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Communal Tenure and Rural Poverty: reflections on land transactions in Svosve Communal Area, Zimbabwe.¹

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Abstract

The idea of communal tenure has formed a key plank in the rural governance of Zimbabwe since independence, but its retention following the Fast Track land reforms of 2000-2002 perpetuates a distinction between 'commercial' land governed by a land market and 'communal' land on which market transactions are illegal. This paper draws on recent research in Svosve Communal Area to examine the dynamics of land access and their implications for rural poverty in Zimbabwe. The paper argues that, as in many other parts of Africa, access to land governed by customary authority in Svosve is increasingly commoditised via informal, or 'vernacular', sales or rental markets. In failing to acknowledge and address this commoditisation of land, the 'communitarian' discourse of customary land rights that dominates the politics of land in Zimbabwe – as elsewhere in much of Africa – undermines, rather than protects, the livelihoods of the rural poor.

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Introduction

The origins of Zimbabwe's political and economic crisis are often identified in the Economic Structural Adjustment Programme (ESAP) the government initiated in 1990 as part of a financial agreement with the International Monetary Fund (IMF). The key consequence of ESAP was the rapid closure of significant sections of manufacturing industry and a wider collapse of the country's non-agricultural economy during the first half of the 1990s. Rapid reduction in formal private and public sector employment followed, with 45,000 jobs lost by 1995 and wages falling from 64 to 40 per cent of national income (Moyo and Yeros, 2005: 175). Those remaining in work by the mid-1990s saw the value of their wages eroded by inflation to only 75 per cent of their 1990 value in the private sector, or only 61 per cent in the case of the public sector, and "inflation in the second half of the 1990s probably cut real earnings in half again" (Addison and Laakso, 2003: 461). Widespread unrest, including strikes by government employees reached a critical point when, in 1997, War Veterans staged public demonstrations, threatening to split the ruling party. The government's response, hasty and unbudgeted compensation payments to the War Veterans, marked a political shift that brought land redistribution to the fore: "land was one of the few goods that could still be used as a basis for political mobilisation ... delivering employment, education and health care was a distant dream of the now politically suspect bureaucratic state." (Alexander, 2006: 183).

By 2000, government expenditure on military intervention in the Democratic Republic of Congo had prompted the IMF to suspend its loan disbursement, and the ruling ZANU-PF party's first electoral defeat, in a referendum in February to amend the Constitution, provided evidence of growing political opposition within Zimbabwe. In April the government amended the Constitution to enable it to confiscate land for redistribution, with obligation to compensate existing users limited to the value of improvements they had made to the land. Between 2000 and 2002 the government presided over widespread occupations of farms led by War Veterans. What became known as the 'Fast Track' land reform saw the transfer of some 9.3 million hectares of previously white-owned farmland to state ownership for use by black farmers. This effectively ended the racialised inequality through which half of the agricultural land was owned by European settlers who comprised only 5 per cent of the population. However, the political context of this action, coupled with the government's slow progress on land redistribution during the previous twenty years since independence, led many to perceive it as a tactic to undermine political opposition, rather than a redistributive strategy to end poverty in Zimbabwe. This view is supported by

criticisms that the government's land reform legislation was unconstitutional and its sanctioning of mob violence fostered undemocratic governance and abuse of human rights (Hellum and Derman, 2004). Moreover, despite the resettlement of some 134,000 families (Moyo and Yeros, 2005: 195), the emerging pattern of land tenure following land reform remains strongly dualist. Resettlement areas are clearly designated as either 'A1' or 'A2'. The former consist of 'family plots' (with additional rights to common grazing land) whose users are issued with 'offer permits' and which are inheritable but non-marketable. In contrast, the latter ('A2') are allocated as 'commercial farms' held as 99-year leases, to be used as collateral to secure loans and with a prospect of eventual transfer through a land market. This dualism was underlined by the Minister of State for Special Affairs with responsibility for Land and Resettlement, Flora Buka:

'Ever since we embarked on the land redistribution exercise in 2000, 14,000 A2 farmers¹ have benefitted while more than 150,000 were catered for under A1. However, let me emphasise that offer permits are given to A1 farmers while leases are for A2 farmers.' (*The Herald* 28-4-2007).

In effect, in the aftermath of land reform, Zimbabwe's agricultural area is divided between a land market governing about 25 per cent of agricultural land, and 'communal areas' covering 66 per cent² in which land sales are illegal (data from Moyo and Yeros, 2005:197). This paper draws on a study undertaken in Svosve Communal Area in late 2005 to examine the processes by which people have access to land and the relationship between land use and poverty. It highlights the extent to which land access in Svosve is mediated by informal 'sales' and rental transactions that are illegal under existing government policy. The paper goes on to explore the extent to which commoditisation of land may be embedded in customary African land tenure in Zimbabwe and elsewhere in Africa. The paper closes with a consideration of the political and economic implications of the 'communitarian' discourse that dominates government policy on Communal Areas.

Svosve communal area

Svosve under colonial administration

¹ According to Moyo and Yeros (2005: 197), of 13,760 farms in 2003 they classified as occupied by 'small/middle capital', 5,760 were 'new A2', and 8,000 were 'old small-scale commercial farmers' (i.e. predating the 2000–2 Fast Track programme). In addition they identify 1,500 'large A2' farms.

² 9 per cent of land 'in transition' remains unallocated, according to Moyo and Yeros (2005: 197).

Svosve Communal Area (CA), in Marondera District (Mashonaland East) was originally designated as Soswe Mission Reserve in 1900, one of 83 reserves to which African farming was largely confined following the suppression of the first uprising (*chimurenga*) against British occupation, in 1897. This analysis draws on a study undertaken in Svosve in December 2005, timed to coincide with the start of the rains to allow identification of land users, in Bamhara, Neshamba, Bonda, and Muchemwa. Semi-structured interviews with heads of households and local customary leaders (*masabukhu*) explored the contemporary dynamics of land access and use in Svosve. A questionnaire survey of a randomised sample of 82 land-using households from 15 'kraals' (administrative units of 20-25 households) also generated basic information on current land holdings and livelihood patterns in Svosve.

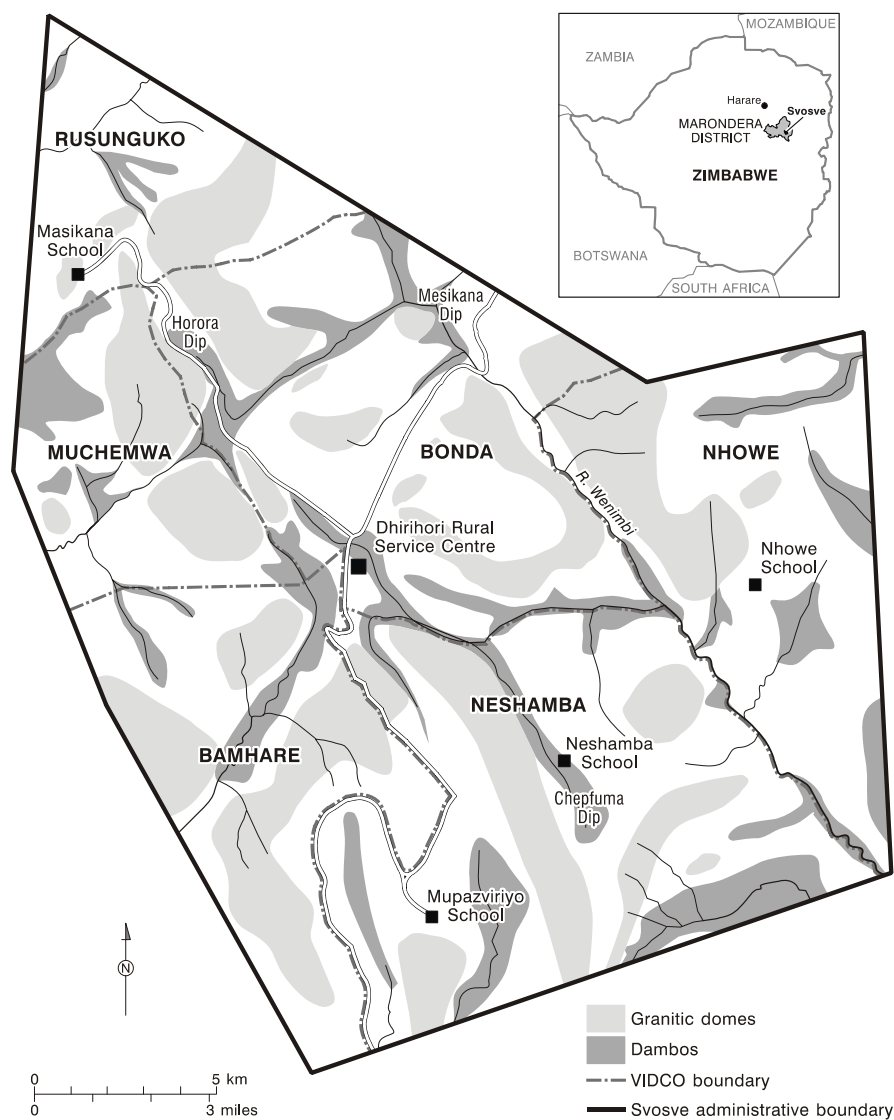
The oral history of Svosve people traces their arrival in this area from the north in the mid-eighteenth century, and their survival as an entity based in this area through the turbulent period of raiding and conquest between rival Ndebele, Ngoni and Rozvi groups in the nineteenth century (Beach, 1994).

The British expropriated a major part of the Svosve territory for European farming and the people were split between three reserves, at Svosve, and at Chihota to the west and Wedza to the south-east. At 11,000 ha, Svosve is one of the smallest CAs in Zimbabwe. With rainfall of about 750mm, it is regarded as having a relatively favourable climate for growing crops.

However, colonial administrators were dismissive of the area's agricultural potential because nearly 50 per cent of the reserve was considered unsuitable for cultivation due to waterlogging in lower-lying areas (*dambos*), or to steep slopes and shallow soils overlying granitic outcrops (Figure 1). As a consequence, the 1925 report of the Morris Carter Commission (following the British Crown's taking over responsibility for the reserves from the British South Africa Company) suggested the area was unsuitable for human habitation, and the 1944 report of the Native Commissioner for Marandellas states *'the reserve consists of rocky hills and very little arable grazingIt is really useless for the advancement of the native today'*. (NC Marandellas annual report 1944, quoted in Elliot, 1989: 78)

However, African vegetable producers cultivating small irrigated fields at the margins of the *dambos* were important suppliers for Marandellas and neighbouring European settlements, and it seems likely that this provided an important source of income, not only on the larger reserve of Chihota (Bell and Roberts, 1991) but also in Svosve, enabling Africans to resist pressure to work on neighbouring European farms. As a consequence, in the 1930s, farms in the area had difficulty in recruiting labour from Svosve and tended to recruit workers from other areas of Zimbabwe, or from Malawi and Zambia (Elliot, 1989: 79).

Figure 1. Map of Svosve Communal Area (from Elliott, 1989)



From the 1940s Svosve Reserve was subject to the full range of modernising intervention by which the colonial government sought to improve and stabilise African farming. Chief among these were the introduction in the 1940s of mechanical works to control soil erosion (contours and drainage strips), the enforcement of destocking of cattle, and the reorganisation of farming into designated residential, arable, and grazing zones under the Native Land Husbandry Act (NLHA) in 1952-6. Elliot's detailed archival study (1989) of these measures illustrates the impact of these colonial interventions in Svosve, which included the removal of 50 per cent of the adult male population, around 256 households, to other reserves in 1947, and destocking of cattle from an 'overstocked' 4,077 head in 1942 to an 'understocked' 1,409 in 1957 (Table 1).

Table 1 Population and cattle in Svosve 1900-2002

Year	Population	Cattle
1900*	2000	
1920*	1500	
1929**		2772
1932**		2517
1943*	5090	4077
1947**		1850
1956**		1616
1960**	4500	1378
1969***	3380	
1982***	5558	8500
1992***	8474	
2002***	19852	

*based on the Annual Report of the Native Commissioner for Marandellas

**based on Elliot (1989:91, 106)

***data based on official census data sheets for Svosve Communal Lands

The NLHA, in common with programmes undertaken by colonial administrations elsewhere in eastern and southern Africa, was intended to reform the migrant labour system through the creation of a resident workforce in urban areas and a class of small-scale commercial farmers (with individual land titles transferable through a land market). However, the technical design for reorganising agriculture on the reserves proved inadequate (Alexander, 2006: 46-8), and the programme was blamed for creating 102,000 landless African households in the then Southern Rhodesia by

1961, when it was abandoned, with additional land for cultivation being eventually created by ploughing up areas designated for grazing (Elliott, 1989: 74). .

Despite its short-lived application, the technical conception of land use employed by the NLHA remained a powerful influence on government planning and supplied the model for post-independence settlement schemes (Kinsey, 2004; 2005). It is significant that in interviews in 2005, people in Svosve recalled 'the coming of the white settlers in 1947' suggesting it was this period of 'modernising' intervention that most significantly impinged upon land use in Svosve and enforced its boundaries. This view is consistent with Native Commissioners' reports from the 1920s to the 1940s that observed that 75 per cent of Svosve cattle were grazing on neighbouring farmland designated for European use.

There is evidence that the NLHA substantially restricted cultivation in Svosve. Elliott's analysis of four sets of aerial photographs of Svosve show that, on the estimated total of 5797ha usable for cultivation or grazing, cultivated area was reduced from 71 per cent (4149 ha) in 1947 to 36 per cent (2110ha) in 1965, recovering slowly to between 50 per cent (2896ha) in 1975 and 47 per cent (2712ha) in 1981 (Elliott, 1989: 111). This underlines the extent to which existing patterns of land holding in the communal area reflect dislocations caused by colonial efforts at demographic management. The rapid rise in population in Svosve since independence in 1981 (Table 1) means that those holding land since the colonial period are unlikely to be a majority, with many of the large number of more recent arrivals having been allocated land through the post-independence local land allocation processes.

Land governance in Svosve communal area since 1981

The steep rise in the population of Svosve Communal Area was paralleled by local government reform whereby the newly-elected majority-rule government sought to bring democratic governance to rural areas. The Communal Lands Act (1981) and the District Councils Act (1982) transferred authority to allocate rural land from customary chiefs to 55 elected Rural District Councils (RDCs). The RDC Land Use and Natural Resources Committee, charged with land allocation responsibility, was constituted by elected councillors representing constituencies at Ward level, and operating through local Development Committees at Ward (WADCO) and Village (VIDCO) levels.

The new arrangements met resistance from chiefs, who had been formally awarded powers over land allocation in the last decade of colonial rule, following the colonial government's re-designation of the reserves as 'Tribal Trust Lands' in 1969. The 1982 legislation (section 8 (2)) required RDCs merely to '*have regard to customary law relating to the use and allocation of land*' - effectively downgrading the role of customary authority in land allocation. A struggle between elected and customary authority over control of land ensued, and the chiefs won. In 1994, the government's Commission of Inquiry into Land Tenure commented that: 'there is evidence that the dissolution of traditional authority and their role in land and natural resources matters at independence was premature, and currently, there is widespread resistance to VIDCO/WADCO structures as credible authorities over land and natural resources' (Government of Zimbabwe, 1994: 26). Alexander (2006: 109-10) argues that the position of customary authorities benefited particularly from the increasingly central control exerted on elected local councils by both ruling party and government ministries. The local accountability of VIDCOs was eroded as they were cast in the role of implementing agencies for centrally-designed programmes – many modelled on discredited NLHA 'villagisation' schemes.

The passage of the Traditional Leaders Act in 1999 formally restored customary chiefs' land allocation role in Communal Areas (although still notionally subject to approval by the Rural District Council), and created a governance structure that resembled a hybrid between the 1982 Development Committees and the 1969 model for 'tribal' governance by customary chiefs. In Svosve in late 2005, the VIDCOs had disappeared and each 'village', or more precisely 'kraal' of 20-25 households, was governed in land matters by an appointed 'kraalhead' or *sabukhu* (pl. *masubukhu* - literally the keeper of the book- the tax register), reporting to Chief Svosve (the rank of *sadunhu* (headman), formerly an intermediary between *sabukhu* and chief, having been discontinued). The number of *sabukhu* had increased to accompany the rising number of households, so as to maintain each 'kraal' at roughly the same size. The sixty-six *sabukhu* (two of whom were women) in Svosve in 2005 were members of one of two Ward Development Committees (Svosve is split in two 'wards'), chaired by an elected Ward Councillor. The chief chaired a Ward Assembly, and, together with the two Ward Councillors (one of whom was a women), was a member of the Rural District Council for Marondera.

Livelihoods in Svosve communal area

Although a majority of people keep cattle (see table 2 below), a key element of livelihoods in Svosve Communal Area since independence has been agricultural output, centring on the production of maize, groundnut, millet, sorghum, and increasingly, tobacco and paprika. In addition, 70 per cent of households interviewed in 2005 were cultivating vegetables, sugarcane, bananas and other fruit on the moist *dambo* margins in the dry season. These wetland areas were also used for producing tobacco seedlings in the dry season for transplanting at the start of the rains.

Table 2. Comparison of data from three household studies.

	1987*	1998**	2005***
Average land cultivated per household (ha) ¹	0.5-1.5	1.7	1.08
Percentage of households owning cattle	83	n.a.	60
Average number of cattle in cattle-owning households	8.5	4.2	5.1
Percentage of households receiving remittance income	n.a.	67	47

* data from Elliott (1989)

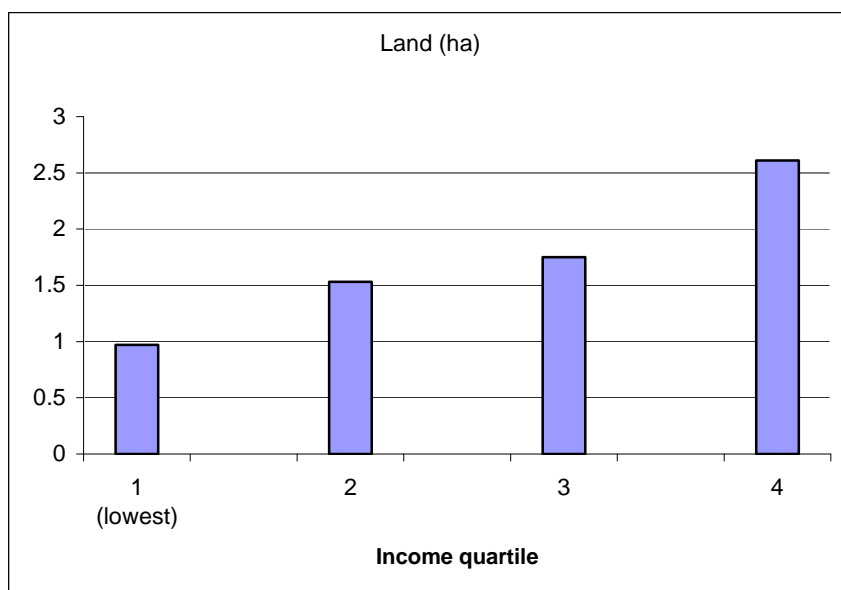
** data from Gambara (1998)

***data from 2005 fieldwork.

¹. excluding *dambo* cultivation.

Comparison with the earlier studies in Svosve Communal Area (Table 2) is not straightforward due to differences in objectives, methodology and sampling criteria. However, summary data suggests that households in 2005 were worse off than those in 1989 and 1998 in terms of access to land, ownership of cattle and receipt of remittance income. This view is supported by comparing total household income in 2005, including the value of food grown and consumed by the household, with the current official Total Consumption Poverty Line (TCPL), an inflation-adjusted money measure of the amount required to buy a basket of food and non-food items including clothing, housing, health and education (Government of Zimbabwe, 2006). In the sample of 82 households surveyed in December 2005, 89 per cent were recorded as having lower annual income than the TCPL sum of Z\$156million (Z\$100 000 = US\$1 at the time of the survey). In the same sample, 68 per cent of households had incomes lower than the 'food poverty line' (FPL =Z\$90 million per year), the sum needed to provide 2100kcal/person/month for a family of five.

Figure 2. Land Holdings in Svosve Communal Area, by Income Quartile



Source: Survey Data 2005

The 2005 household survey data suggest total income is associated with greater access to land (Figure 2), with the lowest income quartile averaging less than 1ha of land, compared to 2.6ha for the highest income quartile. This is reflected in the preponderance of income from land-based activities, and particularly crop production, in the overall totals calculated from the household survey data (Table 3). Income from non-agricultural activities, grouped in Table 3 under three broad headings (pensions and remittances, rents and trading activities, and artisanal work such as brick-making, thatching, and other crafts), all tended to be smaller in lower income quartiles, but, although differences in non-agricultural income were proportionately large they were dwarfed in terms of absolute size by differences in the value of crop production that effectively determined the overall level of household income.

Table 3. Comparison of mean total annual income (Z\$ million) and income from different sources for income quartiles in Svosve Communal Area (December 2005)

Income quartile	N	Total	Crops ¹	Livestock ¹	Salaries, pensions, remittances	rent/trade	non-agric. artisanal	Maricho ²
1 (lowest)	20	6.92	3.94	0.42	1.56	0.05	0.04	0.89
2	21	26.59	19.84	1.17	4.31	0.76	0.3	0.2
3	21	70.29	56.61	5.77	2.82	3.19	1.05	0.84
4	20	158.94	137.01	7.32	7.08	4.57	2.8	0.14
All	82	65.26	53.96	3.67	3.94	2.14	1.04	0.52

¹ includes value of own consumption.

² *maricho*: casual agricultural labour

Differences between quartiles statistically significant for total (P=0.000), crop (P=0.000), and livestock (P=0.02) income, except between quartiles 1 and 2.

Source: Survey Data 2005

These large differences in income need to be understood in terms of degrees of poverty, since less than half of the highest income quartile (i.e. 11 per cent) of the households surveyed had incomes above the ‘total consumption poverty line’, referred to above. However, a defining feature of the very poorest households appeared to be a dependence on *maricho* (casual agricultural work on others’ fields) for a substantial part (average 13 per cent) of their income (Figure 3). About a third of survey households reported doing *maricho*. Those that did had, on average, 37 per cent less land and 32 per cent less income than households that did not undertake this kind of work (table 4). Thus, while the picture of livelihoods in Svosve in late 2005 was one of widespread impoverishment, differentiating factors were apparent, related to access to land and the need to undertake casual labour on neighbour’s fields. We now turn to the processes by which people in Svosve obtain land.

Figure 3. Share of income from different sources

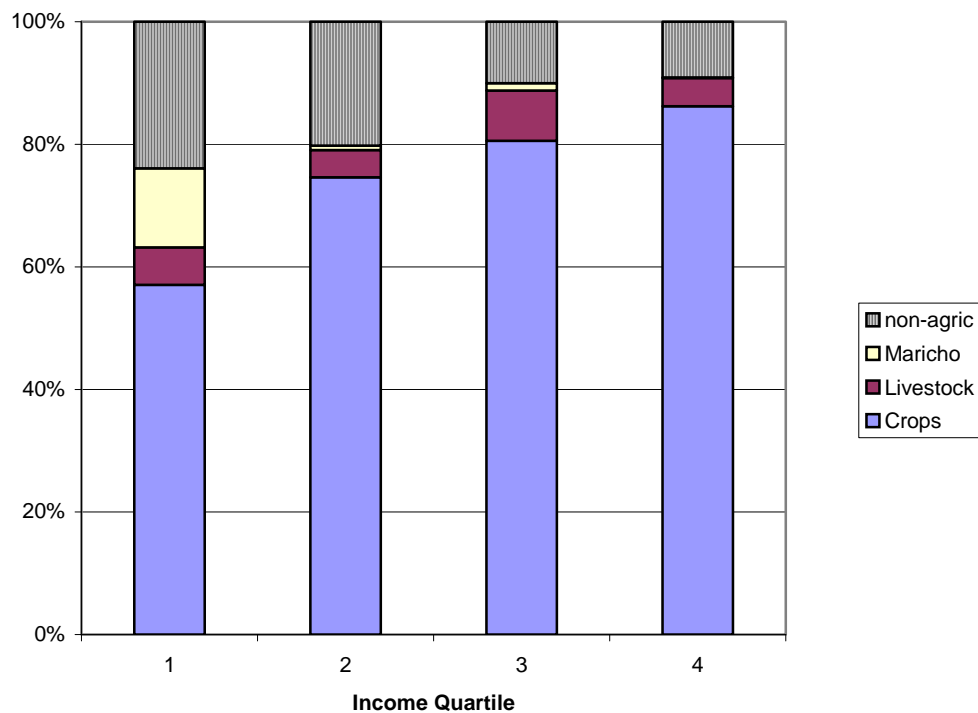


Table 4. Land Holdings and mean annual income of households who undertake, or not, *maricho* casual agricultural labour.

Households undertaking <i>maricho</i>	N	Mean land (ha)	Mean income (Z\$ million)
yes	26	1.23	49.21
no	56	1.94	72.71
Difference (P, 1-tailed t-test)		0.006	0.04

Source: 2005 Survey

Land transactions in Svosve communal area

Our 2005 study attempted to understand the dynamics of land access that underlie the pattern of poverty linked to low land holdings. Four principle processes were identified:

1. The high demand for land.
2. The selling of grazing land by *sabukhu* ;
3. The renting out, by their kin, of land left vacant by absent land holders;
4. The changing nature of interchange between residents of Svosve CA and the occupants of the adjacent areas – formerly white-owned farms.

High demand for land

The four-fold increase in population recorded in census data from 1982 to 2002 is a clear indicator of demand for land for residential and farming use. It needs to be understood in the context of a rapid reduction in public and private sector employment since the early 1990s. After 2000 the numbers seeking land were further swelled as an estimated 200,000 farmworkers (two thirds of the total) on white-owned farms lost their jobs, and often their housing, in the wake of the Fast Track expropriation of commercial farmland (Sachikonye, 2003), and an estimated 700,000 people (UN, 2006) were displaced from informal settlements in urban areas through the government's 'Operation Murambatsvina' in May-July 2005.

In the Svosve survey in 2005, 52 per cent of heads of households were born outside Marondera district and a further 17 per cent were born within the District but outside Svosve Communal Area. In the sense of a historical link with the Communal Area, therefore, some 69 per cent of the sample could be regarded as 'incomers'.

However, only 10 per cent of these 'incomers' said they had lived in Svosve for less than three years, despite 59 per cent of them indicating that they had originated in 'urban' areas. Part of the explanation for such apparent contradictions is that many people now using land in Svosve were living in the vicinity, for some time before they sought land in the Communal Area. This applies to several groups identified in our interviews, such as farmworkers – some of Malawian or Mozambican origin - evicted from the neighbouring commercial farming areas where they had previously lived for many years.

Another important land-acquiring group is local business people and government employees (e.g. teachers). Some entrepreneurs and civil servants moved into Svosve initially to pursue business interests but eventually decided to stay,

purchasing land - often simply a residential plot ('stand') without arable land – as a demonstration of their integration into the community and commitment to the area. This group are not only able to rent or purchase land in cash, but also in exchange for services (teaching, transport, credit, input supply) that have become increasingly valuable in recent years, as deepening shortages of fuel and hyperinflation (1000 per cent annual inflation in 2006) has brought an increasing paralysis of circulation of goods in the rural economy.

Grazing land sales

Unlike arable, which is identified with an individual or household, grazing land has historically been managed as a commons, and thus falls under the control of the customary authority, delegated to each *sabukhu* for the grazing areas within his or her jurisdiction. Many of our informants, including a number of *masabukhu*, openly discussed the sale of grazing land to newcomers seeking land in the communal area on which to build a house and to grow crops. The practice was linked to the tradition of *kuombera* (literally a 'clapping of hands' – mark of respect) whereby a newcomer to a community would offer a token gift to the *sabukhu* and the chief. Historically, the nature and value of the gift would depend on the wealth of the newcomer: poorer people would offer a chicken or goat, wealthier people a larger gift such as cattle. The contemporary *kuombera* is generally monetised and set at a rate determined by the seller – the *sabukhu*. As a consequence, land prices vary between *masubukhu*, some being identified as *sabhuku wenzara*, poor and willing to exchange land for small sums of money (Z\$80 000 per ha) or gifts, while others were *sabukhu wemari*, wealthy enough to sell only to those able to pay higher prices (up to Z\$5 million for 1ha). Although paltry in terms of official exchange rates (between US\$1 and US\$50 per ha) a payment of Z\$1 million represented 10 per cent or more of the total annual income of the poorest quartile of households surveyed in 2005. Moreover, there is some evidence from interviews that the most vulnerable were paying higher prices, particularly recent arrivals displaced by government action to clear informal urban settlements. For this group, mainly from Dombotombo, a low income suburb just outside Marondera, and from Harare, some 80 km away, the urgency with which they needed land (and the prices which they needed to pay – reportedly up to Z\$5 million) was increased by government claims that such displaced people were likely to be opposition supporters, and should not be allowed to settle in communal areas. The survey data confirms that for these cases, and particularly among people with incomes below the Food Poverty Line (<Z\$90 million, equivalent to all but the highest income quartile of the sample) the *sabukhu* was a key route into Svosve, with 58 per

cent of those with urban backgrounds acquiring land via the *sabukhu*, compared to only 19 per cent among those from rural backgrounds (Table 5).

Table 5. Means of Access to Land in Svosve Communal Area

Land obtained from:	Percent of land users with rural/urban origins.				
	All	Rural	Urban	Lowest income (<Z\$90m) group.	
				Rural	Urban
Relatives	44	51	33	56	21
Sabukhu or headman	29	20	44	19	58
Government	4	4	-	3	-
Non-relative	12	12	15	14	15
Not disclosed	11	9	2	8	5
N	82	51	27	36	19

Source: 2005 survey

In principle, part of the *kuombera* income is to be passed on to the chief, and, indeed, respondents suggested that rapid wealth accumulation (especially cattle) among traditional leaders may be partly explained by these payments. However, it also appears that *masabukhu* now function more independently, possibly due to the transitional period following the old chief's death in 2004, but also driven by a more individualised incentive that entitles a *sabukhu* to bonus payments according to how much tax revenue is raised from the area under their charge. Since the potential tax yield increases as population density rises, there is an incentive to maximise the sale of grazing land to new taxpayers. One interviewee commented: "In Svosve the 'selling' and 'renting out' of land is so rampant that the only impediment to the whole process is space itself. If land could be reproduced then local administrative heads could have continued to receive new land occupiers". One consequence of this linkage between tax revenue and land sales is that the purchasers of land are effectively registered by the state, and thus have a degree of legitimacy conferred on their occupation of the land, albeit acquired through what remains – in law - an illegal process. Perhaps reflecting the broader politics of administrative attitudes to land sales, one *sabukhu* remarked "What the [RDC] council needs is money. It is not concerned with how that money is made."

Renting 'vacant' arable land

The principle of sale or rental of houses, particularly to newly-arrived salaried government employees, such as teachers, is well established with the price of an iron-roofed brick house quoted as Z\$5 million, or Z\$300 000 per month rent. In

addition, a number of interviews identified instances where arable land holdings had become vacant and were being rented out by relatives of the original occupant of the land. These included a case of a man renting out the land previously farmed by close kin, including one in the Zimbabwean diaspora overseas and another that 'had bought a farm elsewhere'. In another instance a man was renting out part of the 8 ha that he inherited when his father obtained a new farm under the Fast Track programme. In these instances, landholdings are being retained and accumulated as property of an extended family, despite their inability to use the land directly and with a view to generate rental income. Those paying to rent land were primarily former farm workers, displaced when the commercial farms around Svosve were confiscated by government, and whom one informant observed are *'still very hopeful that the white farm owners would one day come back to their farms'* so they could have their jobs back. Land rental was also mentioned as particularly important for those growing tobacco, a crop reputed to rapidly deplete soil nutrients and for which growers preferred to seek land for temporary occupation.

Changing relationships between the Communal Area and its neighbours.

Although the Svosve Reserve was entirely surrounded by land designated for European farms, Elliott's (1989) archival study shows that residents of the reserve made extensive use neighbouring lands for grazing and other resources for almost all of the first fifty years of colonial administration. The destocking and population removals of the 1940s and the land zoning under NLHA in the 1950s were the first serious efforts by the administration to compel the residents of the reserve to live within its boundaries. This effort, although successful in reducing stock numbers and cultivated areas in the 1960s, began to unravel again, initially as insecurity increased during the armed conflict that dominated the 1970s, and continuing during the post-independence period when local governance was contested between customary and elected authorities, as outlined earlier. Svosve claims over land neighbouring the communal area were briefly but very publicly asserted when Chief Svosve led people from a number of villages in the communal area in an occupation of Igava, Daskop, Nurenzi and Eirene farms on 18 June 1998 (*Herald* 19-6-98). The occupation was short-lived, but Svosve villagers again took part in farm occupations when the government eventually expropriated these properties in 2000 and designated them, (with one exception: *Kwamitcho*: Mitchell's flower farm), as A1 (family farm) resettlement areas. It was the government, however, rather than customary leaders, that controlled resettlement of these lands. Where Svosve villagers attempted to directly occupy the farms, as in the case of 42 households lead by their *sabukhu*,

Denias Machingura, that moved onto Eirene farm in 2000, they were subsequently displaced, in this case in order “to pave the way” for the farm’s new owner, a senior military figure named by the *Daily News* (18 September 2002).

The change of occupation to A1 resettlement on the farms bordering Svosve CA did not, therefore, constitute an addition to Svosve customary authority, but introduced a new set of individual landholders governed not by Chief Svosve, but by a government civil servant, the ‘resident resettlement officer’. Resettlement therefore precipitated new challenges to the rights of Svosve residents to graze livestock and collect wood beyond the boundary of the communal area (Elliott, 1996). Not only was there greater ‘pressure’ from the greatly increased population in Svosve, but also, where land ‘vacated’ in the CA remained controlled by a settler’s family, the effect was to create larger land holdings that spanned both the communal area and the neighbouring resettlement area.

Land commoditisation and poverty

The Svosve study suggests that the large influx of people into the Communal Area has been accompanied by two forms of land commoditisation. The ‘communal’ grazing areas are being used by customary authorities to supply land for sale as residential and arable plots; and existing holders of arable land are renting out land vacated by family members who have joined the Zimbabwean diaspora or been resettled through the land reform. The fieldwork in Svosve leaves unanswered questions about the large variations that exist locally, between different ‘kraal’ units and *sabukhu*, and how much of the previously-designated ‘grazing areas’ have been converted to residential and arable plots since 1981 (due to the unavailability of recent aerial photographs). However, within these important limitations, it is possible to conclude that the proportion of arable land is increasing, and possibly returning to the high levels (71 per cent in 1947) that existed before active state intervention in settlement and agriculture in the last three decades of colonial administration. Moreover, with a population more than four times larger, and deprived of access to grazing and forest on land neighbouring the CA, the capacity of many of those living within the Svosve CA to support themselves from the land must be much less now than in 1947. The field data we collected in 2005 shows a close relationship between income poverty and size of land holdings, and many will hope that their residence in Svosve is but temporary, pending a recovery in the national economy that allows access to wage income. The study suggests demand for land is high, and purchasing power is a factor in determining how much land incomers can occupy, whether by

purchase or rental. In the remainder of the paper we consider these dynamics in the wider political context of land policy in Zimbabwe.

Communal lands and land markets in Zimbabwe

The land transactions in Svosve imply a commoditisation of 'communal' land that is at odds with government policy statements, but less remarkable from a historical perspective. Ranger (1993) has observed that the 'communal' label, which was only formally adopted for the former African 'reserves' after Independence in 1981, reflected a particular colonial perception of how African land tenure worked, and one that corresponded to practice only in the early decades of colonial administration, at the start of the twentieth century. He contrasts the power wielded by pre-colonial chiefs, often asserted by means of armed conflict against neighbouring groups, with that in the early decades of colonial rule, when the African population dispersed from their pre-colonial concentrations around chiefs' villages, and occupied land as peasant farmers:

Power rather than entitlement had been the key to nineteenth-century chiefship; when military power lapsed, so did economic possibility. Stripped of their slave wives and dependent bride-service young men, the chiefs no longer cultivated great fields. Their 'free' subjects, anxious to develop the peasant option, soon ceased to offer labour or to pay tribute. Chiefs had to rely on fees and bribes but were unable in early colonial Rhodesia to demand either in return for allocating land. (Ranger, 1993: 356)

It is this limited power of chiefship that Ranger argues was interpreted by colonial administrators as a distinctly African form of consensual collectivity in which land was held 'in trust' by the chiefs for allocation to members of their community on the basis of need. In practice, as we noted earlier, from the 1930s onwards the colonial administration itself actively intervened in land allocation and use within the African reserves. However, throughout the three decades of intervention, the consensual communitarian model of chiefship continued to be nurtured as the alternative 'African' tradition, if only as one to be overcome by the colonial modernisation project, and, when the latter was checked by the abandonment of the NLHA in the 1960s, it was to this African 'tradition' that the colonial administration turned, delegating chiefs as land authorities in the reserves, renamed as Tribal Trust Lands in 1969. This 'turn to the chiefs' served the converging goals of 'traditionalist beliefs of administrators and their

desire to maintain order, the “expert” advice of community development advisors seeking “natural” communities, and white politicians’ need for allies...It entrenched territorial segregation in the process, by underlining the essential difference between the relationship of Africans and Europeans to the land.’ (Alexander, 2006: 71).

In parallel with this colonial vision of ‘communal’ African land tenure, however, there is evidence, notably that unearthed through Cheater’s (1990) archival research, of an African engagement with the formal land market throughout the colonial period, made possible through provisions in successive phases of colonial legislation. The very earliest colonial legislation, the 1898 Order-in-Council, contained a ‘Cape Clause’ that stipulated that ‘natives’ in the colony were allowed to own or dispose of land on condition that transactions were undertaken before a judicial officer responsible for ensuring that the native party understood the nature of the contract. Palmer (1977:281) found evidence that by 1925 14 Africans had purchased 49 966 acres by this route, and, at around the same time, a number of African chiefs indicated to the government’s 1925 Morris Carter Commission that they wished to purchase their native reserves in order to secure them against future expropriation (Cheater, 1990). The 1930 Land Apportionment Act curtailed this activity by prohibiting Africans from purchasing land in areas reserved for European settlers. Yet, of the 30 per cent of land allocated to Africans under this Act, 22.4 per cent was ‘native reserves’ and 7.4 per cent ‘native purchase areas’ in which Africans could purchase farmland up to 103 ha in area. In effect, 25 per cent (2.9 million ha) of land allocated to Africans was to be accessed through a market administered by a Land Board, and some 6,500 African farmers bought between them about 1 million ha of farmland by the 1960s (Yudelman, 1964). The NLHA, intended to include modernisation of land tenure, as well as of production, extended the land market to the African Reserves. Thus, land rights allocated by colonial officials under the NLHA were tradeable, transactions being registered with the District Commissioner, and, by 1960 (the year before the NLHA was repealed), 1,155 arable rights and 13,511 grazing rights had been traded (Yudelman, 1964). Thereafter, land transactions on the reserves were placed under the customary authority of chiefs, notionally outside the market.

The historical pattern of access to a land market for a minority has now been reproduced by Zimbabwe’s land reform, with some 6000 recipients of ‘A2’ commercial farms, averaging 312 ha in size (Moyo and Yeros, 2005: 197) under the Fast Track programme, while the great majority (about 93 per cent, according to Moyo and Yeros, 2005: 195) of redistributed land has been allocated as A1 tenure,

providing 'inheritable but non-marketable' 'family plots'. Yet the dualism between 'communal' and 'commercial' areas appears as much at odds with current realities of land commoditisation in Communal Areas as it was under colonial administration. The delegation of control of land allocation to customary authorities under the formulation of Tribal Trust Lands in 1969 was quickly followed by land sales to 'squatters' and 'aliens' which Ranger (1993) and Nyambara (2001:785) have documented. The existence of informal land markets under customary authorities in post-independence Communal Areas is also widely acknowledged (Alexander, 2006: 168-70; Bourdillon, 1987; Chaumba *et al.* 2003; Elliott, 1996; Moyo and Yeros, 2005; Saruchera 2000).

The Traditional Leadership Act (1999) extended to 'A1' resettlement areas the model of local governance used in Communal Areas, in some cases imposing 'headmen' and 'chiefs' where elected officials had represented villages for the previous twenty years (Kinsey, 2005). However, processes of land commoditisation via rental markets in such resettlement areas also appear similar to those we have observed in Svosve: almost half those receiving land in A1 resettlement areas continued farming their existing holdings and the same proportion of resettled households already had land holdings that exceeded the maximum (1.96ha) permitted by the government's resettlement eligibility criteria, contributing to a rapid establishment of wealth differences among settlers (Kinsey, 2004: 1686). Significantly, Kinsey (2005: 148) found that over 60 per cent of 'A1' settlers regarded renting out of land as a matter "for the plotholder alone to decide", suggesting they felt that "rights to farmland in resettlement areas are both individual and non-transitory in nature." Further evidence for such a socially embedded attitude to land as individual property and marketable commodity is provided by Zimbabwe press reports of Fast Track allocations in Matabeleland South being rented out (at Z\$15-20 million per month) for grazing herds of cattle owned by Zimbabweans living in South Africa. Government officials are quoted as saying "what is happening in Matabeleland South is just a tip of the iceberg, as the practice was rampant throughout the country" (*The Sunday Mail*, 1 July 2007).

Vernacular land markets and the politics of land reform in Africa

The dissonance between the stance of government on the renting and sale of land and the daily reality of many land users in Zimbabwe's Communal Areas is found in many parts of sub-Saharan Africa. Land purchases and rental arrangements are

particularly common in areas of localised high demand for land, such as peri-urban areas (Benjaminsen and Sjaastad, 2002; Rakodi and Leduka, 2004), in zones of export agriculture (Amanor and Diderutuah, 2001; Colin and Ayouz, 2006), and in areas where water creates production advantages (Peters and Kambewa, 2007; Woodhouse, et al, 2000). Demand for land in such areas is intensified by the settlement of large numbers of migrants attracted by economic opportunities. More generally, however, the recession or stagnation of many African economies since the 1980s has been associated with increased competition for land as the lack of formal sector employment pushes people to try to support themselves from farming – a scenario being played out in extreme form in Zimbabwe. Since all but 10 per cent of land in Africa is held under customary tenure (Deininger, 2003), the vast majority of land purchase and rental transactions are taking place under the jurisdiction of customary authorities, constituting what we have termed ‘vernacular land markets’ (Chimhowu and Woodhouse, 2006). A key feature of such markets is that transactions have no statutory protection, and are open to contestation by third parties with customary claims to the land. In West Africa, in particular, large numbers of land sales to migrants, some dating back several generations, have been challenged by subsequent generations of ‘autochtones’ claiming prior, inalienable rights to the land. In some instances, chiefs or senior members of lineages with customary land rights have sold or rented out lineage or ‘community’ land, rather than allocate it to younger lineage members. Such disposals of land by chiefs in Ghana have been challenged by widespread litigation (Kasanga and Kotey, 2001). In Burkina Faso (Gray and Kevane, 2001), Côte d’Ivoire (Colin and Ayouz, 2006) and Ghana (Lentz, 2006) these challenges have been imbued with discourses of ethnicity, at times escalating into open violence and eviction of those identified as ‘outsiders’, the expulsion from Côte d’Ivoire of 350 000 ‘non-Ivoirien’ settlers to Burkina Faso being one of the major consequences in recent years (Chaveau *et al.*, 2006).

In response to these tensions, land ‘purchasers’ seek to legitimise their continued use of land by associating it with cultural interpretations often couched in symbolisms related to recognition of traditional authority, as in the case of the *kuombera* payments in Svosve, and also in that reported by Mathieu *et al.* (2002) in Burkina Faso. Some, such as Andersson (1999) have argued that such payments do not constitute commoditisation of land. As argued by Sjaastad (2003), however, the monetisation and stipulation of the size of payment by the seller, rather than the buyer, are strong indicators that these are market transactions, whatever the cultural

form in which they may be presented – or disguised. It is significant that, in contrast to land sales, land rental markets and sharecropping arrangements are more straightforward in terms of the nature of the transaction, and have become a significant form of access to land in many parts of Africa. In Edja's (2001) study in Benin, for example, 75 per cent of women were farming rented land, and for 40 per cent of them all the land they cultivated was rented. Moreover, it is increasingly common for rental arrangements to extend to young men seeking land belonging to their own lineage (Amanor and Diderutuah, 2001).

In southern and eastern Africa, the acute contrast between European and African access to land created a particularly strong legacy of dualistic land tenure by which the 'reserves' were considered governed by 'non-market' customary tenure. It is therefore in southern Africa that an accelerating trend towards commoditisation of land under customary tenure marks the strongest contrast with the prevailing communitarian discourse of customary tenure. Yet, evidence mounts of the sale or renting of 'communal' land in Lesotho (Selebalo, 2001), in South Africa (Benoit and Jacus, 1997; Claassens, 2005; Magni et al., 2002), in Malawi (Kishinda, 2004; Peters and Kambewa, 2007), and in Mozambique (IIED, 2006).

Land policy debates have yet to register the existence of these vernacular land markets, and continue to be locked in a polarised debate between proponents of alienable individual tenure (equivalent to 'freehold'), such as de Soto (2000), and their opponents, seeking to reinforce 'African' forms of collective ownership of land (Cousins *et al.* 2005), implicitly (if not explicitly, as in Zimbabwe) conceived as 'inalienable' or outside the market. Both poles of this debate appear disconnected from empirical evidence. On the one hand, land titling programmes that seek to empower the poor by converting customary rights to 'freehold' titles are often predicated on fully-functioning markets for land and financial services. These do not generally exist in African contexts, where land tends not to be used as collateral against credit (one of the chief mechanisms through which the poor are to capitalise their land rights), where investment in increasing productivity of land is generally a way of strengthening claims over land (not the reverse, as proponents of land titling argue), and where the main avenue through which the poor can realise the capital value of land is to sell or rent out to more successful land users (cf Murton, 1999).

Equally, however, there appear many pitfalls in attempting to base land rights on notions of deeper African 'tradition'. The experience of West Africa highlights the

frequently contested nature of such rights and their articulation with sales and rental markets. Further, linking land rights to criteria of indigeneity in a context of large scale population movement - as graphically exemplified in Svosve but common throughout African rural areas - inevitably vests 'inalienable' land rights in an ever smaller minority of the rural population. Peters and Kambewa (2007) note that competition over land in Malawi has been accompanied by the resurrection of pejorative labels for people identified as descended from captives or slaves, whose present-day land rights are thereby called into question. Similarly, processes of restitution in the settler economies of southern Africa illustrate that not all those who in the past were evicted from land have equal rights of restitution, as James et al.'s (2005) study of Doornkop in South Africa illustrates, and many evicted farmworkers in Zimbabwe have experienced. In both instances local contestation over land draws support from wider competing political constituencies in which discourses of historical rights quickly become endowed with ethnic identities.

In Zimbabwe, government enthusiasm for the communitarian discourse of land tenure, and its governance through chiefs and headmen, may be understood in terms of the undoubted political leverage it affords through the possibility of eviction of political opponents. Svosve in 2005 provided evidence of the ruling party's instructions to *masabukhu* to block the resettlement of 'opposition supporters' displaced from urban areas, if also of the willingness of *masabukhu* to ignore orders in the pursuit of increased *kuombera* income. A wider engagement of customary authorities in party politics, although expressly prohibited by article 45 of the 1999 Traditional Leaders Act (Kinsey, 2005:137), is evident in reports that police blocked political rallies by opposition parties in rural Manicaland on the grounds that the organisers had failed to get permission from the local customary authority: "when we go to the police, they tell us to get a letter from a traditional leader of that particular area before we can hold the rally. But the chiefs cannot give us the letters because they are afraid that ZANU-PF Youth militia will terrorise them afterwards." (*ZimOnline* 2 July 2007). The coercive possibilities of governance through customary authorities have been extended by the dependence of many rural people on government for food supplies. Addison and Laakso (2003:459) observed that the Zimbabwe government's success in providing food to some 6 million people in the wake of the 2002 drought "must be seen in the context of the control that it gives the government over the rural vote." There is evidence that this control is likely to be strengthened, as the continuing failure of the non-agricultural economy (and its supply of inputs to farming) makes the rural population ever more vulnerable to crop failure. Thus, the

failure of the 2006-7 harvest was attributed by the FAO/World Food Programme Crop Supply Assessment Mission to a drop of 40 per cent in maize yields (relative to 2005-6) due to a lack of inputs, especially fertilizer, and predicted some four million people would face food shortages before the next harvest (*Financial Gazette* 6 June 2007).

Conclusion

In this paper we have used recent field data from Svosve Communal Area to provide insight into the meaning of the continuing dualism of land tenure in Zimbabwe following the end of racialised inequality of land ownership inherited from the colonial period. The study provides evidence of widespread commoditisation of land through both sale and rental arrangements that are consistent with observations elsewhere on 'A1' resettlement areas, but in sharp contrast with government policy prohibiting such transactions. The existence of such a 'vernacular' land market does not necessarily imply a need for a land titling programme to create 'freehold' tenure, since all occupants of land in communal areas are already individually registered by local customary authorities for tax purposes. However, recognition of the existence of land commoditisation, the inequality of land access associated with it, and the extent to which both are embedded within local custom, suggest that policy to protect the poor will need to look beyond the communitarian discourse currently favoured by government. In particular, the supply of inputs and the role of the land rental market may play a more critical role in determining the living standards of poor people in rural areas than notions of 'community' membership.

More generally, the current Zimbabwean context highlights two contemporary economic dynamics in African societies. Firstly, the extent to which, for many (especially young men), demand for land is a consequence of a failure in the wider economy to generate employment, rather than a prospect of small-scale farming supporting anything better than a life of poverty (Walker, 2005). Secondly, there is a need to examine much more critically the nature of 'collective' governance of land. The Zimbabwean government acquiesced as customary leaders resisted and ultimately undermined democratic local government of 'communal areas' in Zimbabwe in the two decades following the establishment of majority rule in 1980, and the same appears in prospect in South Africa with the passage of the Communal Land Rights Act of 2004 (Claassens, 2005). In the aftermath of the indigenisation of most of the agricultural land, the current trajectory of landholding in Zimbabwe's communal areas suggests a strong association between landholding and poverty,

with a prospect that poorer groups with small amounts of land will struggle to escape poverty under the existing customary governance of land. While customary authority has perhaps thwarted efforts to democratise governance of land as a collective resource, policy on land tenure reform has yet to engage with the realities of land commoditisation under customary land tenure.

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