenyan government has sought to diffuse tensions and put in place a rational, systematic reform process.

South Africa also has steadily worked to resolve an enormous backlog of land claims growing out of its apartheid past. South Africa makes clear that governments must focus far more attention on ensuring that the systems of delivering justice are smooth, fair and staffed adequately so that disputes can be settled in a timely way.

It is an unpleasant truth that agriculture extension programmes in Africa have been allowed to collapse due to inadequate staffing, poor salaries and insufficient transport. Successful transfer of the landless onto functioning commercial land requires large measures of technical and financial support and advanced planning. Government is seldom in a position to offer the skills and training to newly settled farmers, but can and must do more to create and fund collaborative efforts that nurture emerging farmers from previously disadvantaged backgrounds.

Successful land reform is more than just throwing people on patches of soil. It requires the hard work of helping newly settled farmers adapt to commercial techniques, build up working capital and improve knowledge of quality control and foreign markets.



Verbatim

“Once every five years democracy affords me a chance to be boss again. I enjoy it when these big people dance for my vote.”

— Gideon Munthali, a Malawian citizen, days before the country's presidential election in May 2004.

“After the genocide in Rwanda a decade ago, the world's moralists said ‘never again.’ Well, it's happening again, this time in Sudan, but once more the UN, the Arab world and Europe are failing to speak up, much less act.” — *Wall Street Journal* editorial.

“These agreements are international pieces of paper. We have our responsibilities here on the ground.” — A senior Sudanese military official, on the renewal of fighting in the Darfur region of Sudan despite a cease-fire agreement.

“If ‘never again’ means anything, then it's now or never in Darfur.” — Report by the Brussels-based International Crisis Group, on the humanitarian crisis in western Sudan. More than 1 million people have been displaced by a violent campaign of government-sponsored ethnic cleansing.

“The truth is that impunity has been enthroned and nurtured for too long ... all over the nation, so that no one has been held up to public accountability and scrutiny for the mayhem that has been unleashed.” — Wole Soyinka, Nigeria's Nobel laureate, criticising President Olusegun Obasanjo and his government for corruption and a breakdown of law and order.



“We are doing nothing wrong. We are just playing the role of a Somali government now that there isn't one in our country. Obviously there should be someone offering this service to Somalis.” — Abdifatah Farah Yasin, a market trader who sells and “authenticates” passports, complete with a seal of the ministry of foreign affairs, speaking to the BBC. Somalia has been largely ungoverned since 1991.

“These two celebrations — of our 10th anniversary and the success of our bid [for the 2010 Soccer World Cup] — confirm the strength of the sentiment shared by millions across the globe, for a world of peace, democracy, non-racism, non-sexism and freedom from poverty. They speak of a shared dream for international solidarity and friendship among the peoples, and the victory of the African renaissance.” — President Thabo Mbeki addressing the opening of parliament in South Africa in May 2004.

“We are not hungry. It should go to hungrier people, hungrier countries than ourselves. They need the food and we urge it to go and do good work there.”

— Zimbabwean President Robert Mugabe in an interview with Sky News, on whether his country will need continued international food aid to avert widespread starvation. The World Food Programme estimates that up to 5 million Zimbabweans are at risk due to decreased production caused by Mugabe's land reforms.

“They want to use food as a political weapon as they have done in the past ... Then they can punish those people who are supporting the opposition.”

— Archbishop Pius Ncube, referring to Zimbabwe's ruling party.

“I was baptised Ousmane Issoufi Maiga. What people call me on the street is not my concern.” — Maiga, newly-appointed as prime minister of Mali, on being nicknamed Pinochet, after Chile's erstwhile brutal military dictator.

“Throw a stick for a dog to fetch, and after 10 times the dog will say, ‘Get it yourself, buddy’. Rats will keep working as long as they want food.” — Frank Weetjens, an employee of the Belgian mine-removal group Apopo, on the use of trained Gambian giant pouched rats to detect mines.

“To me it is encouraging to see men becoming less idle and less chauvinistic. Their decision to participate in community-based care-giving is a great shift in the way they have been perceiving the AIDS issue.” — Luckson Murungweni, a Zimbabwean, on the involvement of more men in caring for the chronically ill.

Ag Imbalances Under Fire

COTTON anchors the economies of some of the world's poorest nations. But in 2001, the most recent year for which statistics are available, 24 sub-Saharan African states lost an estimated \$302 million in cotton exports.

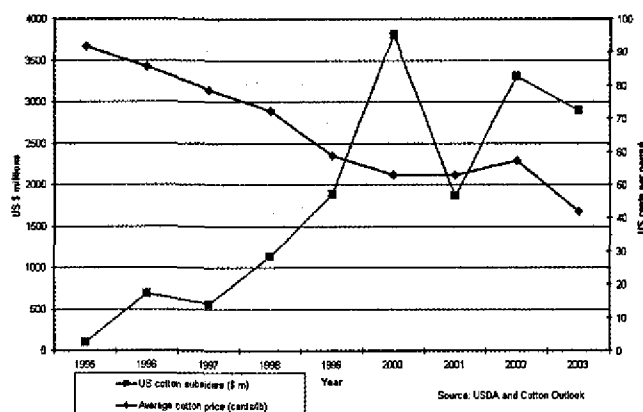
The culprit? Soaring government subsidies for cotton farmers in the US. From 1994 to 2001, US cotton supports rose from \$99 million to nearly \$4 billion, according to official figures. During the same interval, global cotton prices slumped from \$2.53 a kilogram to \$0.83 a kilogram, causing budget trauma across Western and Central Africa.

Agricultural subsidies remain one of the most divisive issues between the wealthy North and developing South. Europe, Japan, Canada and US spend billions each year propping up products from beef to beetroot — the European Union allocates \$3.3 billion annually to sugar exports alone — to compete against the same commodities produced more cheaply in poorer countries.

For years the South has been powerless to balance the terms of trade. But the scales may soon start coming to right. On 18 June 2004, a dispute settlement panel will decide whether to uphold a provisional ruling by the World Trade Organisation (WTO) in April that US cotton subsidies broke global trade rules.

If the ruling is preserved, it will mark the first successful international legal challenge to what the world increasingly regards as unfair Northern agricultural trade practices. Coming just months after the expiration of the WTO 'peace clause' — a gentleman's agreement among nations not to sue over subsidies — it sets the stage for open and sustained confrontation around farm supports that could have important ramifications for African producers.

American cotton subsidies and the global average cotton price



'The cotton case is very significant,' said Hilton Zunckel of the Trade Law Centre for Southern Africa in Stellenbosch, South Africa. 'It's the first time a challenge has been brought to the WTO directly against an agricultural product, and it looks like a major subsidising power will lose.'

The cotton case, brought by Brazil with third-party support from Benin and Chad, follows a dramatic showdown in Cancun, Mexico, last August, when an emerging coalition of non-Western countries calling itself the G20+ derailed trade talks by protesting against US and European farm supports.

The dispute over subsidies is certain to re-emerge at the annual G-8 meeting in Sea Island on June 8-10, when the leaders of six African states, including South Africa, meet with their counterparts from the world's most powerful industrialised nations.

Launching its case in September 2002, Brazil claimed that US cotton subsidies in 1999-2000 and subsequent payments permitted under the 2002 US Farm Bill exceeded limits established by the WTO. Consequently, Brazil argued, Washington was no longer protected from litigation under the peace clause.

Washington's subsidies, Brazil argued, stimulated domestic overproduction that drove down world cotton prices to

their lowest level since the Great Depression in real terms and skewed the global cotton market. Brazilian cotton growers claimed they lost \$600 million in sales in 2001-02 as a result. The US export market share, meanwhile, doubled from 20% in 1999 to 40% in 2004.

In its defence, the US claimed protection under the peace clause and denied the direct link between its subsidies and plummeting world prices.

The case holds big stakes for Africa, where the livelihoods of 10 million small-holder cotton growers and the prosperity of national economies hang in the balance. Cotton accounts for up to 10% of GDP and a third of export earnings in Burkina Faso, Mali and Chad, according to industry statistics. In Benin, it generates 40% of GDP and 80% of export receipts. The \$4 billion in US cotton subsidies in 2001-02 exceeded Burkina Faso's GDP. They were also three times higher than US aid to Africa, with manifestly counterproductive effects. In 2001, for example, Mali received \$37 million in aid, yet lost an estimated \$43 million due to lower cotton export revenue.

Brazil and Washington are permitted to send briefs to the panel before it releases its final verdict on 18 June. The US is likely to appeal if the April decision is not substantially altered. But the bigger question relates to enforcement.

'There are no mechanisms to enforce compliance,' said Olu Fasan, a trade law expert at the University of London.

Still, trade advocates in Africa remain hopeful that the tide is turning. 'If the US and EU lose these types of cases, they must accept their punishment,' Zunckel said. 'They cannot risk being continually confirmed as perpetrators of suffering in the eyes of the world.'

— Steven Gruzid

A New Face For US Aid?

Washington increases development funding, but ties it to tougher standards of governance

IN A POTENTIALLY radical departure from past approaches to helping poor countries develop, the US has embarked on a bold experiment that ties aid eligibility to 16 indicators measuring a state's performance in three categories: just rule, economic freedom and investment in people.

The Millennium Challenge Account, which will be administered by the newly established Millennium Challenge Corporation, will run independently of the State Department's 44-year-old US Agency for International Development, will use dramatically different rules, and will bring major new resources to qualifying countries. While USAID budgets will remain flat, MCA funding is set to rise from \$1 billion this year to \$5 billion in 2006 – roughly doubling present US spending dedicated to development.

MCA plans to jump-start economic growth by concentrating resources on well-governed countries, who will make better use of it than nations only weakly committed to reform. To qualify, countries must pass three hurdles: Have low per capita income (the threshold is \$1,435 in 2004, rising to \$2,975 in 2006); rank above-average on the governance indicators and present spending plans that will boost growth and offer clear measurements of success.

'The MCA has the potential to bring about the biggest transformation in US foreign assistance strategy in several decades,' wrote Steve Radelet, an aid researcher at the Centre for Global Development and former deputy assistant secretary for Africa in the US Treasury, in the book *Challenging Foreign Aid*.

'The programme's design challenges conventional aid programmes in several ways and promises – if implemented

'The MCA has the potential to bring about the biggest transformation in US foreign assistance strategy in several decades.'

carefully – better outcomes for both recipient countries and the American people.'

In May, the US announced that 16 countries had passed the indicator test, out of 74 (39 of them African), which met the low-income requirement. The countries qualified to apply for MCA funds include eight from Africa – Benin, Cape Verde, Ghana, Lesotho, Madagascar, Mali, Mozambique, and Senegal – and eight from the rest of the world: Armenia, Bolivia, Georgia, Honduras, Mongolia, Nicaragua, Sri Lanka, and Vanuatu. The MCC plans to increase the number of participating countries to 20 or 25 in three years.

Internet Rules

Traditionally foreign aid has been allocated by a confusing, often conflicting set of strategic, humanitarian and developmental priorities. Aid donors talked about good governance but relied more on stated intentions to reform than actual results. Consequently, donors frequently turned a blind eye to gross corruption, stolen elections and failure to deliver on development promises.

The MCA, on the other hand, is the first attempt to demand a track record of solid performance up front, based on unequivocal numerical rankings of governance. To ensure that countries are chosen on their merits rather than US strategic interests, the system relies on indicators produced by private

research institutes and international agencies as follows:

■ **Ruling Justly:** Based on Freedom House rankings of civil liberties and political rights as well as World Bank Institute indices on accountability, governance and control of corruption.

■ **Economic Freedom:** Determined by credit ratings, inflation rates, business start-up times, trade policies and regulatory regimes as measured by such institutions as the World Bank, the International Monetary Fund and the Heritage Foundation Index of Economic Freedom.

■ **Investment in People:** Gauged according to public expenditure on health and primary education, immunisation rates and primary school completion rates as recorded by the national governments, the World Health Organisation and the UN.

To be eligible for the MCA, countries must perform above the average of all country scores in at least half of the indicators in each category. A country will automatically fail if it performs substantially below average in any one indicator or ranks below the median on measures of corruption.

Once qualified, countries must submit three- to five-year spending plans with clear indicators for measuring progress and explanations of how spending projects will directly promote growth and alleviate poverty. Programmes that do not show results or those from countries that fail to perform on the prescribed indicators risk being dropped. All country rankings, spending plans and project results will be posted on the Internet. Staffed largely from the private sector, the agency is governed by a corporate-style board, led by the US Secretary of State, with membership from

government, business and the non-profit sector.

Unmeasurable Progress

For Africa, the world's most aid-dependent region, the MCA has important implications. It is part of a broader trend of aid reform, driven by growing donor frustration with the inability of aid to deliver measurable results. Japan recently conducted an extensive review of its foreign aid programmes. The UK also has conducted several internal reviews in recent years and recently formed an Africa Commission to search for better means of assisting with the continent's development challenges. Denmark and the Netherlands have chosen to withdraw aid programmes from poorly performing countries in favour of supporting fewer recipients that show greater enthusiasm for reform. Canada has set up a separate fund for HIV/AIDS and floated plans to form a Canada Corps to rapidly deliver technical expertise to developing nations.

According to the World Bank, more than \$1 trillion in aid and loans has been given to Africa since the 1960s, but most of the recipients have little to show for it. Infrastructure is crumbling, poverty is deepening and delivery of basic services is poor.

Externally imposed structural adjustment programmes are at least partly to blame. 'What is clear is that the hopes for "adjustment with growth" did not work out. There was too little adjustment, too little growth and too little scrutiny of the results of adjustment lending,' wrote William Easterly, a former World Bank economist in *The Elusive Quest for Growth*.

Easterly and other critics suggest that aid may have worsened Africa's governance by softening the blow of poor policies and thus insulating leaders

from public wrath. Instead of cutting off the funds when governments misbehaved, the US, World Bank, International Monetary Fund and other donors accepted bland promises that performance would improve.

Practical Problems

By using indicators rather than vague guidelines, MCA's architects intend to impose an unequivocal choice: Either recipients achieve tangible results or lose funding.

Translating that theory to reality will not be easy. The MCC presently has only 20

staff members and plans to add only another 60 to 70 by the end of the year. At full strength, the corporation will have just 150-200 people – a tenth of the USAID staff. Critics wonder how such a small team, with no in-country offices, will manage to assess and monitor large-scale aid projects.

'If the MCA does not establish a stronger monitoring and evaluation system than in existing programmes, it is doomed to fail to achieve strong development results,' according to Radelet.

The ongoing costs of the wars in Iraq and Afghanistan, coupled with rising budget deficits, mean that the plan to increase MCA funding to \$5 billion will face stiff congressional scrutiny, particularly if George W. Bush loses the November presidential election. Even so, the programme has broad political support in both major political parties.

'September 11 changed things on Capitol Hill,' said Mary Locke, a senior staff member on the Senate Foreign Relations Committee, who helped draft the MCA legislation. 'It quieted

voices that said aid was international welfare. Post-9/11, Congress knows in its bones that if you don't have a stable and prosperous world, you are not safe.'

Another thing working in the MCC's favour is the relatively simple legislative framework governing it. Washington's traditional aid agency, USAID, has become increasingly hamstrung by eccentric and competing demands from Congress over the years. The frequently amended US Foreign Assistance Act, which stipulates the terms of international aid, now specifies 33 goals, 75 priority areas and 247 directives. Instead of deciding on a clear budget, Congress frequently engages in 'earmarking', the practice of dedicating funds from the overall budget to specific, politically popular programmes, such as disaster relief. That often leaves USAID scrambling for crumbs to fund other goals, particularly growth-oriented projects.

Although political support for the MCA stems in part from concern over weak states and terrorism, it does not address the problem because it leaves the more problematic nations to USAID, other donor nations and international lending institutions like the World Bank.

If the MCA approach fails, it may damage the already fragile political support for foreign aid among US budget-makers and the general public. But if it works, it will increase the pressure to reform USAID and accelerate global demands for greater accountability in recipient governments.

That may not be a bad thing. With increasingly tough

conditions imposed by the IMF, World Bank and other donors, the MCA has the potential to signal that corrupt, autocratic regimes face a future of ever dwindling aid. – **Ross Herbert**

SPECIAL FEATURE

A Deed Changes Hands And a Farm Still Thrives

State support, rule of law and collaboration are key to ensuring successful land reform in South Africa

THE Mataffin Farm in Nelspruit, South Africa is testament to the country's thriving – and transforming – agricultural sector. Tidy rows of robust avocado trees splay across soft, rolling hills. Two schools and a spacious soccer pitch are enjoyed by the farm workers' children. Mataffin's white managers and its new black owners are working hand in hand to ensure that this coveted land continues to produce abundant harvests as it has for more than 100 years.

The South African Land Claims Commissioner, Tozi Gwanya, holds Mataffin up as proof that land reform can be triumphant in the country.

'We didn't believe it would be successful,' Terry Mdluli, the new black chairman of the Mataffin Farm, explained. 'But after the government paid R63 million [to buy the farm from the white owners], we have been much happier.'

Yet the Mataffin farm may contain the crucial – and scarce – ingredients necessary to make land reform, and in particular, emotionally charged land restitution, a seamless transition.

Land reform in South Africa has been fraught with problems, ranging from financial constraints and lack of human capacity on the ground to fierce resistance from white farmers and frustrated blacks represented by the Landless People's Movement which carried out a 'No Land, No Vote' campaign in advance of last month's national elections.

Adding fuel to the fire, more than 1,500 whites have died in violent attacks in



Terry Mdluli shows off his pecan trees at his newly-owned Mataffin Farm, a piece of land he won in a land restitution case.

Photo: Jennifer Abrahamson

rural areas since 1991.

The government has vowed to transfer 30% of white owned land to blacks, either through land redistribution, land restitution or land tenure, by 2015. So far, only 3% of that land has been transferred from whites to black. According to Glen Thomas, Deputy Director-General of Land and Tenure Reform at the Department of Land Affairs, the land reform budget will have to increase four-fold to reach that target.

South Africa has the second largest disparity between rich and poor in the world, after Brazil. Thomas firmly believes that one of the best ways to

close this gaping divide is land reform.

Land reform 'is not meant to exacerbate the two economies, it's meant to close the gap. Land being returned underpins growth, and the only way to do that is to give land as an economic resource to the poor.'

Restitution, the return of land to blacks who lost ownership rights after 1913, presents the biggest challenge to the overstretched, cash-strapped Department of Land Affairs. Only 500,000 of South Africa's 86 million hectares of commercial farmland had been transferred through the restitution programme by last January. Of the 68,000 claims about 70% have been settled, but mostly in urban areas. Most of what remains is cast well beyond the city limits of Johannesburg, Port Elizabeth or Durban. Vast tracks of rich farmland, many owned by whites who have no intention of leaving their swath of earth, are still under review. The government has promised that all

'Land reform in South Africa has been fraught with problems, ranging from financial constraints to fierce resistance'

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of those cases – and nobody knows exactly how much land is under dispute in the country – will be resolved by the end of next year.

Gwanya and Land Affairs Minister Thoko Didiza must put their hands together and say a small prayer that all parties involved are half as amenable as the Mataffin players were, if they are to pull off that fantastical feat.

Last December, Mataffin was smoothly transferred from HL Hall and Sons to the Mdluli clan without a trace of animosity. Key to this was the white owners' fundamental belief that land reform is necessary in South Africa.

'We've had a positive relationship with the black community that worked with us all those years. We even fought with [the apartheid] government to have schools for the workers' children,' explained Rob Snaddon, the original owner's great-grandson. 'It became apparent to us that things needed to change with the evolution of the political scene and in the 90s we came to believe that we needed to find a long-term fix for those people who were landless under apartheid. Without land reform, we would have strife in the future.'

The Mdluli clan occupied the land in about 1840, when their leader Matsafeni Mdluli, a powerful Swazi chief, conquered the area. After the Native Land Act was passed in 1913, millions of blacks across South Africa gradually lost all rights to their land. In 1921, HL Hall and Sons became the registered owners of what became the Riverside Farm. After 82 years of waiting, the Mdluli's ownership rights were finally restored.

But chaos could have easily ensued. Some 1,200 members of the Mdluli clan lodged a claim for 6,000 hectares of HL Hall and Sons land in 1994, shortly after the ANC government passed the Restitution of Land Rights Act. Yet they didn't include the 5,000

Catherine Mafifi, of the Matabane Community in the Limpopo province, wants to return to her land to plough her fields. Her community has lodged a claim for land restitution.

Photo: Jennifer Abrahamson



labourers and their families who had been living and working on the farm for decades.

Snaddon bargained with the Mdlulis to include the labourers in the claim and to his delight, they complied. In return, Snaddon will be leasing and managing his old farm until the Mdlulis gain the skills to run the farm on their own.

'They don't have the machinery or the managerial expertise to run a show like this,' said Snaddon, who still owns other farmland in the area. 'It's a multi-million rand farm that needs to keep running. If you don't have a seamless transition, you don't have a crop. Subsequently, you'll run into financial difficulties very soon.'

To stave off such a detrimental scenario, HL Hall & Sons is providing the Mdlulis with hands-on training and mentoring to ensure that his contribution to land reform doesn't fail.

'It's vital for this thing to work, because if it doesn't, our neighbors will be very unhappy at the end of the day. It's our vision to help them make it work,'

Snaddon added.

On top of Snaddon's training, Terry and the rest of his Mdluli clan have applied for a post-settlement grant worth about R10 million through the Provincial Land Claims Commissioner, which will enable them to purchase expensive equipment necessary to grow their crops and reap their harvest (existing equipment is not included in the land transfer).

The Mataffin Farm is ahead of the game with willing white and black partners, farm-savvy labourers who've worked the fields for decades and a huge dose of progressive thinking. But many trials still lie ahead.

'It would be a challenge to start this business on our own at this point in time,' admitted Terry Mdluli, who believes it could take years of Snaddon's help before they'll be ready for absolute independence. 'But we can't and won't let such a big farm fall down, though it will take time to develop because such an opportunity was not given to our people in the past.'

Detractors like Pretoria-based attorney Philip Du Toit claim the country is facing much worse than a painstakingly slow process.

'The Department of Land Affairs decided they must do something and invited the media out to farms to see

'We've had a positive relationship with the black community that worked with us all those years'

SPECIAL FEATURE

success stories. I've challenged them: if there are successes, let's see them. I'm saying, "Listen, stop doing this. You're wasting taxpayers' money. All you're creating is land lying fallow," said Du Toit, who has links with the right-of-center Transvaal Agricultural Union (TAU). 'Will we have a Zimbabwe? No. We're already *having* a Zimbabwe,' he added.

Earlier this year, Du Toit published *The Great South African Land Scandal*, which provides dubious 'empirical' evidence that blacks have ruined the farms they've acquired. The book is widely viewed as a 268-page long racial slur.

'Property rights are secured in the constitution,' said Nic Opperman of AgriSA, the country's largest agricultural association. 'We have a different approach [from Zimbabwe]. Our advisers aren't Third World people. They know what they're doing.'

Yet some of Du Toit's concerns, expressed in an interview, warrant some reflection.

South Africa is no Zimbabwe, but last year, the Restitution of Land Rights Amendment Bill was passed, which gives the Minister of Land Affairs the ability to expropriate land without going through the normal routes of due process of law. The bill, which was promulgated earlier this year but has yet to be invoked, states:

'To amend the Restitution of Land Rights Act, 1994, so as to empower the Minister of Land Affairs to purchase, acquire in any other manner or expropriate land, a portion of land or a right in land for the purposes of the restoration or award of such land, portion of land or right in land to a claimant or for any other land reform purpose; and to provide for matters connected therewith.'

'Property rights are secured in the constitution. Our advisers aren't Third World people. They know what they're doing.'

'They want to expropriate land and I have proof from inside circles, but now because of my book, they're cautious because I have found them out,' Du Toit claimed.



Yet experts such as Ruth Hall of the Programme for Land and Agrarian Studies (PLAAS) at the University of the Western Cape, believe Du Toit's fear that South African land reform mirrors Zimbabwe's politicized land grabs, is largely

unfounded. According to Hall, it is highly unlikely that the Minister of Land Affairs will systematically use the new freedom to expropriate without going to court. But the incumbent may invoke this right in a few cases to make a much-needed point: land reform is a fact of a life and will move forward despite resistance.

'If there is good reason to expropriate land from a particular farmer [who resists land restitution], then the government will have to do it,' warned



'My impression is that [white] commercial farmers threatened by land claims have a narrow understanding of what constitutes a valid claim'

Thomas of the Department of Land Affairs.

Du Toit is also very skeptical about the validity of land claims dispossessed blacks have lodged, and believe the government's Land Claims Commission has an agenda.

'Whites put in these boreholes. There's no way they [black claimants' ancestors] could have lived there. Man can't survive without water,' said Du Toit as he pointed to a map of Limpopo Province, much of which has been lodged for restitution.

Again, Hall disagrees. She argues that the verification and validation process involved in land reform is accurate and legitimate. And the Land Claims Commission has not been the only decision-makers in the process; much of the work has been farmed out to the private sector.

'The validation process is very thorough and transparent,' Hall said. 'Is it inconceivable that a few invalid claims have slipped through? I suppose not. But overall it is working. My impression is that [white] commercial farmers threatened by land claims have a narrow understanding of what constitutes a valid claim. It's not necessarily people who owned the land *per se*, but those whose ancestors had beneficial occupation of the land also qualify.'

Louis Nel, a white farmer and TAU member whose land has been claimed by 500 squatters of the Matabane community, may be one who shares that narrow understanding.

'I won't sell to the government,' said Nel, from his farmhouse near Vaalwater in Limpopo Province, displaying frayed deeds proving he is the rightful owner. 'I will farm my cattle till I die.'

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But the Matabane community says they, not Nel, are the rightful ancestral owners of the land where they worked as farm hands for decades. They've filed a claim for the return of thousands of hectares of valuable land nearby, much of which is surrounded by leopard-filled game lodges for tourists.

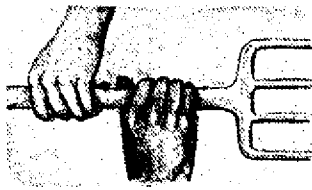
'I'm praying to God that our land will be given back to us. We want to go back and plough and eat,' said Catherine Maffi in front of her shack in the squatter camp she and her community erected in Vaalwater after they were evicted from Nel's land.

The Matabanes, who vowed not to vote in national elections unless they received their land, represent growing frustration with land reform's slow process.

'So far one would say land reform is moving at a snail's pace,' said Siphwe Ngomane of the Nkuzi Development Agency, which is helping the Matabane with their claim. 'Our job is to adopt a proactive role, asking the government to expedite the process.'

Glen Thomas at Land Affairs said that, although the process hasn't gone as swiftly as he would like, there are reasons. The process didn't really take off until 1999 when policies and procedures had been put into place. Furthermore, despite good intentions, a tight budget has, and continues, to constrain the programme.

'Within the framework of their budget, they're doing a good job,' said Agri SA's Opperman. 'There are certain constraints and we should not create expectation that we can fulfill all the promises that we can give all the land to the people.'



Nel's banking on it. He described how he has struggled on his land since the apartheid government collapsed and hence, generous farm subsidies vanished.

He believes if the Matabane win their claim, his farm will disintegrate into nothing but a large squatter camp itself.

'There's no need to redistribute land. It would be a disaster,' Nel explained. 'Even white farmers can't make a living here. How can you give land to people who don't know how to farm it?'

Despite Nel's attitude, land reform is marching forward. Now the biggest challenge is providing the much-needed cash to fund training and development once property is transferred to blacks. The Matabane will need this assistance if they ever manage to wrench the land away from Nel.

'Restitution is necessary and is part of people's identity that was ripped away from them,' said PLAAS's Hall. 'Transferring land is the first step. But without development we could face a disaster.'

If this advice is followed, as Snaddon of the Matabane Farm has, South Africa's land reform process, with a few inevitable bumps along the way, can prove successful.

'There shouldn't be land for land's sake, but land for empowering people. We must avoid land reform as it happened in Zimbabwe where it destroyed the economy. We must avoid killing the commercial farming sector,' said ex-president FW De Klerk at a recent press conference in Johannesburg. 'Skills and support must be made available. The existing white farmers need to be a part of this initiative in assisting development in regions where they are farming.' — Jennifer Abrahamson

'I'm praying to God that our land will be given back to us. We want to go back and plough and eat.'

Briefs

One country, two fronts: The Sudanese government and southern rebel forces were set to sign protocols on three disputed territories and post-conflict power-sharing arrangements in late May 2004, removing what external negotiators regarded as the last obstacles to a final peace agreement to end the country's 21-year civil war. Meanwhile, government forces continued a campaign of 'ethnic cleansing' in Darfur, a region in western Sudan not included in the US-backed peace negotiations between Khartoum and its southern rivals. In one positive development, however, relief group Oxfam was permitted to step up its humanitarian operations in Darfur. The International Crisis Group warned that 350,000 people could die in the region in the next nine months from disease and starvation unless the international community intervenes.

A questionable vote: Opposition leaders have filed a suit demanding a re-run of Malawi's 20 May presidential elections, which observer groups said were marred by a chaotic registration process, widespread vote rigging and violence. At least four people were killed in the immediate aftermath of the polling. Bingu wa Matharika, the candidate of the ruling United Democratic Front and outgoing President Bakili Muluzi's hand-chosen heir, won 35% of the presidential poll. He was hastily sworn in on 24 May amid ongoing street protests. Bingu promised to 'bury the hatchet' and work with opposition parties. Without a parliamentary majority – the UDF won just 49 of 193 seats – he will need to form a coalition.

The old man's money: The corruption net is falling around former Kenyan president Daniel arap Moi. In late May, well-connected businessman Kamlesh Pattni fingered Moi in an ongoing national corruption inquiry. Pattni claimed that in the early 1990s the former president, who ruled for 24 years, had consented to subsidising Pattni's Goldenberg company from the Kenyan Treasury for gold and diamond exports that never took place.

SPECIAL FEATURE

Boere Return to the Laager

Rattled by violent attacks and the crisis in Zimbabwe, white farmers in South Africa take up arms

EXASPERATED by violent attacks and claims against their land, and feeling betrayed by the government for failing to protect them, some of South Africa's Afrikaans farmers have taken up arms to defend themselves against what they regard as a systematic campaign by black radicals to drive them from their land.

A new rural defence strategy drafted by the Transvaal Agricultural Union (TAU), a conservative white commercial farmers' organisation, seeks to organise all white farmers into support groups capable of rallying to each other's defence.

The farmers and their families gather once a month at a remote training ground near Alldays in Limpopo Province, close to the Botswana-Zimbabwe border, for a series of lectures and exercises that comprise the 'farm attack survival course.' The purpose is to teach the members of the community how to protect themselves from what they call 'the second genocide' – more than 1,600 farmers have been murdered in South Africa since 1994.

More than 700 people have attended the survival course since it were launched a year ago. 'People must learn how to defend themselves, but they must do it within the law,' said Gideon Meiring, TAU's security adviser.

The course reflects concern among many white farmers about what they regard as an ambivalent response from the South African government to the land crisis in Zimbabwe, where President Robert Mugabe has forcibly acquired nearly

all of that country's white-owned commercial farmland without compensation in the past four years.

What happened there, they say, is also already happening here, despite government assurances of physical protection and the legal sanctity of property rights. Many white farmers face restitution claims against their properties by the descendants of black people who say they were forcibly removed from their lands during the colonial and apartheid eras.

Participants in the course range in age from 10 to 70 years old. They pay about \$45 for three days of instruction and bring their own firearms and ammunition. Many of the instructors are former South African Defence Force specialists. The course has tacit approval from AgriSA, the main commercial agricultural association in South Africa.

'We teach everything you need to know to defend yourself,' said Annette Kennealy, who helps organise the course, 'from the laws regulating firearms, firing at an attacker while driving and how to read the signs of an impending farm attack.'

'Black people want to take our land. There is a real risk out there. This course helps me to face it.'

Although a government inquiry into the farm murders found that the motive was overwhelmingly criminal, and independent studies have backed up that conclusion, the Afrikaans farming community remains unconvinced. They see the attacks as the worst assault on Afrikaners since

Britain rounded up their ancestors in concentration camps during the 1899-1902 Anglo-Boer War.

A farmer's wife and mother of two from the area of Makhado, formerly Louis Trichardt, Kennealy never goes anywhere without her 9mm pistol and .22 magnum. 'There have been 1,635 white farmers who have been murdered during the past 10 years,' she said. 'The attacks are politically motivated. In many cases nothing

is stolen. The attacks are often brutal and barbaric. There is a force driving it. It makes sense to put fear into the hearts of the white farmers to drive them from the land.'

Course lectures cover first aid; firearms and the law; and how to use an assortment of weapons such as AK-47s, pump-action shotguns and military-issue R-3s and R-4s. Instruction runs until midnight, after which everything stops for prayers, dinner and beer around the roaring camp fire.

Living on isolated tracks of land, often remote from neighbours and emergency services, Afrikaner farmers in Limpopo and other provinces are organising themselves into 'stemkringe,' or support circles, so they can come to one another's rescue at a moment's notice.

'The security structure aims to link all the farming families together,' Kennealy said. 'One group responds to help another in a crisis situation. Someone will be responsible for closing the roads, another will be responsible for looking after the traumatised victims, and someone else will alert the police.'

SPECIAL FEATURE

Land Reform in Southern Africa

'Generally, it's families that come on the course. There are a lot of women, and the children usually start around age 10,' she said. 'During a farm attack, the family has to operate as a unit if it is to survive. We prefer to teach families when they are together. Rather than waiting until what happened in Zimbabwe happens here, we are putting everything in place now.'

Recalling the death of Martiens Steyn, 78, a white farmer who was casually murdered a few miles from here in April, allegedly by two men, two women and two children from a nearby squatter camp, Kennealy said: 'The farmer was milking his cows when he was attacked. They tied him up and hit him repeatedly with a shovel before strangling him. His death was totally pointless.'

The attack hit close to home. 'I have two little girls,' Kennealy said. 'I'm often on the farm on my own because my husband is away. I have to protect myself and my children. My girls are seven and nine. They have both been bought pellet guns and are being taught how to use them. We have no alternative but to protect ourselves. The government is not doing it for us.'

Bertus Otto, one of the course's 20 instructors specialising in self-defence, said: 'We hope to make people more confident in fending off farm attacks. If farmers take what we tell them seriously, they can defend themselves effectively. We are not some right-wing organisation. We are just trying to help people defend their lives and their property.'

It didn't take long for Louise Kruger, a potato farmer and a mother of four, to master the ways of the gun. When she began the course, she struggled just to put the rounds of ammunition into her magazine. By the end, she was doing it like a professional. 'I'm here to learn how to defend my children, my loved ones,' Kruger said. 'Black people want to take our land. They are attacking us. There is a real risk out there. This course helps me to face it.' — **Michael Dynes** of the *Times of London*

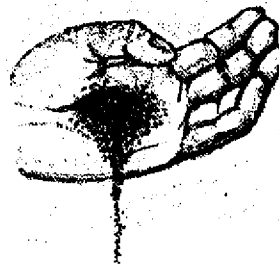
South Africa: Land reform was high on the agenda when the African National Congress came into power in 1994, but the country's commitment to an orderly legal process has slowed redistribution. South Africa's approach has three levels: restitution, redistribution and land tenure reform. Restitution seeks to restore land ownership or compensate those who were forcibly removed during apartheid. Redistribution aims to provide people with access to land and address the inequalities of the apartheid and colonial past. Land tenure reform seeks to secure tenure (ownership or occupancy rights), particularly for labour tenants. Special courts are set up to hear land cases and all programmes are run on a willing-seller, willing-buyer approach. However, an amendment to the land reform laws in 2003 allows the minister to expropriate land on recommendations from regional land commissioners in cases where the seller is asking for exorbitant settlements. The government will pay for land at market value and in instances where the seller is dissatisfied, the minister can be challenged in court.

Mozambique: Nearly all colonial settlers left at independence in 1975 and all land was nationalised. Major land reform problems related to lack of a formal land register, insufficient clarity on customary occupancy and inheritance rights and security of tenure for commercial investors. Land laws were revised seven years ago in a fusion of formal and customary law that recognises written contracts as well as traditional tenure systems. Buildings can be privately owned but all land is owned by the state. Permission can be secured for 50-year renewable leases. Previously when buildings were sold, owners had to go through a lengthy reapplication for permission to lease the land. Under the new law, land leases automatically transfer with building sales. It protects the rights of farmers who inherit land without formal land leases, makes it easier for commercial users to obtain legally binding land

leases, and guarantees the rights of women to inherit and own property on their own.

Namibia: Nine years ago, Namibia pledged to buy and redistribute 9.5-million hectares of land by 2005 on a willing-seller, willing-buyer basis. By 2002, the country had bought only 118 of the 4,000 mostly white-owned commercial farms, or 7.4% of the target. To accelerate the process, government introduced a land tax to increase the cost of holding idle land. In May 2004, the government issued its first 15 notices of compulsory acquisition to farmers who have two weeks to decide on a settlement, which should be market-related.

Zimbabwe: From 1980 to 1997, the government purchased 3,498,444 hectares and settled about 60,000 families on communes, cooperatives and individual plots. Nearly all the cooperatives failed and allegations of corruption led to disputes with donors and eventual withdrawal of donor funding. Zimbabwe launched a fast-track land reform programme in 2000 targeted



one-third of commercial farms said to be held by owners of multiple farms or owners of idle lands. In 2002, the policy was expanded to include confiscation of all 4,000 white-owned commercial farms. The law required government to notify farmers that their land was to be acquired in 90 days, during which period they could appeal to administrative courts. No price was to be paid for the land but government was to pay for improvements and equipment. In practice, government ignored court rulings, encouraged invaders to settle regardless of the status of appeals and refused to pay for land improvements or equipment. Police refused to oust invaders on non-designated farms or prosecute cases of theft of farm equipment or livestock. Under the law farm workers were to be eligible for resettlement but were mostly driven off the land by invaders. Up to 350,000 farm workers and their dependents, nearly 2 million in all, have been affected, according to the Farm Community Trust of Zimbabwe. — **Peroshni Govender**

Visa Scams Proliferate As Zimbabweans Seek to Flee

EVELYN Mudzongachiso represents the last link in one of Zimbabwe's many chains of modern misery. The worse things get under President Robert Mugabe's deepening repression, the more people are attempting to leave the country. As more people try to get exit visas, foreign embassies tighten their requirements. The harder it becomes to get a visa, the greater the demand for bribes.



Hoping for a ticket to ride: Zimbabweans outside the South African embassy in Harare wait to apply for exit visas.

Photo: AP

'I am a teacher by profession and I am getting nothing, so why should I be patriotic to a system which is not grateful to what I'm offering?' said Mudzongachiso, a resident of a suburb outside Gweru in central Zimbabwe. 'Why should I continue suffering like this? It is more convenient to pay [a bribe] than spend four or more days queuing just to be let down.'

Interviews with people outside the British and South African missions in Harare suggest a system of coordinated corruption in which police officers monitoring the queues act as middlemen for embassy employees, allegedly taking kickbacks for the officials inside and later sharing the spoils.

People who pay the bribes gain faster service. Those who don't may wait for days and then have their applications denied. The going price for help in acquiring a visa to South Africa is \$180, according to Mudzongachiso and others, while the fee outside the British High Commission can be more than four times as much — prohibitive sums for most Zimbabweans.

British and South African officials deny any corruption in their offices. But 12 police officers and five army officers were arrested after police conducted a raid in January at the British High Commission in Harare in an effort to curb visa-related scams.

'This is a clear symptom of deep-seated problems in Zimbabwe,' said Love Madhuku, a professor at the University of Zimbabwe. 'Police officers are being forced to ask for bribes because they have been taught to be corrupt by the present regime.'

Monitoring the exodus from Zimbabwe is problematic because most people leave illegally. It is estimated that more than 479,000 Zimbabweans have officially emigrated since 1997 to seek work in South Africa, Botswana, Britain and the US. They represent a fraction of the total number estimated to have left the country in recent years.

According to sources within the South African embassy in Harare, more than 20,000 Zimbabweans apply for visas every month. Roughly 2,500 more jump the fences at the Beit Bridge border crossing. The British High Commission in Harare, which received 1,700 applications in January alone, now accepts only 25 a day.

In 2001, relatively early in the present crisis, the Southern African Migration Project (SAMP) surveyed 900 Zimbabwe professionals, most of whom were black. Nearly 70% said they were committed to emigrating within five years, citing deep dissatisfaction with inflation, rising taxation, scarcity of goods, declining

salaries, deteriorating medical services and declining education and economic opportunities for their children. Inflation peaked late last year at 600%. Eight in 10 working-age Zimbabweans cannot find a job.

The government has applied new restrictive measures in an attempt to stem the drain. Recipient countries have also tightened visa requirements. The South African embassy now charges about \$150, the British about \$65. Applicants must also provide a number of other supporting documents, including a letter of invitation from a resident of the recipient country, bank statements for the visitor and host and such proofs of residence.

'With the new requirements in place you can see no one can afford that,' said Tendai Mudzingwa, a cross-border trader. 'Some of us go to these countries on business and I have to go there almost every month. We have families to feed and with these problems bedeviling us, we are prepared to part with our money in order to get visas.'

SAMP found that tighter emigration policies tend only to deepen the desire to leave. Higher hurdles, combined with deepening poverty, have also created more opportunities for graft.

'People are suffering because there is a governance crisis in this country,' said Roy Bennet, an opposition member of parliament for Chimanimani in the Eastern Manicaland Province. 'Everyone is trying to survive.'

But with no end in sight to the crisis, people seem undeterred. As Chido Makunike, a political analyst, observed recently: 'For most, the decision to go to the UK ... is a response to seeing more and more of the doors to improving one's station in life at home closed off.'

— Angela Makamure, Harare