

**Agrarian reform, rural development
and governance in Africa: A case of
Eastern and Southern Africa**

Dr Samuel Kariuki

Policy Brief 59

April 2009

Published by the Centre for Policy Studies, an independent research institution, incorporated as an association not for gain under Section 21 of the Companies Act.

Centre for Policy Studies
6 Sturdee Avenue
Rosebank
Johannesburg, South Africa
Email: portia@cps.org.za

P O Box 1933
Parklands
Johannesburg, 2121

Tel (011) 442-2666
Fax (011) 442-2677

www.cps.org.za

Supported by the Royal Danish Embassy, Pretoria



INTRODUCTION

This paper broadly explores common themes that underpin the formulation and implementation of land and agrarian policies in four select countries, namely South Africa, Namibia, Kenya, and Zimbabwe. Economic, egalitarian, and political motives are often used to justify the need for redistributive land reforms, defined as redistributing land from the rich to the poor. The main economic rationale for land reform lies in the inverse-farm productivity relationship that accords greater efficiency outputs for smaller farms than for their larger-scale counterparts.¹ Efficient use of factor inputs (eg labour) is frequently cited as one of the reasons for small farms' efficiency outcome. Equity considerations can also create the need for land reform, especially in countries where a significant proportion of the population relies on agriculture for its subsistence. In countries with a history of social injustice or exclusion where land ownership is concerned, political motives justify redistributive land reforms. Equity and political considerations have been the driving motives² - this is notable in the discourse that defines the land reform programmes in the four countries this paper seeks to review. The limits to the programme success is attributable to the reality of democratic transitions that necessitated compromises on the land reform front, and the institutional, fiscal, and policy discord (between objectives and mechanisms to implement) notable in the reviews undertaken

Equity considerations can also create the need for land reform, especially in countries where a significant proportion of the population relies on agriculture for its subsistence.

THE LAND QUESTION AND DEMOCRATIC CONSOLIDATION: OVERBURDENED POLICY?

The history of liberation in southern and eastern Africa was rooted in land struggle as a central political denominator that fuelled the fight against the white settlers. Sporadic confrontations in these countries centred on the struggle for territorial rights and the right of access to certain resources³. The process of settler occupation entailed the alienation of fertile agricultural lands and the creation of exclusive reserves for African occupation that were least arable and environmentally degraded. Thus the struggle over land was fundamentally a struggle of rights over ownership, control, access and use of land.

¹ Zikhali, P. 2008. Fast track land reform and agricultural productivity in Zimbabwe, *Environment for Development Discussion Paper Series* at: www.efdinitiative.org Retrieval date: 25 November 2008.

² Binswanger, H., J. Kirsten, and J. Van Zyl. 1996. *Agricultural Land Reform In South Africa, Policies, Markets and Mechanisms*. Cape Town: Oxford University Press.

³ Moyo, S. 1995. *The Land Question in Zimbabwe*. Harare: SAPES Trust

A key theme in these countries is the racial profile of ownership patterns, and the link this has with the spatial character of poverty, hugely concentrated in the former homelands. Dual tenure systems (freehold and non-freehold - communal), degraded and densely populated communal environments, and a lagging rural development are a stark reminder of the legacy of settler colonialism these countries endured. Structural inequities through the prism of race (Zimbabwe, South Africa and Namibia) and the inability to transform the racial patterns of land ownership and resource ownership since the country's democratic transition creates an invariable premium on the political urgency land holds for democratic advancement in the countries under review. Kenya, on the other hand, presents a scenario where structured inequities in land ownership patterns are articulated through ethno-geographic disparities occasioned through a political system that has used land as a system of political patronage to build alliances and loyalty in advancing its patrimonial interests.

Correcting historic injustice in a manner that enjoins the state to attain national stability, nation-building, and reconciliation is a defining feature of these reforms.

Given the history of colonial conquest as occasioned through land dispossession, these countries inherited a dual agricultural regime marked by a growth of a large-scale mechanised sector alongside a small-scale subsistence sector in the less arable zones. Black agriculture in Kenya, Zimbabwe, South Africa and Namibia was systematically destroyed through a series of legislative processes, while white large-scale agriculture benefited from an extraordinary set of privileges and favourable policies.⁴ Agrarian transformation and the need to de-racialise the bi-modal agricultural system was a key theme that marked the countries' land reform policy formulation process.

A review of the literature on how these policies were formulated aptly reveals latent political rationalities that underpinned the policy objectives and tenets. Key among them was that land reform formulation was pivotal in engendering democratic transition intent on meeting the various interests represented in it. In this regard, land reforms are viewed as a medium of mediating the dialectics of a negotiated transition to democracy. They provide an ample space where irreconcilable interests with regard to property rights are negotiated as a means of advancing stability, nation-building, economic growth, and reconciliation in the newly emerging democratic polity. The primacy accorded to the sanctity of property rights, and the use of market-based land reforms, is emblematic of this tension. Correcting historic injustice in a manner that enjoins the state to attain national stability, nation-building, and reconciliation is a defining feature of these reforms. In the case of Zimbabwe (1980), Namibia (1990), and South Africa (1994), these reforms coincided with the end of state developmentalism, and the efficacy of markets as alternative spaces of effecting reforms were gaining currency. The initial reforms undertaken in the four countries in essence reflected the exigencies of building a new political and democratic order that

⁴ Binswanger, H. J. et al, op. cit
Moyo, S. op. cit.

would attend to varying and often irreconcilable interests. Comparing Zimbabwe's and South Africa's experience with land policy formulation in a post-independence epoch, Goebel aptly notes that while democratic transition ensured universal citizenship and suffrage, the limits to national democratic revolution were registered in the continuities of historic relations of property, production and economic power⁵. Through these concessions (eg private property and land markets), the structural limits to comprehensively alter the historic inequities in land ownership were defined.

A brief overview of some of the key themes underpinning these reforms illuminates the normative limits of these reforms.

The mammoth expectations that these reforms will generate national reconciliation, stability, nation-building, and economic growth on the one hand, at the same time dealing with the question of redress - injustices of land dispossession, inequity in land ownership, and its attendant poverty patterns, has proved a daunting task to achieve. Kenya's land reform experience (1963-2008), Zimbabwe's (1980-pre-2000), Namibia (1990-2008), and South Africa (1994-2008) share some interesting commonalities. These include a low political will to deal decisively with the land question, limited fiscal allocations to their programmes of reform, limited institutional capacity along with an overly bureaucratized state machinery to effect these reforms, hostile and liberalised agricultural environment, lack of post-settlement support to recipients of land reform, the dissonance between a preoccupation with land reforms, and the realities of rural economies/rural development. Hence in all four countries, the gap between policy objectives and actual outcomes was, and continues to be, apparent. A brief overview of some of the key themes underpinning these reforms illuminates the normative limits of these reforms.

KEY THEMES EMERGING FROM LAND AND AGRARIAN IMPLEMENTATION EXPERIENCES

Land Reform, livelihood impacts and rural development

Land and agrarian reform should be pivotal in national poverty alleviation programmes of the countries under review. Ideally it should form part of a policy of poverty reduction within a framework of rural development. In the countries reviewed, the implementation of land reform programmes has been encumbered by the failure of the respective governments to stimulate agrarian transformation. The impact of land and agrarian reforms on the local economy, and livelihoods of the beneficiaries has been decried as one of the major limits of land reform. In South Africa, the Reconstruction and Development Programme drafted in 1994, viewed land reform as the driving force of a

⁵ Goebel, A. 2005. Is Zimbabwe the Future of South Africa? The Implications for Land Reform in Southern Africa. *Journal of Contemporary African Studies*, 23,3

programme of rural development. However, it lacked detail beyond the mention of the role of land reform.

Subsequently, the Integrated and Sustainable Rural Development Strategy (ISRDS), launched by government at the end of 2000, aimed to develop socially cohesive and stable rural communities capable of contributing to growth and development. The ISRDS appears to view land reform as an important component of rural development, capable of generating multiplier effects in the economy.⁶ What emerges from both programmes are discrete programmes delinked from broader processes of rural development. In pursuit of an integrated approach to land reform, the National Policy Conference of the ANC, held in 2007, proposed a draft resolution on economic transformation to be considered for adoption at the 52nd National Conference in December. The draft resolution identified rural development, land reform, and agrarian change as a critical pillar of South Africa's programme of economic transformation. The draft resolution further acknowledged that programmes of rural development, land reform, and agrarian change must be integrated into a clear strategy that seeks to empower the poor, particularly those who already derive all or part of their livelihoods from the exploitation of productive land.⁷

The ISRDS appears to view land reform as an important component of rural development, capable of generating multiplier effects in the economy.

Namibia's land implementation shows a similar disjuncture; poverty in Namibia is primarily a rural phenomenon, with 85 per cent of consumption-poor households located in rural areas, and it is often stated that decentralisation and land reform are central challenges for rural development.⁸ Namibia developed a vision of its own, known as Vision 2030. The vision defines the role of all stakeholders in the economic development of the country at various moments in time over the span of the Vision. To achieve this vision, it is estimated that agriculture will have to contribute approximately 25 per cent to the overall growth of the national economy.⁹ Access to economic resources such as land is seen as a crucial imperative in the attainment of the Vision 2030 goals. However, the investment resources required for purchasing and developing the land, rehabilitating the physical infrastructures, and enhancing the capacity of the resettled landless to use the land productively, far outstrips government's capacity of allocating the resources required. Despite the aspirations enshrined in Vision 2030, it is imperative to note that the

⁶ Cousins, B. 2004. The Communal Land Rights Act: Likely to Face Constitutional Challenge. At: <http://www.uwc.ac.za/plaas/clra.htm> Retrieval date: 2 December 2008

⁷ ANC, 2007. Economic Transformation Committee Discussion document. Towards a Resolution on Rural Development, Land Reform and Agrarian Reform

Anderson, D. 2003. Kenya's elections 2002 – the dawning of a new era? *African Affairs*. 102 (407)

⁸ Werner, W. 2001. Land reform and poverty alleviation: experiences from Namibia *NEPRU Working Paper No. 78*, NEPRU, Windhoek, August 2001.

⁹ Sachikonye, L. 2004. Land reform in Namibia and Zimbabwe: a comparative perspective. in Hunter J, *Who Should Own the Land? Analysis and Views on Land Reform and the Land Question in Namibia and Southern Africa*, Konrad-Adenauer-Stiftung and Namibia Institute for Democracy.

government's approach to poverty alleviation strategies often lacks a clear emphasis on the role of land reform in such initiatives.¹⁰

In Kenya, one of the most widely accepted assumptions in the literature on rural development during the embryonic phase of Kenya's land reform was the belief that 'favouring the progressive farmer' was a prudent policy (1978). The policy of 'favouring the progressive farmer', therefore means, in effect, that the government intervened in the economy to offer extra advantages to an already privileged minority. The focus on the progressive farmer, i.e. a large-scale commercial farmer, has been a central focus in the land reform programmes. The bias towards progressive farmers was expressed through the 1954 Swynnerton plan that aimed to create individual freehold rights as an inducement to produce successful black commercial farming. Though the Swynnerton plan was initiated to counter the rural insurgency - *Mau Mau*¹¹, by creating a bulwark of landed gentry, the economic success of this programme was never achieved as intended. The development impetus that was hoped would follow individual freehold rights never materialised. In line with this, across different historical periods, there has been a desperate bid to build a stratum of 'black commercial farmers' in Zimbabwe, South Africa, Namibia and Kenya. In Zimbabwe this need was realized from the late 1980s within a context of the impending pressure to liberalise all sectors of the economy, and in particular, to transform the agricultural sector into one that was internationally competitive. The lack of support services and an unfavorable liberalised agricultural sector failed to stimulate a significant and viable growth of black commercial progressive farmers emerging in Zimbabwe in the 1980s.

The development impetus that was hoped would follow individual freehold rights never materialised.

In South Africa, the land policy shift in 2000, geared to create a class of black commercial farmers, is a credible initiative given the demographic imbalances that exist within the agri-sector along ownership patterns. This need is addressed through the Land Reform for Agricultural Development (LRAD) programme which aims to deracialise the agricultural sector by creating a commercial stratum of black farmers. However, none of these countries have succeeded in generating a notable number of black commercial farmers for a host of reasons, ranging from the hostile agro-economic context these policies operated under to the weak institutional support that was accorded to the emerging farmers.

In Namibia, the Agricultural Land Reform Act provides for the acquisition of freehold land on a willing buyer/ willing seller basis, although the government has a preferential right to acquire agricultural land that comes on the market

¹⁰ Werner, W. 2001. Land reform and poverty alleviation: experiences from Namibia, *NEPRU Working Paper No. 78*, NEPRU, Windhoek, August 2001.

¹¹ *Mau Mau* was a guerilla movement that fought the British settlers in pursuit of their stolen land. Its emergence between 1950 and 1953 prompted the British government to come up with hastily constituted land reform programme (1954 Swynnerton plan) aimed at pacifying the revolt.

before it can be sold to individuals outside the land reform process. The Affirmative Action Loan Scheme provides subsidised Agri-bank loans to full-time and part-time communal farmers who meet certain conditions, with the broad objective of resettling well-established and strong communal farmers on commercial farmland to minimise the pressure on grazing in communal areas.¹² While the Resettlement Programme targets the poorest, the loan scheme is aimed at the emerging black middle class.

The reform of communal tenure in eastern and southern Africa has been one of the least areas of success.

Challenges of communal land tenure

In Africa, more than 90 per cent of the rural population's access to land is through indigenous customary mechanisms, and around 370 million of them are definably 'poor'. With exceptions, customary access to land has been no more than permissive and often remains so.¹³ The reform of communal tenure in eastern and southern Africa has been one of the least areas of success. Tenure reform is, in most cases, a complex and uncertain undertaking. Within southern Africa, laws involving arbitrary racial distinctions have been repealed, but land in the former reserves continues to be registered in the name of the State. Tenure reform must grapple with overcrowding in the communal areas and overlapping land rights, as well as cases of exploitation by traditional leaders, officials and politicians.¹⁴ Poor people's land and resource rights are insecure and inadequately recognised in law, especially the rights of women, the youth, and minority groups. The sharp divide between customary and statutory law further exacerbates inequity and vulnerability.¹⁵

In Kenya:

Tenure reform in Kenya was implemented through the Swynnerton plan. The registration of titles through this did not extinguish communal title as initially envisaged. The Swynnerton plan sought to create a class of accumulating yeoman farmers established on economic units. This was to be done through a process of consolidation and registration of land as freehold property, prohibitions on further subdivision of land, the selective loosening of restrictions on African cultivation of high value commodities, and the selective provision of credit and extension facilities.

¹² Legal Assistance Centre (LAC). 2005. Our Land We Farm. An Analysis of the Namibian Commercial Agricultural Land Reform Process. Land, Environment and Development (LEAD) Project.

¹³ Wily, L. 2006. Land Rights Reform and Governance in Africa. How to Make it Work in the 21st Century? United Nations Development Programme Discussion Document

¹⁴ Adams, M., Cousins, B. & Manona, S. 1999. Land Tenure and Economic Development in Rural South Africa: Constraints and Opportunities Working Paper 125. Overseas Development Institute.

¹⁵ Saruchera, M. 2004. The context of land and resource rights struggles in Africa. Policy Brief: Debating land Reform and Rural Development. No 9 Pan Africa Programme on Land and Resource Rights. Programme for Land and Agrarian Reform, University of the Western Cape.

The reform of communal tenure in eastern and southern Africa has been one of the least areas of success.

Land tenure reform in Kenya was viewed to have led to the overall increase in productivity in the 1960s, 1970s and early 1980s among the African middle class and peasantry - mainly the result of the lifting of colonial legal restrictions on access to land, growing of cash crops, and access to agricultural inputs.¹⁶ However, the agricultural boost that was experienced from the 1960s to the 1980s was heavily debated as to whether the emergence of freehold tenure was solely responsible for the boom.¹⁷ For some, the great transformation of Kenyan agriculture was not brought by changes in the legal status of rights to land. The boom in smallholder farming was made possible by a combination of circumstances. Buoyant external and internal markets encouraged the expansion of agricultural production and industrial investment.¹⁸ Four decades after independence, Kenya's land tenure reform has failed to benefit poor rural communities. Land rights for vulnerable members of community, such as women and children, were further weakened through the registration process. At best, the land question has acquired a political premium as a patronage asset easily manipulated for advancing patrimonial politics.

Currently (2008), Kenya has developed a land tenure policy. The National Land Policy (2008) identifies its core goal as the attainment of security of land tenure - seen as a trigger for sustainable development, investment, and reduction of poverty to take place. In essence the National Land Policy offers a framework for a series of policies and legislations that would allow increased access to land by Kenyan citizens, and increase efficiencies in the management and operation of the land market and land-based resources. On the land tenure front, the overall principles that inform land tenure reform are equity and non-discrimination. Of controversial interest, the policy seeks to bring to an end land tenure conversions which began in 1955 through the Swynnerton plan. Historically, the processes and procedures of land adjudication and consolidation were intended to extinguish customary tenure and replace it with statutory tenure - however, this process has been dismally slow. The process of tenure conversion as informed through the replacement paradigm, ie extinguishing customary tenure, has been a failure, not only in Kenya but in countries that have attempted to implement such a policy.

¹⁶ Ibid.

¹⁷ Gutto, S.B.O. 1995. *Property and Land Reform Constitutional and Jurisprudential Perspectives*. Durban: Butterworths.

Mugabe, J. and Ogolla, B.D. 1996. Land Tenure Systems and Natural Resources Management in J.K. Coetzee, J. Graaff, F. Hendricks, and G. Wood (eds). *Development, Theory, Policy and Practice*, Cape Town: Oxford University Press.

¹⁸ Ondiege, P. 1996. Land Tenure and Soil Conservation in J.K. Coetzee, J. Graaff, F. Hendricks, and G. Wood. *Development, Theory, Policy and Practice*, Cape Town: Oxford University Press.

In South Africa:

In dealing with the malaise of underdevelopment in South Africa's communal areas, the Communal Land Rights Act (2002) aims to provide for legally secure tenure in communal areas, and accord comparable redress where necessary. Its overall aim is to enable the registration and transfer of communal land to communities to occur and be recognised under statutory law. This process will be preceded by a process of land rights enquiry to establish the extent/location of land to be transferred to a person or community. These processes will be facilitated through the establishment of a Land Rights Board and a Land Administration Committee/Traditional Council as stipulated under the bill.

Critics of the Bill have argued that it is unnecessarily complex, impractical and bound to disenfranchise rural communities. The Communal Land Rights Bill failed to learn from countries such as Kenya, where attempts to replace communal tenure with freehold tenure have proved to be extremely costly, complex and contested since their inception in the 1950s. For instance in Kenya, it was realised through its own experience that land tenure is not just a matter of changing rules, but of implementing those rules, which requires reorganisation and reorientation of existing land administration institutions.¹⁹

Critics of the Bill have argued that it is unnecessarily complex, impractical and bound to disenfranchise rural communities.

In spite of vehement criticism, the Communal Land Rights Bill became law, in the form of the Communal Land Rights Act, Act 11 of 2004. However, the Act has not yet been implemented, as it is being challenged in the Constitutional Court. The legislation was passed in parliament despite a barrage of criticism from non-governmental organisations, academics and communities. The main criticism related to the power traditional authorities have to manage formal rights in communal areas at the expense of democratically elected structures. The Communal Land Rights Act is yet to be implemented. Weak institutional structures, eg ineffective land management systems, will encumber the implementation of the Act. Intractable conflicts within the community will further derail the Act's success. These problems have also come to define the key features of South Africa's institutional experience with regard to Land Reform implementation process in the past decade (1994-2004).

In Namibia:

In Namibia, one of the major contemporary problems in the communal areas is the increasing enclosure of land through private fencing, which most probably started as a result of increasing pressures on resources from rising human and

¹⁹Ndung'u, 2006. Tackling Land Related Corruption in Kenya. Source: http://siteresources.worldbank.org/RPDLPROGRAM/Resources/459596-1161903702549/S2_Ndungu.pdf
Retrieval date: 4/5/2008.

livestock populations.²⁰ There is no law that explicitly forbids the fencing of land in communal areas.²¹ The problem with such a situation is that it gives some farmers exclusive access to resources, while others cannot gain access to vital resources such as water. In respect of communal land reform, although it is seen as significant in respect of poverty reduction, land rights in the communal farming areas have received less attention than their commercial farmland counterparts, despite the political significance they hold in terms of power structure in the communal areas.²² The Communal Lands Act of 2002 provides for Communal Land Boards to be established to allocate and manage land.²³ These boards are responsible for registering land claims, maintaining regional land registries, land use planning and settling disputes.²⁴

The general impact of the Communal Land Reform Act on land tenure security and land administration is difficult to assess.

The general impact of the Communal Land Reform Act on land tenure security and land administration is difficult to assess. The registration of land rights is proceeding slowly, as most Communal Land Boards are faced with human and financial resource constraints. A major issue in the successful implementation of the Communal Land Reform Act is that the majority of customary land rights holders seems to be unaware of their rights in terms of the Act, and hence cannot claim these rights. Awareness of the roles and functions of Communal Land Boards appears to be equally poor. For as long as land rights holders are unaware of their rights, customary laws, particularly with regard to gender, are likely to take precedence over statutory law.²⁵ A key theme to note in the tenure reform is the establishment of conservancies, which are touted as Namibia's most successful programme, for returning rights have benefited from long-term support including training in basic organisational skills and research to support policy and legal advice.²⁶

In Zimbabwe:

For the first decade of independence, the land question thus revolved around how funds could be mobilised to purchase farms for the resettlement programme. Much of the academic and policy discussion related to the effect of the Lancaster House constitutional constraints on land redistribution, especially in the form of the 'willing seller/ willing buyer' principle, and the amount of

²⁰ Cousins, B. 2003. Submission to the Portfolio Committee on Agriculture and Land Affairs. Comments on the Communal Land Rights Act. Unpublished Paper.

²¹ Twyman, C., Dougill, A., Sporton, D., & Thomas, D. 2001. Community Fencing in open Rangelands: Self-empowerment in Eastern Namibia. *Review of African Political Economy*, No. 87, pp. 9-26.

²² Corbett, A. and Daniels, C., 1996. Legislation and policy affecting community-based natural resource management in Namibia, *SSD Research Report 26*, Windhoek: Social Sciences Division, University of Namibia.

²³ Werner, W. 2003. Land Reform in Namibia: Motor or Obstacle of Democratic Development Paper Presented at a Meeting on Land Reform in Southern Africa: Motor or Obstacle of Democratic Development held under the Auspices of the Friedrich Ebert Foundation, Berlin, 28 May 2003.

²⁴ Blackie, R. 2000. Government Policies on Sustainable Development in Namibia in Interim report IR-00-031, Population-Development-Environment in Namibia: Background Readings, Ben Fuller and Isolde Prommer (Eds), International Institute for Applied Systems Analysis.

²⁵ Legal Assistance Centre 2005. op. cit

²⁶ Harring, S. and Odendaal, W. 2008. A New Jurisprudence of Land Reform in Namibia? Land, Environment and Development project of the Legal Assistance Centre and Namibian and Economic Policy Research Unit. April 2008.

British funding provided for resettlement. This narrow perspective on the land question (that is, an exclusive focus on resettlement of farmers operating on a small scale through the ‘willing seller/willing buyer’ approach) was inadequate to respond to other, growing, pressures for reform. These included the black bourgeoisie’s aspirations to own land; pressure for tenure reform; and the imperative to link land reform to a broad development strategy. More generally, the desire for historical redress through restitution continued unabated.²⁷ A key theme discernible in the literature is that tenure reform in the communal areas of Zimbabwe was a marginal policy concern, and the least successful.

The ecological limits of Land reform

Hence opportunities for agricultural production are severely constrained by rainfall and the availability of water.¹

Within the debate about land reform, and its associated targets in the countries under review, what is rarely acknowledged is whether the countries’ physical and natural attributes allow them to meet the inflated expectations of land reform. One of the challenges facing land reform in South Africa is availability of arable land and the cost to the economy of transferring a massive supply of prime land to the rural poor. Indeed, it raises the question as to whether access to land is a major contributor to, or current constraint of, rural livelihoods. As stated above, about 82 million of South Africa’s 122 million hectares are regarded as potential commercial farmland, of which an estimated 15 per cent is potentially arable.²⁸ Water is a limited resource – only 10 per cent of the country’s total area has annual precipitation of more than 750 millimetres. About 50 per cent of all water is used for agricultural purposes.²⁹

Namibia as a whole has a dry climate, with an annual rainfall ranging from 650 mm in the far northeast to less than 50 mm in the southwest.³⁰ The southern part of Namibia is known for its low rainfall, averaging 150 mm per annum. Hence opportunities for agricultural production are severely constrained by rainfall and the availability of water.³¹ Only 8 per cent of the country is suitable for dry land cropping; about 69 per cent is classified as semi-arid, and 28 per cent as arid. Extended periods of drought impact heavily on Namibia’s agricultural sector and the tenuous food security of the rural poor. Given such agronomic limitations, and notwithstanding the political and social reality that

²⁷ Legal Assistance Centre 2005. op. cit.

²⁸ Sachikonye, L. 2005. The Land, is the Economy Revisiting the Land Question *African Security Review* 14 (3).

²⁹ Greenberg, S. 2004. Political Stabilisation and Market Extension: Restructuring of Agriculture and its Impact on Food Security, *Development Update*, 14, 2.

³⁰ Gran T, 2000. Is Land Reform in South Africa Trustworthy? The Management Regime for Resettlement Projects in the Northern Cape in *Contested Resources, Challenges to the Governance of Natural Resources in Southern Africa*, edited by T.A. Benjaminsen, B. Cousins & L. Thompson, Cape Town: Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape, 2000.

³¹ Weiner 2003. Op.cit

land reform is required, such historically informed goals of land reform will need to be separated from the idea that farming is a source of great wealth.³²

In stark contrast, Zimbabwe emerges as the most favourable country to pursue agriculture from an agro-ecological perspective. Around 35 per cent of Zimbabwe's land is classified as natural region I, II or III, which designates agro-ecological conditions suitable for intensive farm production, although much of the remaining land is suitable for extensive livestock production.³³

In Kenya, the ecological and demographic pressures have accentuated the land crisis. Kenya has an area of approximately 582 646 sq km (45 million hectares) comprising 97.8 per cent land and 2.2 per cent water surface. Only 20 per cent is medium to high potential agricultural land, and the rest is mainly arid or semi-arid. The Kenyan population is estimated at 38 million by 2007 figures, compared to 10 million in 1963. It is worth noting that 75 per cent of Kenya's population live within medium to high potential, and the rest in the vast Arid and Semi Arid Lands (ASALs). Agriculture and pastoralism provide livelihoods to 75 per cent of Kenya's population and support 70 per cent of wage employment.³⁴ These demographic and ecological features perhaps are a stark reminder that the potential for land reform to succeed and alleviate the structural ills associated with intermittent land-related violence is and will always remain a daunting challenge. The demographic pressure, coupled with a harsh ecological climate provides ample basis for a much needed economic diversification strategy that transcends our dominant preoccupation with land reforms as a panacea for Kenya's intermittent political ills.

By extension, the contribution of agriculture to overall economic development offers some stark differences between the four countries.

By extension, the contribution of agriculture to overall economic development offers some stark differences between the four countries. This could partly explain the importance attached to land rights within the national politics, as the case is with Zimbabwe and Kenya. In South Africa, agriculture's contribution to the economy is estimated to be less than 5 per cent of the GDP (and only 2.5 per cent of exports) and employs approximately 10 per cent of South Africa's formal job holders. In Zimbabwe (prior to February 2000 state led farm invasions), large-scale commercial agriculture contributed about 18 per cent of overall GDP, provides 40 per cent of export earnings, provided formal employment for 26 per cent of the Zimbabwean population, and more than 50 per cent of the Zimbabwean manufacturing depends primarily upon agriculture. Real decline in agriculture continues unabated, due to the land and political crisis that has enveloped Zimbabwe. Macro evidence indicates that the programme has been accompanied by a contraction of the economy. In

³² Legal Assistance Centre, 2005. Op.cit

³³ Goebel, 2005. op.cit

³⁴ Njonjo Commission, 2002. *Report of the Commission of Inquiry into the Land Law System of Kenya on Principles of a National Land Policy Framework Constitutional Position of Land and New Institutional Framework for Land Administration*. Nairobi: Republic of Kenya.

particular, agricultural production has plummeted since the programme was initiated in 2000; in fact by 2004 it had dropped by 30 per cent.³⁵

CONCLUDING REMARKS: MISMATCH BETWEEN TARGETS AND OUTCOMES: A NORMATIVE TREND?

In sum, given the ecological, political, economic and institutional context that encumbers the success of these programme, none of the countries' respective land reform programmes have been able to meet their objectives. A key feature that marks these reforms is the dissonance between policy objectives, institutional framework, fiscal and human resources, and the support infrastructure put into place. This disjuncture is evident in the rate of land delivery achieved since the inception of the programme, and the subsequent impact these programmes have had. The limitations of the reforms are two-pronged, namely, quantitative (inability to meet targets), and qualitative (inability to create sustainable livelihood impact, and multiple effects on local and national economy). South Africa, Zimbabwe, Kenya, and Namibia's experience with the land reform process exemplifies this tension. These limits also call into question the extent to which questions of historic injustice, reconciliation, and nation building as inbred objectives of these programmes can realistically be actualised.

After 14 years of democracy in South Africa, there is agreement across the political and social spectrum that the state's programme of land reform is in severe difficulties.

After 14 years of democracy in South Africa, there is agreement across the political and social spectrum that the state's programme of land reform is in severe difficulties. Almost since its inception, the programme has been criticised for failing to reach its targets or deliver on its multiple objectives of historical redress, redistribution of wealth and opportunities, and economic growth.³⁶ The target for land reform, proposed by World Bank and adopted in the Reconstruction and Development Programme (RDP) in 1994, was to transfer 30 per cent of agricultural land within the first five years. By 1999, however, less than 1 per cent of agricultural land has been transferred through all aspects of land reform. In 2000, following a comprehensive review of land reform, the government adopted a revised and no doubt more realistic target of transferring 30 per cent over an extended time frame of a further 15 years, by 2015. Redistributing 30 per cent of land by the year 2014 is equivalent to about 25 million hectares. As at 30 June, 2008,³⁷ land reform had delivered 4.9 million ha since 1994. This is approximately 5 per cent of land redistributed. The current estimates in 2009 stand at 5.2 million hectares of land redistributed.

³⁵ *ibid.*

³⁶ Chitiga and Mabugu in Zikhali 2008. *op. cit.*

³⁷ Umhlaba Wethu, 2008. A Bulletin Tracking Land Reform in South Africa. October Issue. Programme for Land and Agrarian Reform, University of the Western Cape.

The implied assumption is that it will have taken 100 years (1950-2050) for Kenya to complete its registration process.

In Kenya, the first post-independence decade (1963-1973) had not achieved a redistributive acreage of anywhere near 3 million hectares. The lessons learnt from Kenya's flawed land registration programme seem to have had a minimal effect in informing the current orientation adopted in the Communal Land Rights Act. Writing way back in 1976, Okoth Ogendo, one of Kenya's renowned land law experts, noted that Kenya's registration process will only near completion by the year 2050.³⁸ The implied assumption is that it will have taken 100 years (1950-2050) for Kenya to complete its registration process. Prospects of achieving this is highly questionable, given the fact that by 2001, only 6 per cent of the total land area in Kenya has so far been registered under individual titles.

In Namibia, the Agricultural (Commercial) Land Reform Act (ACLRA) of 1995 set out a statutory land reform process. For the first 17 years (1990-2007), the government, through what was then the Ministry of Lands, Resettlement and Rehabilitation, acquired 209 farms for land reform, abiding by the principle of willing buyer/willing seller." During this period (1990-2007), 600 additional commercial farms were purchased by blacks through the Affirmative Action Loan Scheme (AALS).³⁹

In Zimbabwe, the government aimed to settle 162 000 families on 9 million hectares of land between the period of 1982-1985. In the first decade of independence (1980-1990), the government had only resettled 51 000 families on 3 million hectares of land. By 1990, the backlog on resettlement also remained considerable. About 90 000 of a projected total of 162 000 remained to be resettled.⁴⁰ In 2000, a new target to acquire and redistribute 9.5 million ha over a five-year period was pledged by the government.⁴¹ The fast-track reform programme (FTRP) that began in 2000 was the catalyst for what became a new land question. The programme entailed a comprehensive redistribution of land that was accomplished with considerable chaos, disorder and violence. As

³⁸ Harring and Odendaal, 2008. Op.cit

³⁹ ibid.

⁴⁰ Sachikonye, 2005. Op.cit.

⁴¹ Sachikonye 2004. Op. cit

about 11 million hectares changing hands within a three-year period, it was the largest property transfer ever to occur in the region in peacetime.

In sum, these statistical estimates reflect the bitter gap that exists between the rhetoric of land reform policies in Kenya and South Africa, and the structured land inequality patterns these policies aim to restructure. Subsequently, these programmes will continue to generate a normative and curious paradox, and a milieu for the academy to continuously pursue, albeit with little success in debunking the paradox of land reforms: why do they perpetually fail in contexts of stable liberal democracies that respect the due process of law and rights? Why bother with Land Reforms anyway if agrarian justice has proved unattainable in Africa's land reform programmes?