

# A right to land?

Population density and land rights in Malawi,  
Zambia and Zimbabwe, 1923-2013

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A MASTER THESIS

by

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## GLOSSARY

This research describes a period that initiated with the colonisation of three present-day African nations. The length and intensity of the colonial and postcolonial era have created a multitude of terms and descriptions for processes, peoples, places, etc., which are often bigoted and/or dependent upon the time, context and interpretation of the speaker. My research has been conducted with the awareness that many of the sources I had to consult are biased. For the sake of clarity, I hereby specify the terminology used in this thesis.

### Terms

I use African or black to refer to the descendants of the indigenous population of Africa. To those of European ancestry I refer to as European or white. This is not to deny people of European ancestry cannot identify as African, or vice versa. The terms are used not as biological categories, but as political and cultural concepts.<sup>1</sup>

I use Zimbabwe, Zambia and Malawi to describe the three countries that were once named, respectively, Southern Rhodesia, Northern Rhodesia and Nyasaland by their coloniser, throughout.

Local words that lack adequate description in English, such as *citemene*, are explained in the text and adhere to the most recent spelling.

Contested, ambiguous terms that can alter their meaning depending on time, context and/or interpretation, such as 'land-grabbing', are also clarified in the text.

### Numbers

Many of the sources consulted use acres instead of hectares to measure land and describe the size of land holdings or territories. Throughout this thesis, I have converted acres into hectares. A hectare equals 10.000m<sup>2</sup>; one acre equals 0,404685642 hectares.

When giving a number to specify population density, this always specifies the amount of people per square kilometre (km<sup>2</sup>).

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<sup>1</sup> For an exploration of the terms and the construction of their meaning, see G. Wekker, *White innocence. Paradoxes of colonialism and race* (Durham 2016) 24.

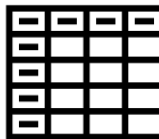
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## *LIST OF ACRONYMS*

<b>ANC</b>	African National Congress
<b>BCAC</b>	British Central Africa Company
<b>BSAC</b>	British South Africa Company
<b>CAB</b>	The Cabinet Papers
<b>CAF</b>	Central African Federation
<b>CO</b>	Colonial Office
<b>DO</b>	Dominions Office
<b>ESAP</b>	Economic Structural Adjustment Programme
<b>ETLR</b>	Evolutionary Theory of Land Rights
<b>FTLRP</b>	Fast Track Land Reform Programme
<b>FO</b>	Foreign Office
<b>GDP</b>	Gross Domestic Product
<b>HO</b>	Home Office
<b>LLDP</b>	Lilongwe Land Development Programme
<b>MDC</b>	Movement for Democratic Change
<b>NDP</b>	National Democratic Party
<b>NLHA</b>	Native Land Husbandry Act
<b>PCILPR</b>	Presidential Commission of Inquiry on Land Policy Reform
<b>PF</b>	Patriotic Front
<b>PRO</b>	Public Records Office
<b>TA</b>	Traditional Authority
<b>TNA</b>	The National Archives
<b>TTLA</b>	Tribal Trust Land Act
<b>UDI</b>	Unilateral Declaration of Independence
<b>ZANU</b>	Zimbabwe African National Union
<b>ZAPU</b>	Zimbabwe African People's Union



Map 1. Zambia (2016)



Source: <http://www.worldatlas.com/webimage/countrys/africa/lqcolor/zmcolor.htm>

accessed on 1-6-2016

Map 2. Malawi (2016)



Source: <http://www.worldatlas.com/webimage/countrys/africa/lgcolor/mwcolor.htm>

accessed on 1-6-2016

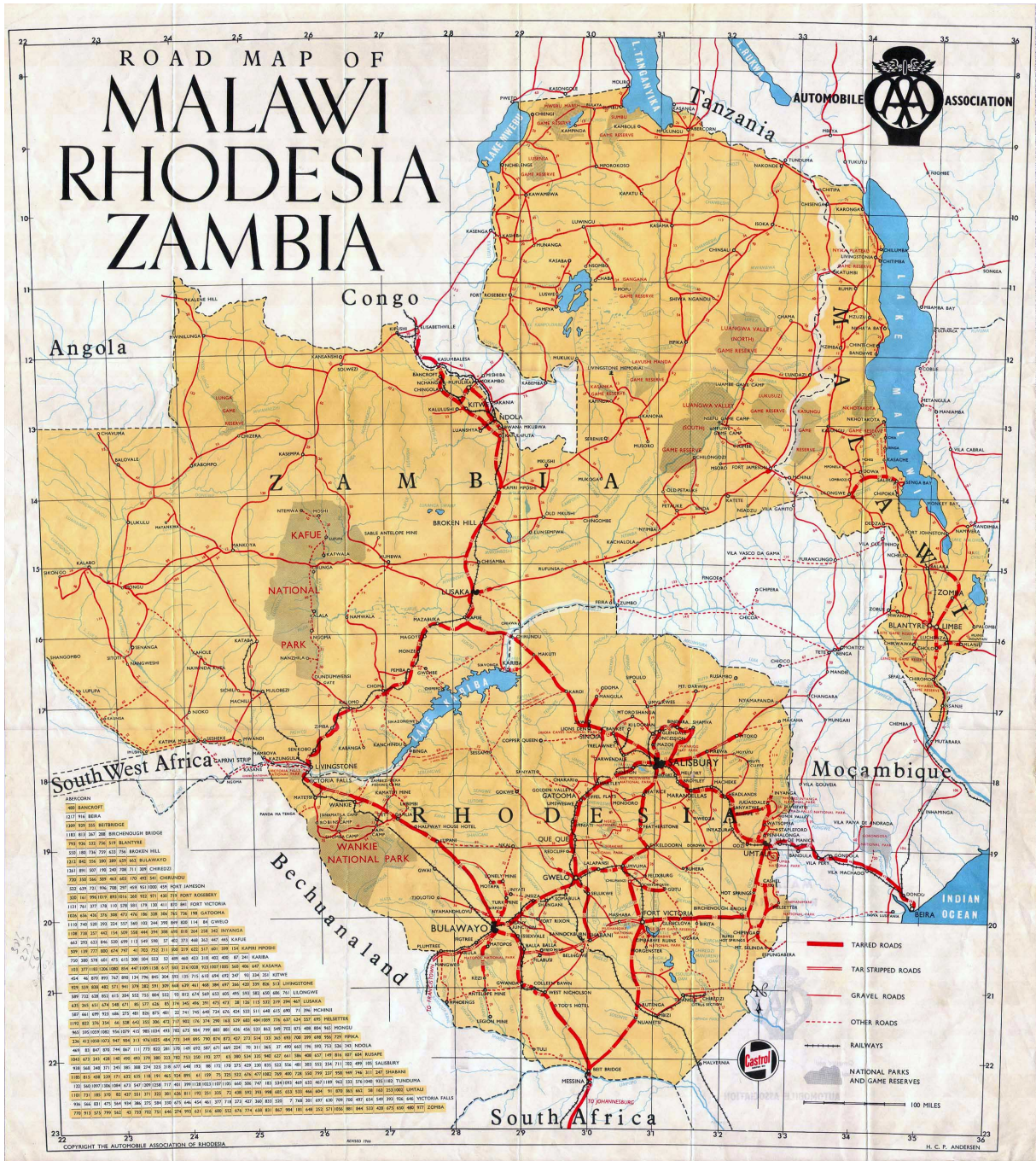
Map 3. Zimbabwe (2016)



Source: <http://www.worldatlas.com/webimage/countrys/africa/lgcolor/zwcolor.htm>

accessed on 1-6-2016

Map 4. Central African Federation (1954)



Source: <http://www.worldstatesmen.org/>

accessed on 15-6-2016

# 1. INTRODUCTION

The ownership of land is one of the most contentious issues in Africa. The division and appropriation of African soil has busied the mind of many; academics and politicians alike. The struggle for land in contemporary Africa has a long and contested history, wherein rights to land have been the source of many disputes, the instigators of outright violent clashes, and a popular subject on the agenda of those wishing to access or enhance political power.<sup>2</sup> Much has been written to unravel the grievances surrounding ‘the land question’, in order to uncover its roots, lay bare its intricate relation with political strife, and find windows of opportunity for change.<sup>3</sup> To this very day, the history of land ownership influences social, political and economic processes in many African countries.<sup>4</sup>

As opposed to the crucial role of land in present-day Africa, most scholarly works on African economic history assert that power in pre-colonial Africa was exercised through the ability to control people rather than land: land was abundant, whereas population was scarce and thinly dispersed. Based on this observation<sup>5</sup>, an analytical framework has been built that has become highly influential in African economic history.<sup>6</sup> Low population density led to the institutionalisation of property rights over people, making a system of land rights, let alone the private ownership of land, alien and irrelevant in this particular context. Thus, according to the literature, the nature of power in the pre-colonial African state was essentially non-territorial.<sup>7</sup> Moreover, the combination of a sheer abundance of land with low population density meant that land was used intermittently, and, in line with Boserupian theory, there was little economic incentive to improve the agricultural productivity of a plot and/or adopt technology that would

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<sup>2</sup> P. Shipton and M. Goheen, ‘Understanding African land-holding: Power, wealth, and meaning’, *Journal of the International African Institute* 62 (1992) 307-25, 308.

<sup>3</sup> See. e.g. S. Moyo, ‘The land question in southern Africa: a comparative review’, in: L. Ntsebeza and R. Hall (eds.), *The land question in South Africa. The challenge of transformation and redistribution* (Cape Town 2007) 60-86 and S. Berry, ‘Debating the land question in Africa’, *Comparative Studies in Society and History* 44 (2002) 638-68.

<sup>4</sup> Newsweek, ‘Mugabe threatens ‘Gukurahundi’’, via <https://www.newsday.co.zw/2016/06/10/mugabe-threatens-gukurahundi/>; All Africa, ‘Land in Africa: property rights needed’, June 3, 2016 via <http://allafrica.com/stories/201606070002.html>; The Herald, ‘Land rights for Zim women, May 25, 2016 via <http://www.herald.co.zw/land-rights-for-zim-women/> all accessed on 10-6-2016. These articles are just a fraction of the total amount of recent publications dealing with land in Africa, illustrating how to this day land rights continue to dominate the public debate.

<sup>5</sup> This conclusion is rooted in a vast amount of literature. See e.g. W.A. Lewis, *Report on industrialisation and the Gold Coast* (Accra 1953) 3, where the observation is made that “there is an abundance of land, and an acute shortage of labour”.

<sup>6</sup> The factor endowment model has also been studied extensively in other areas of the world, see e.g. S.L. Engerman and K.L. Sokoloff, ‘Factor endowments, institutions, and differential paths of growth among new world economies’, in: S.H. Haber, *How Latin America fell behind. Essays on the economic history of Brazil and Mexico, 1800-1914* (Stanford 1997) 260-306 and E. Frankema, ‘The colonial roots of land inequality: geography, factor endowments, or institutions?’, *Economic history review* 63 (2010) 418-51 for Latin America

<sup>7</sup> J. Herbst, *States and power in Africa. Comparative lessons in authority and control* (Princeton 2000) 38.

support that cause.<sup>8</sup> Ecological and climatic circumstances ensured dependency on rain-fed agriculture, which further discouraged investment in a specific piece of territory<sup>9</sup>, let alone legally appropriating it to an individual holder. Pre-colonial African people are described as migratory, in some cases pastoralist, and it is argued their societies are better understood through patterns of mobility rather than settlement.<sup>10</sup> Besides the economic incentive for mobility, the large amounts of open land and the absence of incentives to invest in or even demarcate tracts of land made it easier for people to escape than to fight possible rulers. The elusive nature of people ensured that the control of labour became a powerful topic in politics. Hence, according to this “land-surplus, labour-scarcity” analysis<sup>11</sup>, the demographic situation of low population density, in combination with ecological circumstances that support migratory agriculture and pastoralism, a socio-economic system arose based on wealth-in-people<sup>12</sup> and a precarious political context where open land frontiers enabled people to vote with their feet.<sup>13</sup> How come, when regarding the allegedly superficial role land has played in the pre-colonial development of African economies, it is today of paramount interest? Motivated to understand the complexity of problems surrounding land in present-day Africa, this thesis is concerned with that transformation, and more precisely, with the historical construction of land ownership in three former British colonies.

## 1.1 Theoretical framework

The development in land-abundant, labour-scare Africa contrasts enormously with other parts of the world, such as Europe or South-East Asia. In Europe, for example, a lack of land meant difficulty to accommodate dense populations. Here, landownership became a determining factor in the way nation-states came to define and develop themselves. High population density and systems of intensive agriculture led to a solid institutionalisation of tenure and property rights to land.<sup>14</sup> This agricultural revolution and the onset of a commercialised society have been extensively studied by economic historians. What were the social factors that brought about the major economic transformations and eventually capitalism? For Europe, several explanations have been offered – people, land and their interaction play an important role in all of them. Postan saw a causal relationship between the way people related to land and population pressure: “Behind most economic trends in the middle ages, above all behind the advancing and retreating land settlement, it is possible to discern the inexorable effects of

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<sup>8</sup> E. Boserup, *The conditions of agricultural growth. The economics of agrarian change under population pressure* (New Brunswick 1965).

<sup>9</sup> Herbst, *States and power in Africa*, 38.

<sup>10</sup> J. Guyer, *Money matters: instability, values and social payments in the modern history of West African communities* (Chicago 1995) 144.

<sup>11</sup> G. Austin, ‘Resources, techniques, and strategies south of the Sahara: Revising the factor endowments perspective on African economic development, 1500-2000’, *The Economic History Review* 61 (2008) 587-624, 589.

<sup>12</sup> Wealth-in-people is a concept elaborately analysed by Jane Guyer, see J.I. Guyer, ‘Wealth in people, wealth in things – Introduction’, *Journal of African History* 36 (1995) 83-90, 84. Here, she explains: “Wealth embodied in rights in people lies close to the center of African economic and social history over the past five hundred years: in the slave trades on the one hand and in political and kinship history on the other. The concept of wealth-in-people, as a specifically African mode of accumulation, was developed to apply to this perception.”

<sup>13</sup> Herbst, *States and power in Africa*, 39.

<sup>14</sup> The whole concept of the nation-state (as defined by Weber) relies on the territorial demarcation of land. M. Weber, *From Max Weber: Essays in sociology* (Abingdon 2009 [1946]) 171-9.

rising and declining population”<sup>15</sup>. This is a neo-Malthusian viewpoint, focusing on the relationship between population and agrarian resources. According to this theoretical framework, population growth and decline are impacted by production-determining factors, such as soil condition, size of cultivated acreage and agricultural techniques.<sup>16</sup> Another important contribution in the debate about what drove economic growth in Europe came from Robert Brenner. In two ground-breaking essays (1976, 1982) he stated that demographic shocks were absorbed and refracted differently by every society. He based his thesis on a comparative study between England and France, where different systems of lordship were in place and, consequently, the paths to agricultural development were substantially divergent. Rather than population numbers, Brenner insisted that the balances of class forces and property structures caused societies to change from a feudal system, to a capitalist one.<sup>17</sup> Property relations play a significant role in two other explanatory frameworks. In line with Adam Smith’s commercialisation theory<sup>18</sup>, scholars such as Douglas North and Hernando de Soto defend the stance that enhanced protection of private property rights creates an incentive for profitable activity and, in turn, sustains long-term economic growth.<sup>19</sup> Another defining historical interpretation is offered by Marx, who saw that, through enclosure, landlords were able to grant themselves the ownership of the peoples land. This went hand in hand with the abolition of communal property rights (decline of the peasantry) to land in the 15<sup>th</sup> and 16<sup>th</sup> century, and ensured a pool of labour to fuel the industrial revolution (rise of the proletariat).<sup>20</sup> Hence, the ownership of land is key in all these explanations for the various routes and speeds by which different European regions adopted capitalist forms of agricultural organisation. Whether one adopts a neo-Malthusian, Smithian or Marxist point of view, the relationship between people and the land they inhabit is crucial in shaping Western European societies and economies. Bas van Bavel tracks the relationship between ‘real’ factors, such as demography and availability of land, and social factors, such as systems of tenure and property, all the way back to when the first people permanently settled in an area. What ecological conditions did they face? What was the ratio between people and the amount of agricultural land? And how did they accommodate these challenges into their societies? In a study on the Low Countries (1300-1600) van Bavel found that ownership of the land (defined as the strongest right to the land as appears from the right to sell it or pass it on to an heir) varied sharply from region to region.<sup>21</sup> The higher the peasants’ share of land, the higher the population density in an area. A firm hold on the land meant partible inheritance, whereby peasants divided their property equally among their children. This resulted in smaller farm plots compared with areas with scarcer population, where accumulation of land made for large

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<sup>15</sup> M.M. Postan, *Medieval economy and society: an economic history of Britain in the Middle Ages* (Berkeley 1972) 72.

<sup>16</sup> B.J.P. van Bavel, ‘People and land: rural population and poverty structures in the Low Countries, c. 1300-c. 1600’, *Continuity and Change* 17 (2002) 9-37, 10.

<sup>17</sup> R. Brenner, ‘Agrarian class structure and economic development in pre-industrial Europe’, *Past and Present* 70 (1976) 30-75 and R. Brenner, ‘The agrarian roots of European capitalism’, *Past and Present* 97 (1982) 16-113, 16-17.

<sup>18</sup> J. Hatcher and M. Bailey, *Modeling the Middle Ages. The history and theory of England’s economic development* (Oxford 2001) 158.

<sup>19</sup> H. de Soto, *The mystery of capital. Why capitalism triumphs in the West and fails everywhere else* (London 2000) and D.C. North, *Structure and Change in economic history* (London 1981).

<sup>20</sup> K. Marx, *Capital: a critique of political economy vol. I* (2015 [1859]).

<sup>21</sup> Van Bavel, ‘People and land’, 15.

landholdings. This pattern of inheritance ensured access to land for all family members, securing subsistence and paving the way for early marriage. In turn, this led to a continuation of population growth or at least stability, ensuing pressure on the land. Van Bavel thus found that population pressure and systems of tenure are intricately related: the denser the population, the stronger the rights to land.

## 1.2 Thesis Question

So far, two points have been made: 1) today, agricultural land in Africa is scarce and its ownership contested by its growing population whilst it used to be abundant and 2) according to scholars who have studied the historical development of societies, the ratio between people and land matter for the development of property rights. Most of the insights that fuel this theoretical framework are however inspired by a European context, whilst little has been written with regards to the historical development of property rights to land in Africa. How did the role of land transform over the years into the role it has now, and does the literature on the distribution of factor endowments offer a satisfying explanation for this?

There is a case that can offer insight into these questions. In 1888, Cecil Rhodes and his British South Africa Company (BSAC) obtained the rights to exploit minerals in the Zambezi Delta. In 1891 the present-day Malawi became the British Central Africa Protectorate, and in 1911 Zambia and Zimbabwe were united as Rhodesia. This combined territory was subject to the BSAC, until its deficit in 1923.<sup>22</sup> The British government took control of these territories, then known as Nyasaland and (Northern and Southern) Rhodesia. In 1953, they were merged into the Central African Federation (CAF), only to separate again in 1964, with the onset of Zambian independence.<sup>23</sup> In all, the countries that today are Zambia, Zimbabwe and Malawi, have had a similar colonial experience. Hence, the incipient state of affairs is comparable. Yet, the different territories display significant differences in the demographic make-up. Zambia is the least densely populated, Zimbabwe a little denser, and Nyasaland is known for a relatively dense population. By 1950, roughly a decade before independence for these nations the number of people per square mile was 3,15, 7,06 and 29,8 respectively.<sup>24</sup> Has this variation affected the development of property rights and land ownership? If so, that would correspond with the theories that were previously elucidated to illustrate the European example. Comparing these three colonies, and their experiences before, during and after colonialism could outline which factors account for divergent development of land rights up to the present situation. The research question of this thesis therefore is:

*How has population density influenced the development of property rights to land in Zambia, Zimbabwe and Malawi, 1923-2013?*

This question will not only test the assertion that dense population leads to the institutionalisation of stronger, individual property rights to land (as seen in the European

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<sup>22</sup> J.S. Galbraith, *Crown and Charter. The early years of the British South Africa Company* (London 1974) 312.

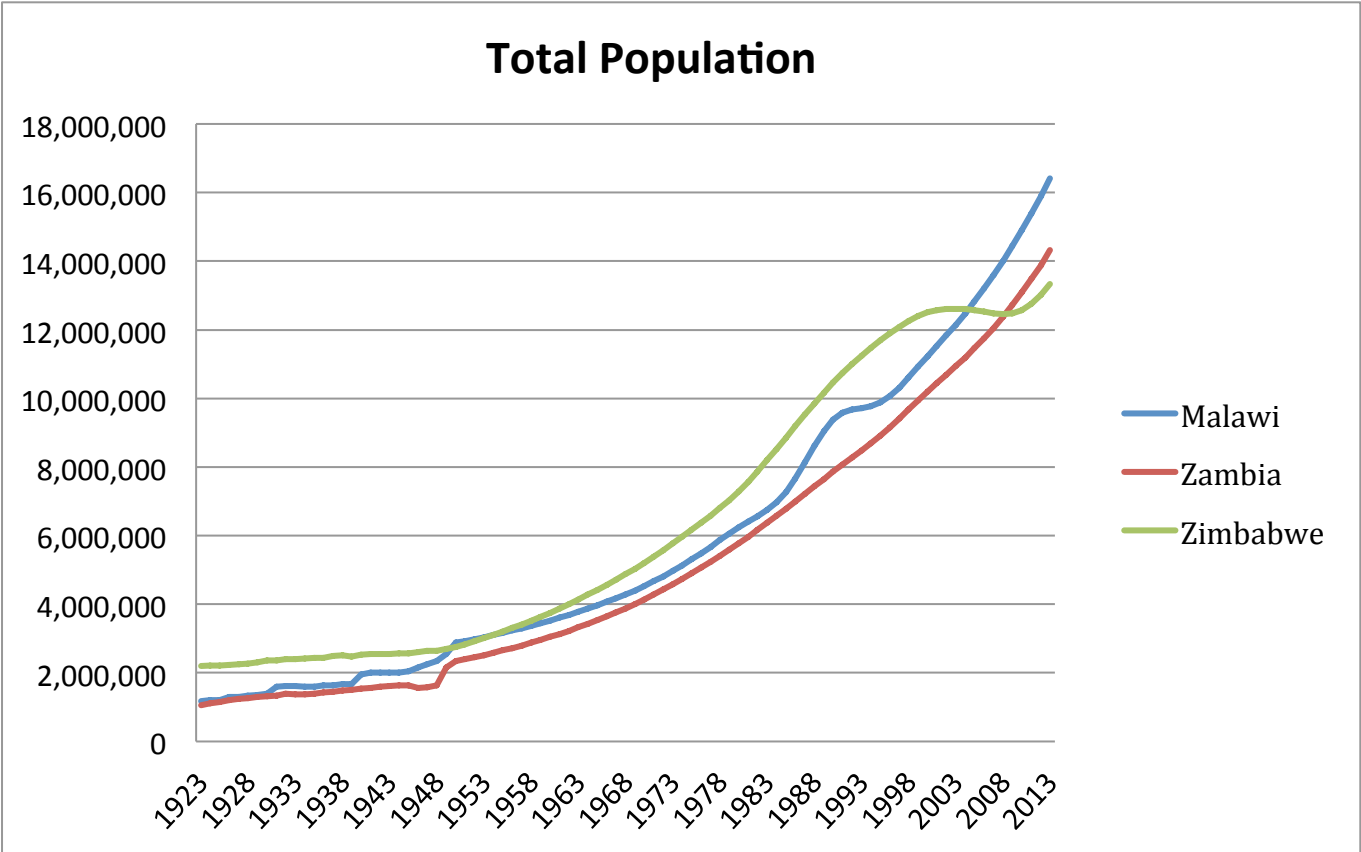
<sup>23</sup> R. Hyam, 'The geopolitical origins of the Central African Federation: Britain, Rhodesia and South Africa, 1948-1953', *The Historical Journal* 30 (1987) 142-72, 168 and L.J. Butler, 'Britain, the United States, and the demise of the Central African Federation, 1959-63', *The Journal of Imperial and Commonwealth History* 28 (2000) 131-51, 146.

<sup>24</sup> Compared to 286,27 for the Netherlands and 206,91 for the UK (1950). Data from <https://www.gapminder.org/data/> accessed on 25-2-2016.



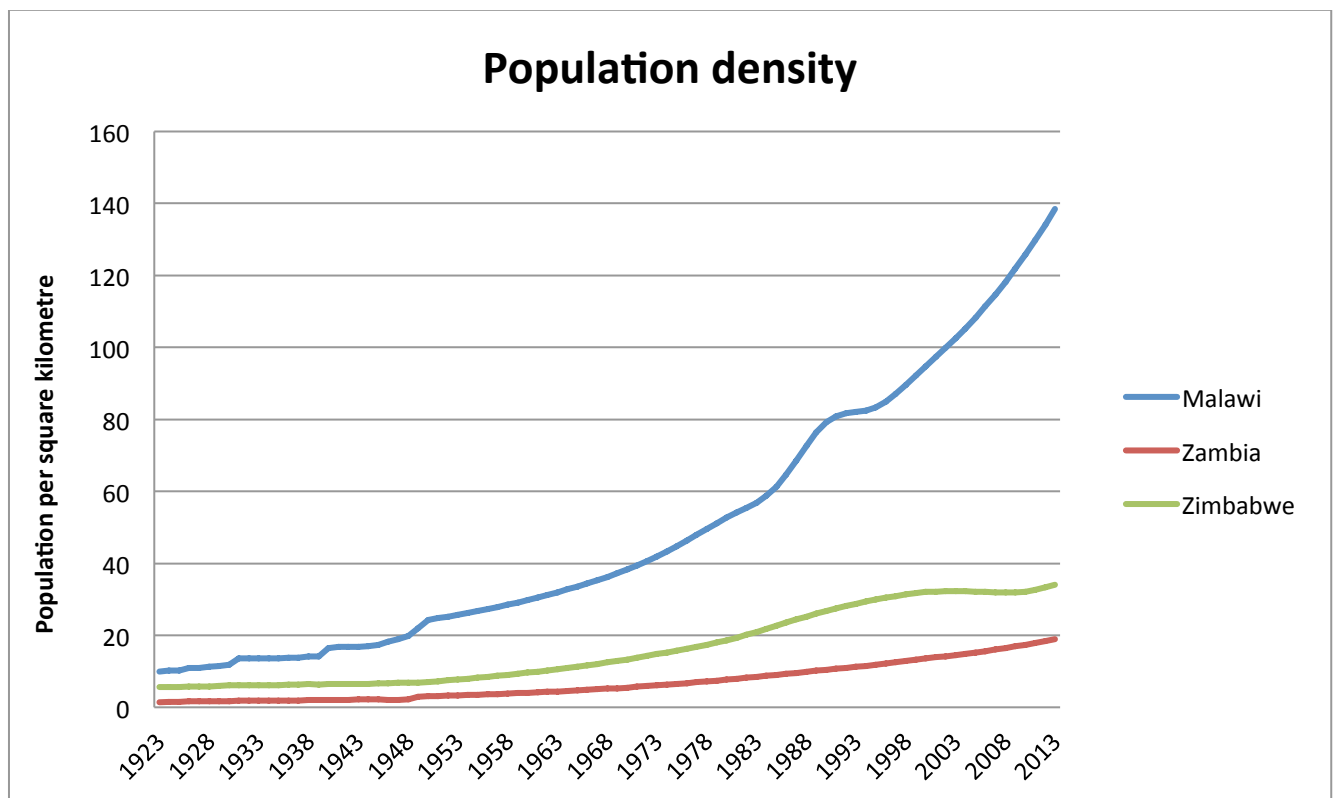
example), but will also elucidate the development of a contested land market. Also, taking into account population growth, it should mean the denser the population gets, the stronger property rights to land are defined. In order to illustrate the divergences in total population numbers and, most importantly, the stark differences in population density between the three territories from 1923 until 2013, see graph 1 and 2. Adhering to the theoretical considerations earlier proposed, one should expect the strongest rights to land to have developed in Malawi, and the weakest in Zambia. This thesis will evaluate that hypothesis.

Graph 1. Total population in Zambia, Zimbabwe and Malawi 1923-2013<sup>25</sup>



<sup>25</sup> <http://www.maseda.mw/censusinfomw/>; <https://ourworldindata.org/world-population-growth/>; <https://www.gapminder.org/data/> (all accessed on 30-1-2016) and J.W. Gregory and E. Mandala, 'Dimensions of conflict: emigrant labor from colonial Malawi and Zambia, 1900-1945', in: D.D. Cordell and J.W. Gregory, *African population and capitalism: historical perspectives* (Boulder 1987) 221-40; 221, 232; The National Archives (TNA), Public Records Office (PRO) Kew, London, United Kingdom, Dominions Office (DO) 35/1169, Report of the commission to enquire into the conditions prevailing, etc., in the pasturage of the colony (1943). For some years, most notably pre-1923 Zimbabwe, no reliable data could be found. For the pre-war period, there is a notable discrepancy between colonial sources and contemporary databases, with colonial sources structurally reporting a lower population – a strategy serving political purposes (see chapter 5). Hence, for the early years colonial sources are mostly adjusted with a regression taken from more reliable sources, combining data from the World Bank, CIA and the United Nations.

Graph 2. Population density in Zambia, Zimbabwe and Malawi 1923-2013<sup>26</sup>



<sup>26</sup> For country sizes in square kilometers (used to calculate population density): [https://en.wikipedia.org/wiki/List\\_of\\_sovereign\\_states\\_and\\_dependencies\\_by\\_area](https://en.wikipedia.org/wiki/List_of_sovereign_states_and_dependencies_by_area) accessed 30-1-2016.

### 1.3. Thesis structure

This research departs from the moment the BSAC retreated and the three territories became subjects to the British Crown: 1923. In order to understand the situation of land distribution and ownership before this date, the incipient state of affairs, the first chapter will provide an overview of the developments that led up to the colonisation of Zambia, Malawi and Zimbabwe and describe the terms and conditions on which land was held in pre-colonial times. Subsequently, the three countries will be considered separately. How did land rights evolve in Zambia, Malawi and Zimbabwe? Zambia and Malawi will be analysed first, after which Zimbabwe is a case that neither poses an extremely low or high population density, like Zambia and Malawi (respectively) do. It functions, thus, as a case wherein the effects of population density are mitigated: a 'test' case that can either prove or disprove the influence of population concentration on the establishment of land rights. Change and continuity will be tracked using archival sources and data obtained from The National Archives (TNA) in Kew, London, giving insight into the representation of the physical situation (such as population numbers and distribution and land allocation) and legal decision-making processes which impacted the division and appropriation of land and distribution of population. The latter will be tracked through legal documentation, including amendments to laws, and the correspondence concerning land policy between the authorities in the colonial and the Dominions Office (DO) and/or Colonial Office (CO). Furthermore, this research will be framed by academic literature and research on the historical development land rights, ultimately leading to a thorough overview of rights to land, and how they came into being.

### 1.4 A right to land?

In order to understand the development of land rights in African during the colonial era and beyond, it is imminent to have an understanding of what it means to hold a 'right' to land. In this section, the meaning of having 'right to land' (as referred to in this research) will be defined, as well as the different interpretations of the tenure<sup>27</sup> systems dealt with in this thesis (European and African). In a study on land tenure reform and rural livelihoods in Southern Africa, Adams et al. define land rights as follows:

- rights to occupy a homestead, to use land for annual and perennial crops, to make permanent improvements, to bury the dead, and to have access for gathering fuel, poles, wild fruit, thatching grass, minerals, etc.;
- rights to transact, give, mortgage, lease, rent and bequeath areas of exclusive use;
- rights to exclude others from the above-listed rights, at community and/or individual levels; and
- linked to the above, rights to enforcement of legal and administrative provisions in order to protect the rights holder.<sup>28</sup>

The system of land tenure is usually analysed in terms of the distribution of rights in land. The idea of property is compared to a "bundle of sticks": not one unitary asset, but an assemblage

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<sup>27</sup> Tenure is defined as "the terms and conditions on which land is held, used and transacted". It thus relates to the adjustment of the terms of contracts between land owners and tenants, as well as the conversion of informal tenancy to formal property rights. M. Adams, S. Sibanda and S. Turner, 'Land tenure reform and rural livelihoods in Southern Africa', *Natural resource perspectives* 39 (1999) 1-15, 2.

<sup>28</sup> *Ibid.*, 3.

of different, interrelated rights that can be accessed and applied on different occasions.<sup>29</sup>

Studying the process of how such property rights develop, it is asserted that dense population and scarcity of arable land has led to exclusive, transferrable, alienable, and enforceable private property rights to land: a factor endowment which becomes scarcer as population grows.<sup>30</sup> Theorists of the so-called property rights school developed an 'evolutionary theory of land rights' (ETLR), asserting that with population pressure and commercialisation, individualisation occurs autonomously.<sup>31</sup> Platteau elaborates:

As long a land is abundant, the absence of property rights with their standards attribute of exclusivity and free transferability does not have damaging consequences (...) However, when there is growing competition for the use of land as a result of population growth and/or growth in product demand, communal ownership becomes unstable and produces harmful effects in the form of mismanagement and/or overexploitation of the now valuable resource (...) Therefore, when the gains of internalization become larger than the cost – due to an increase in the value of land and/or a reduction in measurement or enforcement costs – economic efficiency justifies the replacement of communal by private ownership rights.<sup>32</sup>

Hence, this school of thought alleges there is a linear, teleological development of rights: when population pressure rises, land becomes valuable and private proprietary rights emerge. In the absence of population pressure, the colonialists encountered a land tenure system in Africa that was alien to them:

Where there is no pressure on the land, i.e. when it is as free as air and water, there is obviously no more market for it than there is for air and water. It is, therefore, true as a fact to say that "there is not sale of land", just as there was no sale of land among the early Britons, but it is obviously questionable to say that "the sale of land is forbidden" for this would presume a custom for the expression of formulation of which no opportunity has yet arisen.<sup>33</sup>

Early British encounters with African systems of land rights gave rise to the notion that Africans guarded their land communally; hence the term 'communal' land ownership. The abundance of land had created no incentives for private property rights to emerge. A report written to "save time and avoid misunderstandings" by the CO's land tenure specialist S. Brown Simpsons in 1954 illustrates how the colonial government viewed land rights in Africa:

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<sup>29</sup> TNA, Colonial Office (CO) 955/50. European land tenure in Africa.

<sup>30</sup> G. Feder and D. Feeny, 'Land tenure and property rights: Theory and implications for development theory', *The World Bank Economic Review* 5 (1991) 135-53, 135. The development of private property rights in land product of centuries of economic, social, political and legal change which cannot be entirely or adequately reproduced here. See e.g. North, *Structure and change in economic history*.

<sup>31</sup> S.E. Migot-Adholla, F. Place and W. Olusch-Kosura, 'Security of tenure and land productivity in Kenya', in: J. Bruce and S.E. Migot-Adholla (eds.) *Searching for land tenure security in Africa* (Dubuque 1994) 119-40.

<sup>32</sup> J.P. Platteau, 'The evolutionary theory of land rights as applied to sub-Saharan Africa: A critical assessment', *Development and Change* 27 (1996) 29-86, 31.

<sup>33</sup> CO 955/50, 4.

In the earliest stage the land and its produce is shared by the community as a whole; later the produce is the property of the family or individuals by whose toil it is won, and the control of the land become vested in the head of the family. When the tribal stage is reached, the control passes to the chief, who allots unoccupied lands at will, but is not justified in dispossessing any person or family who is using the land. Later still when the pressure of population has given to the land an exchange value, the conception of proprietary rights emerges, and sale, mortgage, and lease of the land, apart from its user, is recognized. These processes of natural evolution, leading up to individual ownership, may, I believe, be traced in every civilization known to history.<sup>34</sup>

Kandaŵire observes that in much of ‘traditional’ Africa<sup>35</sup> land rights are not normally vested in individual persons but in the group to which these individuals belong. Apart from this, there is the right to use land in perpetuity, yet this right is vested in individual persons within the group. It is relevant to note the “unifying contradiction” in the distribution of land rights in much of Africa: “The contradiction lies in the fact that the ideology of Africans generally stresses the supremacy of the group over its individual members, and yet these individuals possess pieces of land for as long as they identify themselves with the group”<sup>36</sup>. Hence, at the level of facts it seems as if individuals own land, while at the “level of ideas” it is the group that owns land.

In this way, the bundle of rights is shared yet held by all the people, with community leaders as co-owners, “who have the additional status of trustees over land whose disposal they control for the benefit of all members”<sup>37</sup>. This puts African leaders in a distinctly different economic position from an individual European owning land in a colony.<sup>38</sup> Gordon, studying Zambia, confirms access and ownership of land to be rooted in networks of hierarchy and/or economic obligation. He states that “... African lineage societies, which invested in social relationships and had complex transactions dealing with rights-in-people, negotiated rights to the land and other resources through earth priests, often the heads of clans, who were actually known as ‘guardians’ or ‘owners of the land’”<sup>39</sup>.

As opposed to the European concept of individual ownership of a plot of land, with all the rights that come with it, African systems embedded land rights into networks of hierarchy, where economic, cultural and religious aspects interlocked. A last observation, for Zimbabwe, from Holleman substantiates the concept of communal land ownership:

The village as a collective unit has a right to the collectivity of fields under actual cultivation. This right is controlled by the headman and his capacity as representative of the village community. But the individual members and sub-units of this community are entitled to the undisturbed use of their individual shares in the collective property, as long as they retain their

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<sup>34</sup> Ibid., 2.

<sup>35</sup> The author here refers to traditional tenure systems found in Malawi.

<sup>36</sup> J.A.K. Kandaŵire, ‘Thangata in pre-colonial and colonial systems of land tenure in Southern Malawi with special reference to Chingale’, *Journal of the International African Institute* 47 (1977) 185-91, 186.

<sup>37</sup> Ibid., 186.

<sup>38</sup> J.E. Casely Hayford, *The truth about the West African land question* (New York 1971) 39.

<sup>39</sup> In Bemba: *umwine wa mpanga*. D.M. Gordon, *Nachituti's Gift. Economy, society, and environment in Central Africa* (London 2006) 10.

membership of the village and the village itself remains in a position to exercise its right to its cultivation area.<sup>40</sup>

This research is ultimately a reproduction of how the European system of individual land ownership and the elaborate African structures of tenure, where access and use of land were dependent upon group membership, interacted and transformed under demographic change.

## 1.5 Relevance

The relevance of this thesis question cannot be emphasised enough. The grand question in economic history, namely why some countries are rich whilst others are not, has made academics ardent about finding elements that fuel long-term economic growth. The quest to understand global variances, a pursuit that ultimately culminates in the Great Divergence-debate<sup>41</sup>, has largely omitted Africa from its orbit. A lack of reliable data providing insight into population and economic proxies such as GDP per capita over the long run are absent, or at most 'guesstimates', for pre-modern and modern times. Any attempt to contribute any information on the development of explanatory factors for growth, such as demography and population, can therefore contribute to filling the hiatus of Africa in the debate on the Great Divergence.

Moreover, a large and very quick shift from low population density to high population growth over the past century and a half have exacerbated the strain on land in Africa<sup>42</sup>, making land ownership and distribution an increasingly political issue in contemporary African affairs. Tenure reform is an on-going and contested debate, and social scientists recognise it to be of key concern to the world's poorest peoples.<sup>43</sup> Rapid population growth, whereby by the end of this century 40 per cent of all humans will be African<sup>44</sup>, further exacerbates the strain on land in sub-Saharan Africa. The 'land question' will therefore remain urgent in the foreseeable future, and insight into the historical development of current structures valuable to academic and policy debates on land reform in an era of increased pressure on land must be sought, analysed and be made available.

Furthermore, there seems to be no translation between a rise in GDP and a decrease in Gini-coefficient. This discrepancy is one of the biggest questions economists today face when studying economic development in Africa.<sup>45</sup> Africa namely herewith contests the virtuous connection between demographics and social uplift, challenging the notion that economic progress is not a universal process that will happen in similar ways across space and time. Systems of ownership no doubt contribute to the division of wealth in nations that display an increase in inequality and lack of consistent economic progress, and an understanding of historical development of structures of ownership therefore contributes to

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<sup>40</sup> J.F. Holleman, *Shona customary law. With reference to kinship, marriage, the family and the estates* (London 1952) 7.

<sup>41</sup> Term first introduced by Samuel Huntington to describe the divergence between industrialised and non-industrialised nations in the nineteenth century, further explored by Kenneth Pomeranz in K. Pomeranz, *The Great Divergence: China, Europe and the making of the modern world economy* (Princeton 2000).

<sup>42</sup> E. Green, 'The political demography of conflict in modern Africa', *Civil Wars* 14 (2012) 477-498, 477.

<sup>43</sup> Gordon, *Nachituti's Gift*, 4.

<sup>44</sup> UNICEF Generation 2030 Africa: <http://data.unicef.org/gen2030/> accessed 25-2-2016.

<sup>45</sup> M.O. Odedokun and J.I. Round, 'Determinants of income inequality and its effects on economic growth. Evidence from African countries', Discussion paper no. 2001/13 for UNU/WIDER.

pressing issues such as a stagnant or even rising inequality in societies that experience population growth. The right to land is all the more fundamental in societies where a large proportion of the population depends on agriculture. The different European and African circumstances which gave rise to such systems were legally diametrically opposed, and their mutual exclusivities, through colonialism, contributed to a clash in economic and social values. The uncomfortable status quo that ensued from negotiating these differences reverberates to this day. Indeed, the ownership of land is an important, if not the most important, issue in the strained balancing of powers in Zimbabwe right now.

Even though it remains unclear what one can expect from the effect of population growth in Africa, it is apparent that these developments have and will continue to have a profound impact on the relationship between people and the land they inhabit. In order to understand the particularities that influence such a historical process, it is fundamental to understand the factors that shape the social and economic dynamics that uniquely characterise time and place. This thesis aims to contribute to that understanding.

# 1. THE INCIPIENT STATES

*“Buy land? You cannot buy land. You cannot buy the rain, the wind, the sunshine.  
These things are for everyone.”*

Ndebele King Lobengula's response to Cecil Rhodes' request (via John Moffat)

In order to understand the development of land rights after 1923, it is crucial to understand the incipient state of affairs. What systems of property rights were already in place? How did people relate to the land they inhabited, mined, farmed, or explored? What belonged to whom, and how were these patterns of ownership constructed? This chapter gives insight into the dynamics of the land market before the Europeans came and the changes after the first encounters between Europeans and Africans.

Land was a prime factor in the definition of relations between African and settler<sup>46</sup> populations. They held clashing views about ownership and land rights, which gave rise to a shattered landscape of interests and, in turn, strongly contributed to the socio-economic developments in the area that would become Zambia, Zimbabwe and Malawi. The case of Southern Rhodesia predominantly features in this chapter because there the process of land alienation (the appropriation by colonial powers of land owned by indigenous communities and administered according to their customs) was most active and remarkable. The general dynamics of the development of property rights to land will be described in this context - with attention to the particularities in Northern Rhodesia and Nyasaland.

The early history of Rhodesia and Nyasaland is essentially the story of the British South Africa Company (hereafter BSAC). This private company, brought into Rhodesia by empire-entrepreneur Cecil Rhodes, actively initiated a land hunt to acquire mineral rights. Adventures (and later settlers) were drawn to the promising yet empty lands north of the Limpopo River with grand promises of mineral wealth, and soon after the first explorations, European settlements arose.<sup>47</sup> But life was hard, and gold hard to find. A protracted struggle for the ownership of mineral and land rights ensued between the BSAC, settlers pursuing other ways than mining to subsist, and the African population. Just before the turn of the twentieth century, a contested history of land began.<sup>48</sup>

## 2.1 Ecology

A study of tenure in a rural economy cannot be separated from its environmental context. Generally speaking, economic studies tend to neglect the relationship between economy and ecology; either downplaying or ignoring how humans participate in their natural environment, or failing to illustrate how the environmental context shapes human economies.<sup>49</sup> Availability

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<sup>46</sup> Here I refer to settlers as Europeans that came to the regions discussed in this thesis with the purpose to stay. For more on the political meaning of the term 'settler', see M. Mamdani, 'Beyond settler and native as political identities: Overcoming the political legacy of colonialism', *Comparative Studies in Society and History* 43 (2001) 651-64.

<sup>47</sup> C. Black, *The lands and peoples of Rhodesia and Nyasaland* (London 1961) 11.

<sup>48</sup> L.H. Gann, *The birth of a plural society: The development of Northern Rhodesia under the British South Africa Company, 1894-1914* (Manchester 1958) 115-50.

<sup>49</sup> D. Gordon, *Nachichuti's gift. Economy, society, and environment in Central Africa* (London 2006) 5.



and fertility of soils, rainfall, erosion and mineral wealth are just a few (literal) 'ground' factors that contribute to the outcome of agricultural production, development of technologies, nature of settlement and systems of tenure.<sup>50</sup>

The entire area of the three nations with which this study is concerned lies within the tropics, extending about 1600 kilometres from north to south. Most of it is at an altitude of more than 1000 metres above sea level.<sup>51</sup> Consequently, the climate is mild for many months in the year. Summer includes the wet months: November to April. During this period, rain averages between 0,5 and 1,5 metres a year, depending on the nature of the country. In the lower lying areas of Zimbabwe rainfall may be as slight as 40 centimetres a year, but on and around the Mlanje mountains in Nyasaland – the highest mountains in the territory – the annual total goes up to 2,5 metres. Covering more than 780.000 square kilometres<sup>52</sup>, the total territory of Zambia, Zimbabwe and Malawi is larger than the whole of the British Isles, France, Germany and Holland combined. An illustration of how ecological, environmental circumstances gave rise a specifically adapted rural economy is the *citemene* system in Northern Zambia. This agricultural system, comparable to slash-and-burn techniques, was an answer to soil poverty in the area. *Citemene* consisted of lopping trees, piling and burning the loppings, and sowing the main grain crop in the ashes. This system allowed the cultivation of soils that are otherwise unfit for use, and enabled the population to profit from reasonable certainty of good yields.<sup>53</sup>

## 2.2 Venturing north: pre-colonial Zimbabwe, Zambia and Malawi

Prior to the arrival of the Europeans the geographic area in question fell under the aegis of pre-colonial kingdoms: the Maravi to the north of the Lower Zambezi and today's southern Malawi,<sup>54</sup> the Monomatapa in eastern and southern Zimbabwe<sup>55</sup>, the Lozi in Barotseland, western Zambia<sup>56</sup> and the Mashona and later Ndebele<sup>57</sup> in western Zimbabwe.<sup>58</sup> The people who occupied the land had mostly been, up until the relatively recent arrival of the European, nomadic groups who occupied land until they recognised it was time – mostly due to the slash-and-burn techniques they used for agriculture – to move on. The population in this area had been severely depleted by the slave trading, which was still prevalent in the area around 1800.<sup>59</sup> Therefore, in this section, a concise history of the pre-colonial situation and the first

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<sup>50</sup> Much has been written about the relationship between economy and ecology. See e.g. S.L. Engerman and K.L. Sokoloff, 'Factor endowments, institutions and different paths of growth among New World economies', in S. Haber (ed.), *How Latin America fell behind* (Stanford 1997) 260-304 and G. Austin, 'Resources, techniques, and strategies south of the Sahara: Revising the factor endowments perspective on African economic development, 1500-2000', *The Economic History Review* 61 (2008) 587-624.

<sup>51</sup> Barclays Bank D.C.O. *Zambia. An economic survey* (Lusaka 1968) 3.

<sup>52</sup> Black, *The lands and peoples of Rhodesia and Nyasaland*, 21.

<sup>53</sup> S. M. Makings, *Agricultural Chang ein Northern Rhodesia/Zambia. 1945-1965* (Stanford 1966) 201-2.

<sup>54</sup> M.D.D. Newitt, 'The early history of the Maravi', *The Journal of African History* 23 (1982) 145-62, 145-51.

<sup>55</sup> A. S. Chigwedere, *From Mutapa to Rhodes: 1000 to 1890 A.D.* (London 1980) 45.

<sup>56</sup> J. Indakwa, *Expansion of British rule in the interior of Central Africa: 1890-1924. A study of British Imperial expansion into Zambia, Zimbabwe and Malawi* (Washington 1977) 5-24.

<sup>57</sup> Also referred to as Matabele.

<sup>58</sup> H.W.J. Sonius, *Rhodesia. Een dilemma van ras en grond* (Leiden 1966) 32.

<sup>59</sup> Gann, *The birth of a plural society*, 66-72; N.H. Pollock, *Nyasaland and Northern Rhodesia – corridor to the North* (Pittsburgh 1971).

decades of European activity and its impact on land rights in Malawi, Zimbabwe and Zambia is described below in order to set the point of departure for this thesis.

### 2.2.1 The Portuguese, Livingstone and Rhodes

The Portuguese arrived in Mozambique in the late 15<sup>th</sup> century and although they had a sense of land ownership themselves, they did not expand and settle much into the areas this thesis is concerned with. The occasional trader, prospector, explorer or missionary may have passed through, but left the people virtually free of any attempt at colonisation. In the early 1800s, the successors of the Monomatapa Empire, the Rozwi, drove a few encroaching Portuguese settlers out of the area of today's north-eastern Zimbabwe.<sup>60</sup>

Travelling up from the south and into this same area came David Livingstone (1813-1873) who, horrified by the conditions he found there (mostly connected with slavery), felt that the people who inhabited the territories through which he was passing would benefit from his 'three Cs': Civilisation, Commerce and Christianity – an all-encompassing social, cultural and economic endeavour which included the termination of the slave trade.<sup>61</sup> He felt that, with all the empty space he saw, colonisation by a few groups of hard working Europeans (Scots in his view) would soon get the place up on its feet and functioning properly. Several missionary stations were instituted in the fertile area that is now Malawi.<sup>62</sup>

However, in the south of the continent, the expansion of European (or white) farmers into the land perceived to be relatively free of occupation (such as the Orange Free State and the Transvaal) drew people northwards into the area beyond the Cape (which was South Africa for all intents and purposes.) A lot of these early *trekkers* had been farmers in this area. At the same time (around 1885), Britain was trying to bring some political stability to the area and was negotiating with various chiefs who, with their people, were settled throughout the area. Cecil Rhodes, using his wealth and position, began to encourage British-oriented groups northwards and in doing so cut off the initial, farming-oriented voyagers from their expansions. His vision was to bring much of South, Central, East and North Africa under British control or influence. And with this in mind, he pushed through Botswana (then known as Bechuanaland), and into the land north of the Limpopo – a territory he named Rhodesia.

It is estimated that the indigenous population of Rhodesia at that time was in the region less than 300.000<sup>63</sup> - not a lot for a country of almost 400.000 square kilometres (almost ten times the size of The Netherlands)<sup>64</sup>. With a population density of 0,75, one can understand why the early settlers spoke of the land as being empty.

### 2.2.2 Concessions and a Charter

By negotiation and treaties the BSAC acquired mineral and other rights from African chiefs, the most important being those secured from Lobengula, the King of the Ndebele, in 1888, and Lewanika, Chief of the Barotse, in 1890. In that same year Cecil Rhodes built up and equipped his Pioneer Column in South Africa, picking men from all kinds of professions and trades who could, on disbandment, form the nucleus of a new community. 180 men of the Pioneer Column and 300 of the 500 members of the BSAC police crossed the Macloutsie

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<sup>60</sup> Newitt, 'The early history of the Maravi', 146.

<sup>61</sup> Indakwa, *Expansion of British rule*, 35.

<sup>62</sup> Gann, *The birth of a plural society*, 16-9.

<sup>63</sup> CO 1047/802, 'Northern Rhodesia'. Subtitled 'European settlement' (1927).

<sup>64</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/nl.html> accessed 25-3-2016.

river in Botswana on June 27<sup>th</sup>. Each participant in the expedition was promised the right to claim 15 sites where gold could be delved and 3000 morgen<sup>65</sup> of farmland<sup>66</sup>: an attractive offer for many. On September 12<sup>th</sup> of the same year, the column reached its destination and named the spot Salisbury (today Harare), and the soldiers became miners.

The land Rhodes and his men encountered was divided into Mashonaland (west) and Matabeleland (southeast), named after the dominant groups residing in these areas. Matabeleland was ruled by the notorious King Lobengula, from whom Rhodes' agents acquired two determining concessions (the Rudd and the Lippert concession), thereby trumping all other concession-hunters and establishing a firm grip on the land.<sup>67</sup> Rhodes' request for a Royal Charter to give his privately owned company the authority to make treaties with African rulers and acquire territory on behalf of the British Empire was granted by Queen Victoria on October 29, 1889.<sup>68</sup> The British government (erroneously, it would later appear) believed a chartered company would be more receptive to imperial control than a body of private capitalists, who might bring about diplomatic complications for the government. The definition of the charter's field of operation was left deliberately vague, and comprised "the regions of South Africa lying immediately north of British Bechuanaland, and to the north and west of the South African Republic and west of the Portuguese dominions."<sup>69</sup> It would ensure British control of an area that was still relatively unexplored but nonetheless desired by other European powers and reduced the costs of control for the government to next to none.

The many privately held concessions were combined, and the British government granted the BSAC the right "to acquire by any concession, agreement, grant or treaty, all or any rights, interests, authorities, jurisdiction and powers of any kind or nature whatever, including powers necessary for the purpose of government and the preservation of public order."<sup>70</sup> Moreover, the Chartered Company was given the right "to acquire, cultivate, develop and improve any lands within the territories of the Company, and to make grants of land for specific periods or in perpetuity, either outright or otherwise."<sup>71</sup> This last clause was based on the Rudd concession (1888), assuring "all mineral rights" to the BSAC. The Lippert concession (1891) moreover granted the holder the power "to grant, lease or rent land in his [Lobengula's] name", which meant the company did not only give away mineral rights, but was also able to grant remarkable-sized plots of land to colonists and companies. Because there was no limit to the amount of acres that could be expropriated, by 1884 large plots of land were held by Europeans. The European settlers had little regard for the other clauses in the Company's charter, namely to have "careful regard" for the "customs and laws" of the "native population", especially concerning the "holding, possession, transfer and disposition of lands and testate or intestate succession"<sup>72</sup>. This meant that the encroachment of European settlers onto African

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<sup>65</sup> A morgen was used to describe an area that could be ploughed in one morning and converts to little under one hectare.

<sup>66</sup> J.A. Chamunorwa Mutambirwa, *The rise of settler power in Southern Rhodesia (Zimbabwe, 1898-1923)* (New Jersey 1980) 35.

<sup>67</sup> I. Phimister, 'Rhodes, Rhodesia and the Rand', *Journal of Southern African Studies* 1 (1974) 74-90, 76-7.

<sup>68</sup> Indakwa, *Expansion of British rule*, i.

<sup>69</sup> L.H. Gann, *A history of Northern Rhodesia. Early days to 1953* (London 1969) 58.

<sup>70</sup> TNA, Foreign Office (FO) 881/5847X. Africa: Drafter Charter British South Africa Company. Charter of incorporation of the British South Africa Company, article 3. 29 October 1889.

<sup>71</sup> TNA, Home Office (HO) 45/10438/B7326. Charters: British South Africa Company.

<sup>72</sup> Rhodesian institute of African Affairs, *Land and its apportionment in Southern Rhodesia* (1961) 1.

lands continued without much consideration for anyone living on it, leading to a build-up of grievances and eventually several rebellions by the black African population.

The promise of 1.214 hectares (3.000 acres) of land even before setting foot in Rhodesia was a threat to African land and the backbone of the Africans' economic activity. The African method of agriculture was based on shifting cultivation, whereby a piece of land would be worked for three or four years and then moving to a new plot. The initial land was then left to revert to bush while fertility restored. Given the abundance of land and the lack of capital, this method is economically sound.<sup>73</sup> The individual acquisition of land by the Europeans was foreign to customary African law, yet the sequestration became a key element in limiting African economic activity while serving the economic and labour interests of the Europeans.<sup>74</sup>

### 2.2.3 Conflicts over land

For Africans, it was impossible to individually own land and thus their rulers cannot concede ownership of land. Rights of ownership resided with the social group at large, and its leader was to protect those rights.<sup>75</sup> In negotiations, according to Rhodes' biographer Gross, Lobengula would repeatedly pose the question: "You are sure you are not coming after grass and land?", which would be soothed by Rhodes, who emphasised it was minerals he sought; not grass to feed cattle.<sup>76</sup> Lobengula only later realised that the Europeans did in fact equate rights of exploitation with intricate rights to the ownership of land. The Lippert-concession, which gave the BSAC the security to "grant, lease or rent land", for a period of 100 years, in an area later defined as the entire territory of Rhodesia in Lobengula's name, is a prime example of how Rhodes and his allies acquired title by taking advantage of an inherent miscommunication between European and African relations to land.<sup>77</sup> To the Africans, land was land and it did not belong to anyone other than their tribe or family group.<sup>78</sup> This gave rise to a question that was imminent in many colonial territories: to what extent could the colonisers exercise right to the land, occupied or not?

The European appropriation of land in Rhodesia and Nyasaland was motivated by an economic use of the soil: a driver that directly clashed with the social, cultural, religious significance land had to the African population. Their connection to the land was derived from magic-religious bonds, going back for generations, and indissolubly connecting communities to the land through ancestral kinships. Where land was ample, African cultures had developed to appreciate what was valuable to them: the community.<sup>79</sup> This clash between the colonisers and the African population regarding the economic and legal relationship the two groups had

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<sup>73</sup> M. Yudelman, *Africans on the land. Economic problems of African agricultural development in Southern, Central and East Africa, with special reference to Southern Rhodesia* (Cambridge MA 1964) 11.

<sup>74</sup> Chamunorwa Mutambirwa, *The rise of settler power*, 29.

<sup>75</sup> C.K. Omari, 'Traditional African land ethics', in: J.R. Engel and J.G. Engel (eds.), *Ethics of environment and development: global challenge, international response* (Tucson 1990) 167-75, 169.

<sup>76</sup> F. Gross *Rhodes of Africa* (New York 1957) 150.

<sup>77</sup> Sonius, *Rhodesia*, 10.

<sup>78</sup> P.E. Peters, 'Challenges in land tenure and land reform in Africa: anthropological contributions', *World Development* 37 (2009) 1317-1325, 1317. See the introduction for a further exploration of the precolonial concept of land rights in African societies.

<sup>79</sup> The ways in which African communities organised land ownership varies and is intricate; nuances to which unfortunately I cannot pay adequate consideration to in this section. For more, see e.g. Platteau, 'The evolutionary theory of land rights as applied to sub-Saharan Africa', or Omari, 'Traditional African land ethics'.

with the land is at the heart of the problem of the apportionment of land. The Europeans viewed the communal nature of land use as primitive and traditional, and did not see the need to secure rights that were not legally embedded and known through (oral) tradition. The primitive and ‘tribal’ African, economically, only needed little land to subsist and, according to the second report of the Select Committee on Resettlement of Natives: “[T]he question of ownership of land never arose in his [the African] mind; it had never occurred to him that land could be owned as a spear was owned. It was something that a man might use if the chief agreed, but the right to the use of it could be revoked at any time.”<sup>80</sup>

Nonetheless, there were clear motivations for African chiefs to exchange land for protection. Plagued by warfare and traumatised by slave raids, various local chiefs were willing to transfer their main asset, land, in exchange for military protection.<sup>81</sup> In negotiations for mineral rights with Lobengula (and other chiefs), Rhodes purposely did not include the right to land as one of his demands. Gibbs observes:

Rhodes and the Company knew well enough that the Rudd Concession gave them no power in the land other than to enter it and dig for gold. Lobengula was unlikely to be so foolish [as] to give more. Nor had Rhodes been so foolish as to ask for it. Getting what Lobengula was prepared to give, he could take the rest without asking.<sup>82</sup>

But Lobengula was also playing a dangerous political game, trying to pit the Europeans who came hunting for concessions against each other. Rhodes and the German Lippert, for example. Lobengula reasoned that if Rhodes had the right to dig for gold, and Lippert the right to the land, they would fight and destroy each other, leaving the land for the Ndebele people.<sup>83</sup> But Rhodes’ BSAC bought the concession for 30,000 pounds and some shares from Lippert: as of now, the Company saw itself legally empowered to grant land rights and went ahead to do so.<sup>84</sup>

#### 2.2.4 The First Chimurenga

Lobengula’s Ndebele formed a powerful kingdom.<sup>85</sup> Their military organisation was a threat to the expansionist ambitions of the BSAC, and breaking that military strength was key to its (economic) success. A conflict was therefore not shunned; rather, when the British Crown tried to mediate between the BSAC and Lobengula, Rhodes explicitly resisted any efforts that would harbour peace. Between 1893 and 1894, the first violent clash (First Matabele War) was fought, when Lobengula’s forces raided a Mashona village in the district of Fort Victoria – an area increasingly under control of the BSAC. Lobengula died shortly after the first war. The second Matabele War, or First *Chimurenga* (uprising), raged from 1896-7, and was a rebellion wherein Shona and Ndebele were united in their grievances about the encroachment of Europeans on their native land.<sup>86</sup> A British victory however led to the unification of both

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<sup>80</sup> DO 35/354/3. Report of the Select Committee on Resettlement of Natives, 3.

<sup>81</sup> Frankema, ‘The colonial roots of land inequality’, 447.

<sup>82</sup> P. Gibbs, *A flag for the Matabele: a story of empire-building in Africa* (London 1955) 71-2.

<sup>83</sup> *Ibid.*, 72.

<sup>84</sup> Chamunorwa Mutambirwa, *The rise of settler power*, 28.

<sup>85</sup> B. Cairncross, ‘Who’s who in mineral names: Two South Africans, Hans Merensky and Cecil John Rhodes’, *Rocks & Minerals* 77 (2002) 48-53, 51.

<sup>86</sup> S. Dawson, ‘The First Chimurenga: 1896-1897 uprising in Matabeleland and Mashonaland and continued conflicts in academia’, *Constellations* 2 (2011) 144-53. This article furthermore gives insight

territories, and in 1898 Mashona- and Matabeleland were united to form Rhodesia.<sup>87</sup>

In 1893, the European population in Zimbabwe and Zambia combined was 1.226. This number increased to 4.863 by 1895. During the Chimurenga many left to go South, and by the end of 1896 their numbers had again dropped to 2.737. After 1897 the European population steadily increased, and by 1901 it was up to 11.032, to reach 15.000 by 1903. In that same year, the African population was estimated at 513.813<sup>88</sup>: already, a very significant population unbalance had established, which started to be reflected not only in the access to resources, but also in the division and ownership of land. As the number of settlers increased, their dream of an El Dorado evaporated. The promises of gold and mineral wealth proved too optimistic and the mining industry suffered from an endemic shortage of labour. The disappointing returns of the gold exploration forced the Company to look for other means to enhance its meagre returns and cover the costs of administration. The land market and agriculture offered an interesting alternative, and developing a profitable agricultural sector became a necessity in order to cover the losses suffered by the BSAC.<sup>89</sup> The shift to agriculture meant that the BSAC's hunger for land only grew. Land prices were forced up through investments in infrastructure (roads, railways, telegraph, energy-supply).<sup>90</sup>

For the settler population, the first fifteen years were insecure and tough. Many whites died of malaria or hunger; one tenth of the white population was killed during the 1896-7 Chimurenga, and the Boer War (1889-1902) crushed any outlook of economic improvement. The small and increasingly threatened white community sought security in policies that kept the African population at a distance politically, economically and socially: sharing whatever little privilege they had acquired was deemed detrimental to the fragile group of settlers.<sup>91</sup> This separation along lines of race became pivotal in the preservation of the settlers high(er) living standards, and was institutionalised through the creation of reserves where the local population, alienated from their native land, was to reside.

### 2.2.5 Creating Native Reserves

The instalment of 'Native Reserves' seemed to present a ready answer to the European problem of economic (in)viability in Rhodesia. In 1900, when taking into consideration their relations to land, four classes can be distinguished within the African population. The first lived on expropriated land by the settlers: so-called "native locations", in built-up areas. They lived as tenants, and answered to agreements with landlords. The second group lived on unalienated land that belonged to the Company. The third were squatters, residing on private farms without an agreement. Fourth were those were relocated and lived in the newly created

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into the contested history and complexity of grievances that led to the First Chimurenga. For the continuation of myths surrounding this event, which has features prominently in the creation of a Zimbabwean 'patriotic history', see T. Ranger, 'Nationalist historiography, patriotic history and the history of the nation: the struggle over the past in Zimbabwe', *Journal of Southern African Studies* 30 (2004) 215-34.

<sup>87</sup> S.J. Ndlovu-Gatsheni, 'Mapping cultural and colonial encounters, 1880s-1930s', in: B. Raftopoulos and A.S. Mlambo (eds.), *Becoming Zimbabwe. A history from pre-colonial period to 2008* (Harare 2009) 38-74, 39.

<sup>88</sup> Chamunorwa Mutambirwa, *The rise of settler power*, 26.

<sup>89</sup> Frankema, 'The colonial roots of land inequality', 442-3.

<sup>90</sup> Sonius, *Rhodesia*, 16.

<sup>91</sup> Chamunorwa Mutambirwa, *The rise of settler power*, 27.

Native Reserves. This last group were the only ones to enjoy any kind of legal tenure security.<sup>92</sup> Those who lived in agreement with a landlord or on locations signed two-year contracts, with the risk of their contract not being renewed. Africans living on Company-land were at the mercy of any European with the intention to buy the land they lived on; and squatters could be evicted at any time.<sup>93</sup> By 1905, 151.503 Africans were living in locations on private lands in Zimbabwe, under circumstances of insecure tenure. Labour was reinforced through the implementation of hut taxes: a fiscal leverage the population could not pay in any other way but through the performance of (wage) labour.<sup>94</sup> The restraints of this tax is understood when one realises that it took an African about three months to make one pound, which was the hut tax levy in 1904.<sup>95</sup> In order to guide the labour force to where they were most needed, pass regulations were introduced in 1902.<sup>96</sup>

The reserves served two purposes. First, to halt the encroachment of African farmers on the (volatile) produce market and second, to set aside the more desirable land for Europeans. As late as 1910, when the European agricultural sector was reasonably well established, the director of (European) agriculture wrote: "The difficulty of the farmers is not in the production but in the assurance of a market at reasonable prices, the demand by mines and prospectors for food, meat, potatoes, pumpkins, being of an erratic and unreliable character."<sup>97</sup> Any measures to secure the position of European farmers in this unstable market, hampered by a lack of demand, was therefore more than welcome. The second purpose was to ensure a steady supply of labour for industrial and agricultural endeavours. As early as 1900 J.F. Jones, secretary of the BSAC, reported "a serious situation has lately arisen in Rhodesia through the scarcity of native labour which has caused the shutting down of several of the most important mines."<sup>98</sup> Restricting the African population to native reserves, and even decreasing the size of these reserves over time, would ultimately add to a European stronghold of the economy.<sup>99</sup> It all comes down to one rule of thumb: the more land Africans had, the more they produced, and therefore the more they could sell. In turn, the more cash they would have to pay taxes and hence they would no longer be dependent on wage labour. Gann writes:

The employers' position worsened when some African villagers started to sell part of their crops. The growth of new townships and compounds are the unintended effect of creating a small market for African produce; mine-owners, prospectors and even white farmers all bought native grain and meat, thereby helping to spoil their own local labour supplies (...) Acreage under cultivation increased (...) Employers soon took note: southern Rhodesian

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<sup>92</sup> Unless minerals were discovered on a site within a reserve: that constituted a "valid" reason for removal.

<sup>93</sup> Chamunorwa Mutambirwa, *The rise of settler power*, 127-8.

<sup>94</sup> Sonius, *Rhodesia*, 16.

<sup>95</sup> *Ibid.*, 17.

<sup>96</sup> W.M. Hailey, *An African survey: a study of problems arising in Africa south of the Sahara* (London 1956) 58.

<sup>97</sup> CO 603. Southern Rhodesia Sessional Papers: Report of the Director of Agriculture for the Year Ended 31<sup>st</sup> December 1910, 1.

<sup>98</sup> CO 417. High Commission for South Africa: Original Correspondence, 46.

<sup>99</sup> Chimunorwa Mutambirwa, *The rise of settler power*, 138.

natives did not make good workmen, for the high price of grain was spoiling the labour market.<sup>100</sup>

The limited supply of labour had its effect on land ownership. Alienating the local population from their land, the source of their wealth, made wage labour the only choice for the African population to subsist.

It must be noted that the reserves were intended to provide secure tenure for the African population who, because of European intervention, became alienated from their native land. It was argued that Africans were not able to afford to buy land as the Europeans did, the reserves were a protective measure to ensure enough land was available for their needs.<sup>101</sup> Yet the ownership of land by Africans was structurally made impossible – regardless of whether they did have enough capital to legally buy land. Even the “Cape boys”, Africans and Coloureds (those of mixed race) who had helped Europeans suppress the Chimurenga, were forced to sell the 3.160 hectares of land they had legally bought.<sup>102</sup> In 1904, the BSAC had claimed ownership of all the land that was not yet alienated.<sup>103</sup> Land ownership became an instrument for segregation and preservation of European domination and an integral part of the Rhodesian economy.

### 2.2.6 A growing population, a growing problem?

The political and economic importance of the native reserves was growing as quickly as their number and size increased. The BSAC instituted a commission to oversee this development, and they foresaw that if the African population continued to grow at this rate it would eventually “deny the Europeans the right to land.”<sup>104</sup> This pitted three parties against one another: 1) the settlers, who wanted to reduce the size of the reserves making more land available for agricultural purposes and invest the capital raised into the development of Rhodesia, 2) the Company, that wanted to raise capital for the shareholders in London rather than reinvest it in the mineral-poor Rhodesian soil but was influenced by the British Government who wanted to maintain the status quo out of fear for rebellion, and 3) the Africans, who through taxation and tenure security were being pushed into the Reserves and the least fertile areas of land. In 1913 there were about 60 reserves covering 22 per cent of the territory and housing 45 per cent of Africans.<sup>105</sup> The 1914 Reserves Commission estimated Native Reserves to be 8.794.718 hectares while the Company and settlers controlled over 28.327.995 hectares.<sup>106</sup>

Over the years, the squatting status of the African population on European landholdings proved untenable. In Matabeleland, where the process of land alienation was by far the most extensive, there were in 1898 35.000 people living on locations and 27.000 on private farms. By 1909, 78.000 were living in the Reserves, 60.000 on the unalienated land of

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<sup>100</sup> L.H. Gann, *A history of Southern Rhodesia: early days to 1934* (London 1965) 174-5.

<sup>101</sup> Chimunorwa Mutambirwa, *The rise of settler power*, 136.

<sup>102</sup> Ibid., 137; B.M. Sims, ‘Conflict in perpetuity? Examining Zimbabwe’s protracted social conflict through the lens of land reform’, PhD Dissertation University of Stellenbosch (2015) 48.

<sup>103</sup> L.H. Gann, *The birth of a plural society. The development of Northern Rhodesia under the British South Africa Company, 1894-1914* (Manchester 1958) 134.

<sup>104</sup> Chimunorwa Mutambirwa, *The rise of settler power*, 143.

<sup>105</sup> H. Rolin, *Les lois et l’administration de la Rhodésie*, (Brussels 1946) 246 cited in Gann, *The birth of a plural society*, 147.

<sup>106</sup> Sonius, *Rhodesia*, 10.



the company and 84.000 in the locations. The African population (and their cattle) was growing and their demand for agricultural and pastoral land began to pressure the European landholdings. The settlers, the Company and the British government were vigorously looking for ways to accommodate the growing population. At the same time, in 1907, the BSAC came to terms with the fact that the Rhodesian gold rush was more of an illusion than a reality. As a reaction, the company started to sell land, enabling the settlers to gain more political and economic leverage. So, while the white community's political organisation and cohesion grew, the African system was disintegrating. Because of the growing number of tenants in the locations the pressure on the farmlands grew. This went hand in hand with a period (1913 onwards) of intensification of production and an increase of stock, making the Africans (and their cattle) who lived on the farmlands as tenants an increasing and major problem for the white farmers. One way to deal with this was imposing a grazing fee.<sup>107</sup> Measures like these forced more and more Africans into the reserves, which grew to hold about 400.000 of the total 712.783 African population in southern Rhodesia in 1913.<sup>108</sup>

### 2.2.7 From London to Rhodesia

The issue of the Reserves was a tense one between London and Rhodesia. In 1918 the judicial committee decided that all property rights to the land were no longer the BSAC's, but "by virtue of conquest" belonged to the Crown. The BSACs Charter no longer held right to the unalienated land. In order to obtain land ownership, the Lippert Concession was worthless as a title deed, and though the document might help to explain how and why the Company obtained governmental powers in Zimbabwe, it could not confer land ownership. The Company had conquered the country on the Crown's behalf: the Crown sanctioned the system of white settlement and native reserves and assumed the right to dispose of all land not in private ownership<sup>109</sup>. In 1920 the BSAC's decision to decrease the size of the reserves with 404.685 hectares (1 million acres) gave rise to protests in the colonial territory, but none were to influence the BSAC's Land Settlement Board to revise their policy.<sup>110</sup>

At the same time, the council had to consider the African case, put forward by the Aborigines Protection Society and backed by many missionaries and Ndebele tribesmen. Earlier on, before the Great War, the Administration had made sure that Lobengula's legitimate heirs could exert no further political influence. The Protection society's plead had little avail in British courts, who deemed native ownership of unalienated land was "inherently difficult". The Council argued that "some tribes were so low in the social organisation that their usages could not be reconciled with the legal institutions of a civilised society"<sup>111</sup> - the fact that there were indigenous rights in place whose legal concepts approximated those valued by British lawyers was ignored, without any consequence. What is sure, is that the system of rights that was present before 1893 were diametrically inconsistent with white settlement. Colonisation, especially in Rhodesia, had the whole purpose of the forward movement pioneered by the Company and controlled by the Crown, with the result that the aboriginal system gave way to

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<sup>107</sup> Chimunorwa Mutambirwa, *The rise of settler power*, 135.

<sup>108</sup> Sonius, *Rhodesia*, 10.

<sup>109</sup> Gann, *The birth of a plural society*, 232-3.

<sup>110</sup> Cabinet Papers (CAB) 24/160. Report of the Judicial Committee of the Privy Council as to the ownership of unalienated lands in Southern Rhodesia (1918), via <http://filestore.nationalarchives.gov.uk/pdfs/small/cab-24-160-CP-201.pdf> accessed on 25-2-2016.

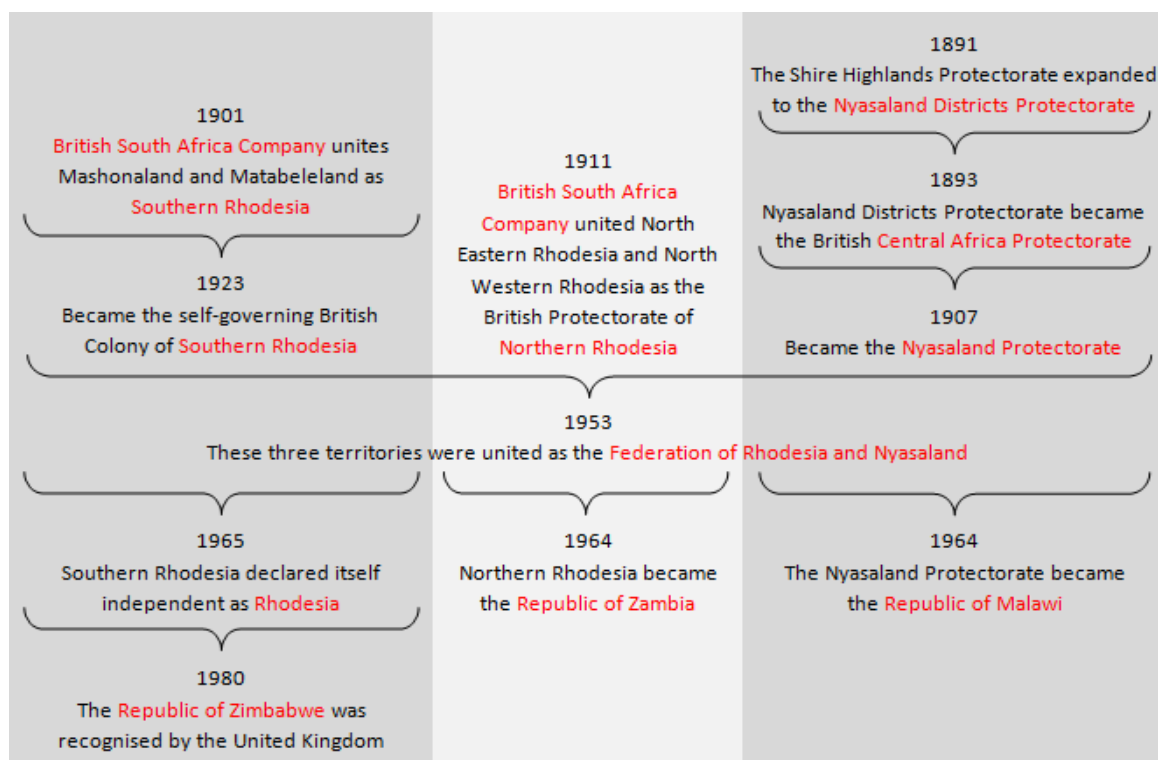
<sup>111</sup> Ibid.

another, prescribed by Order in Council. With conquest, sovereignty passed to the Crown, and the Crown thereby took over the land rights.<sup>112</sup>

The discrepancy with land ownership was a strong sign of the demise of the BSAC, and other (political) options to govern the land formerly administered by Rhodes' company were explored. One was a union with South Africa, but a fear for the fast-growing nationalist Afrikaner movement put an end to that. Another was a political union of South and North Rhodesia and Nyasaland, as these three territories displayed Europeans and Africans of "similar stock" that could effectively complement each other with economic resources. The scarcely populated Rhodesia's depended heavily on the labour supplied by the more densely populated Nyasaland. But an amalgamation of this kind was met with resistance from Northern Rhodesia and Nyasaland. In their eyes Southern Rhodesia merely wanted to escape the belittling supervision from London, and hence a so-called 'responsible government' between Britain and the settlers was installed on the first of October 1923.<sup>113</sup>

The rule of the BSAC was formally over. The three now separately governed territories would however soon realise their intricate (economic) interdependency.

Map 5: An overview of the political administration of the territories



source: [https://en.wikipedia.org/wiki/Nyasaland#/media/File:Rhodesia\\_and\\_Nyasaland.png](https://en.wikipedia.org/wiki/Nyasaland#/media/File:Rhodesia_and_Nyasaland.png)

## 2.3 Zambia

Zambia, historically constructed out of Barotseland (north-west Zambia) and the vast swathe of territory between Barotseland and Malawi, also fell under the control of the mineral-hungry BSAC. Heavy investment in Matabeleland and Mashonaland (see previous sections)

<sup>112</sup> Sonius, *Rhodesia*, 17.

<sup>113</sup> B.M. Schutz, 'European population patterns, cultural persistence, and political change in Rhodesia', *Canadian Journal of African Studies* 7 (1973) 3-25, 9.

discourages the Company to venture into other areas, leaving the North of the Zambezi relatively unexplored.<sup>114</sup> Nonetheless, Company-control over the territory was deemed important due to its wealth in copper and as a strategic counterpoise against the territorial expansion of other European powers.<sup>115</sup> Population densities were low and pressure on the land was insignificant. Most white farmers kept to land along the access route in and out of the country. Land did not become as huge an issue as in Southern Rhodesia. Settling in Northern Rhodesia possessed little advantages over Southern Rhodesia. The land was scarcely populated, so the problem of finding labour for any kind of industrial or agricultural investment was even more stringent. Because of sparse settlement there were virtually no markets, bad communication, and high railway rates. Yet, the BSAC had a policy of selling land very cheaply. Those with little cash thus found their way north. They had no economic means, or knowledge (many settlers were inexperienced farmers<sup>116</sup>) to pursue intensive agriculture, and the scattered nature of the settlement made the pooling of resources impossible. The inaccessibility had hitherto made it an unattractive place for development,<sup>117</sup> but the discovery of minerals (copper, ore) more or less revolutionised white settlement. The prospects of “enormous development” ensured a growth of white population from a mere 3.634 in 1921 to 15.000 in 1930, with numbers doubling in the three subsequent years.<sup>118</sup> Especially after the Anglo-Boer War Zambia attracted an increasing number of white settlers. White settlement was concentrated along the railway line, and in the Abercorn and Fort Jameson areas.<sup>119</sup>

For the BSAC, Zambia was mostly valuable as a labour reserve for mining activities in Katanga and Zimbabwe. Since it was situated exactly in between both areas, stakes were high, but dependent on markets outside the territory. In a similar fashion as in Zimbabwe, the local African population was subjected to taxes to be paid in cash, which forced them into wage labour.<sup>120</sup> Migration patterns emerged from the Zambian countryside to the mining towns to the north and centre of the country. Roberts observes the extent to which the arrival of the Europeans and their economic stringencies changed everyday African life: “These migrants [to the urban areas] needed cash, and not only to pay tax, but to buy from European store the imported household goods which were replacing the cloths and pots and hoes once made and bartered in the village”<sup>121</sup>.

There were three areas where extensive farming was undertaken: along the railway line in order to serve the mining towns in Congo, in the Abercorn district (now Mbala) in the North, and Fort Jameson (now Chipata) in the east. Farmers in Fort Jameson took up tobacco farming for export, and the town started to grow into a small society of planters and officials.<sup>122</sup> In 1911, there were 159 holdings in Northern Rhodesia, occupying 3.940 out of 288.809 hectares of land.<sup>123</sup> This number constitutes a mere 1,4 per cent of the available, alienated land.

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<sup>114</sup> J.S. Gailbraith, *The early years of the British South Africa Company* (London 1974) 204.

<sup>115</sup> Frankema, ‘The colonial roots of land inequality’, 443.

<sup>116</sup> *Ibid.*, 444.

<sup>117</sup> S.M. Makings, ‘Agricultural change in Northern Rhodesia’, *Food Research Institute Studies* (1966) 195-247, 198.

<sup>118</sup> Sonius, *Rhodesia*, 35.

<sup>119</sup> E.J. Yorke, *Britain, Northern Rhodesia and the First World War: Forgotten colonial crisis* (Basingstoke 2015) 26.

<sup>120</sup> A. Roberts, *A History of Zambia* (New York 1976) 178.

<sup>121</sup> *Ibid.*, 178.

<sup>122</sup> N.R. Clifford, ‘Settlement in Northern Rhodesia’, *Geographical Review* 21 (1931) 559-73-559.

<sup>123</sup> CO 417. Original Correspondence: Rhodesia Census Office (13 September 1911).

Nonetheless, because of the extensive nature of farming in Northern Rhodesia and the relative success some crops had in export, the number of farming immigrants steadily began to grow and the European farmers entered into a competition over land with the African population. Along the railway especially, many Africans were evicted - either with or without compensation.

Because land was so plentiful very few stayed to make tenancy agreements with the Europeans. Except in the Fort Jameson area: this ground is far more fertile and was already densely populated before the Europeans started to farm tobacco and cotton. Here, numbers ranging up to 55 people per square kilometre were not uncommon.<sup>124</sup> When European agriculture started to take off and the stock of cattle grew, white farmers found the native slash-and-burn agriculture interfered with their cultivation.<sup>125</sup> This, in combination with the problem of labour scarcity, led to the creation of reserves in a similar way as described for Zimbabwe, from 1913 onwards. Aside from Barotseland, a territory consistently protected from European encroachment due to the alleged strength of the Lozi people<sup>126</sup>, an area of 91.216 hectares near Chipata was set aside for African settlement.<sup>127</sup>

## 2.4 Malawi

The narrow strip of land between Mozambique on the east and south, Tanzania to the north and Northern Rhodesia to the west was once the corridor for central African slave trade.<sup>128</sup> Today, it is Malawi: the land of lakes. In Malawi, the population density patterns have been different from the two Rhodesia's described above. Livingstone described the well-populated territory, which was previously peaceful but, primarily during the period 1859-63 haunted by the slave trade, as "ripe for commercialisation and Christianity"<sup>129</sup>. Around 1800, the main groups, based on matrilineal succession, in southern and central Malawi were the Mang'anja, Nyanja and Chewa. Between 1790 and 1860 the Ngoni and Yao (patrilineal societies), moved into the northern territory.<sup>130</sup> Initially, Britain had little interest in colonising the area, which apparently lacked notable mineral wealth – and the other territories were first to pay off before new capital injections were to be made.<sup>131</sup> From 1876 onwards, a variety of European groups settled in the region; and a number of "European individuals, companies, missionaries, traders, hunters and planters acquired land from African chiefs"<sup>132</sup>. The British declared the region its Protectorate in 1891, "its reluctance finally overcome by growing anxiety over Portuguese intentions to take over the Highlands, lobbying by the Europeans settled in the

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<sup>124</sup> Gann, *The birth of a plural society*, 146; converted from miles to kilometres. Number calculated from square mileage (global average is 13,7 per square kilometre).

<sup>125</sup> Gann, *The birth of a plural society*, 146.

<sup>126</sup> For more details regarding the role of the Lozi kingdom and the eventual integration of Barotseland into the Zambian territory, see Roberts, *A History of Zambia*, 167.

<sup>127</sup> L. Vail, 'Ecology and history: The example of Eastern Zambia', *Journal of Southern African Studies* 3 (1977) 129-55, 136-7.

<sup>128</sup> Pollock, *Nyasaland and Northern Rhodesia*, 2.

<sup>129</sup> P.E. Peters, 'Bewitching land: The role of class disputes in converting kin to strangers and in class formation in Malawi', *Journal of Southern African Studies* (2002) 155-78, 162.

<sup>130</sup> J.C. Mitchell, *The Yao village: A study in the social structure of a Nyasaland tribe* (Manchester 1966) 29-32.

<sup>131</sup> Gailbraith, *The early years of the British South Africa Company*, 205.

<sup>132</sup> C. Baker, *Seeds of trouble: government policy and land rights in Nyasaland, 1946-1964* (London 1993) 5.

territory, and, significantly, Cecil Rhodes' agreement to contribute money to the cost of administration"<sup>133</sup>. Large areas of land (well over 1 million hectares, totalling some 15 per cent) were set aside for European use and turned into plantations. The BSAC acquired around half a million hectares of land, generally in the north. Mainly interested in the potential for mineral exploitation, most of this land was never developed for agricultural use until eventually being leased or sold off by the Crown.

Similar to the *modus operandi* in Zimbabwe and Zambia, 'land rights' in Malawi were acquired through treaties and agreements with local chiefs. The deals also gave rise to similar grievances and misunderstandings: "the Europeans thinking chiefs had absolute rights of land ownership, the chiefs thinking Europeans would act like Africans in their land dealings"<sup>134</sup>. A later generation of chiefs explained how their ancestors had negotiated:

Chief Kadewere of Chiradzulu told a commission of enquiry in 1915 that planters of an earlier generation had cultivated the friendship of the chiefs by making presents of cloth and other items; then enquiries followed about the chiefs' boundaries. This information was later incorporated into the alleged deed of sale which in fact was for no more than a small plot of ground for a house or a store. 'When a planter came to the village', said Chief Kadewere, 'he asked the chief to sell him a place where he could build his house and that is the only plot the chief signed for. The old chiefs say this is what happened'. The information was exploited and used for the purposes of laying claim to larger areas than those actually demarcated.<sup>135</sup>

Nonetheless, in 1902 European settlers' rights to the land acquired from the indigenous communities prior to 1894 were formalised through so-called Certificates of Claim, covering a total area of 1,5 million hectares.<sup>136</sup> Regardless of the interpretations of those who signed the agreements, in practice this meant that the African communities resident in the areas subject to the Certificates lost ownership and control of the land.<sup>137</sup> It also meant the population could be compelled to work on European estates – again enforced through the imposition of hut taxes. Since it were the Shire Highlands that had attracted most settlers<sup>138</sup>, large-scale migrations by people trying to flee the repressive labour regimes began into the southern parts of the country.<sup>139</sup> Competition over land increased as population rose starkly after 1900; between 1902 and 1909 alone, the number of Africans living in the Shire Highlands more than doubled from 95.000 to 210.000,<sup>140</sup> mostly a result of immigration from Portuguese-ruled Mozambique by people fleeing even more repressive regimes.<sup>141</sup> Tensions of labour and land would continue to rise throughout the decades and culminated in the 1915 Chilembwe uprising,

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<sup>133</sup> P.E. Peters and D. Kambewa, 'Whose security? Deepening social conflict over 'customary' land in the shadow of land tenure reform in Malawi', *The Journal of Modern African Studies* 45 (2007) 447-72, 449-50.

<sup>134</sup> R.B Boeder, *Silent majority: A history of the Lomwe in Malawi* (Pretoria 1984) 19.

<sup>135</sup> Pachai, 'Land policies in Malawi', 682.

<sup>136</sup> Baker, *Seeds of trouble*, 5.

<sup>137</sup> S. Holden and R. Kaarhus and R. Lunduka, 'Land policy reform: The role of land markets and women's land rights in Malawi', Noragric Report No. 36 (2006) 9.

<sup>138</sup> Not only due to its fertility, but also its proximity to Zambia: within the orbit of Rhodes' BSAC.

<sup>139</sup> Boeder, *Silent majority*, 21.

<sup>140</sup> Newbury, 'Ubureetwa and Thangata', 107.

<sup>141</sup> Peters and Kambewa, 'Whose security?', 449.

when several white estate-managers were killed.<sup>142</sup>

Similar to the situation in Zimbabwe and Zambia, control over land and labour were dominant issues during the early years of colonial history in Malawi. The African population was incorporated into the colonial economy as tenants, seasonal wage labourers, food producers, or as migrant labourers for plantations and mines in South Africa and Zimbabwe.<sup>143</sup> It was, however, a more diversified economy than in either Rhodesia at this time. Also, resistance against oppression was a persistent aspect in Malawi, from an early date onwards. The density of the population made land all the more valuable, and people were willing to fight for it.

## 2.5 Subconclusion

This excerpt of history illustrates the most stringent issue in Rhodesia and Nyasaland since European settlement: the structural deficiency of labour to fuel the European industrial activities. By 1923, different groups with different interests had established themselves: the BSAC, British government, the settlers and the African population.

The relationship to land during the rule of the BSAC over Rhodesia is characterised by the decline in expectations for a grand future in gold-winning activities, forcing a shift to agriculture. Consequentially, settlers became more interested in land ownership and administration and increased their grip on the land, most and foremost through the creation and expansion of 'reserves'. These reserves not only functioned as a demarcation of land but also ensured (and enhanced) the provision of African labour to European agricultural and mining enterprises.<sup>144</sup> From 1907 onwards, the immigration of European farmers was increasingly promoted.

The 1889 Charter had instructed the Company to recognise African customary law, under which all land was held in trust by the chief for the entire community. The Company was to make sure to "from time to time (...) assign to the natives land sufficient for their occupation whether as tribe or portions of tribes, and suitable for the agricultural and pastoral requirements including in all cases a fair and equitable proportion of springs or permanent water"<sup>145</sup>, a clause that can be (and was) casually interpreted. "From time to time" turned out to be rather often, as Europeans felt increasingly threatened on their newly acquainted land, fearful of losing any grip on whatever economic success they had established. The final blow came with Milner's proclamation, which completely disposed Africans of land. "Reserve", he declared, "means land and property of the British South Africa Company set apart for the purposes of native settlements exclusively."<sup>146</sup> Alienation of African land, because the land was the source of all African economic activity, has been the root cause of the economic, political and social problems that have plagued Rhodesia ever since the days of the early settlers.<sup>147</sup>

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<sup>142</sup> Ibid., 449-50. Both his uprising and the labour system, known as *thangata*, are further discussed in chapter 3.

<sup>143</sup> G. Haraldsdottir, 'Cooperation and conflicting interest: an ethnography of fishing and fish trading on the shores of Lake Malawi. PhD dissertation, University of Iowa (2002) 24.

<sup>144</sup> Sonius, *Rhodesia*, 16.

<sup>145</sup> CO 795/101/14. Original Correspondence: Justice of the Peace Amendment Ordinance 1937, 1.

<sup>146</sup> CO 417/321. Original Correspondence: Despatches Bechaunaland Prot. and Rhodesia 1902.

<sup>147</sup> Chimunorwa Mutambirwa, *The rise of settler power*, 41.

## 3. ZAMBIA

The first chapter of this thesis closely examines the development of land rights in Zambia. It is a case study of the interaction between people and land in a country with a very sparse population. Historically, there were little incentives to implement structures of private property to land, yet colonial interaction severely changed the way people came to relate to the soil they lived on and farmed of. First of all, the factors that set Zambia apart from the other cases studied in this thesis will be elucidated: the ecological circumstances, historic systems of ownership and colonial destination as agricultural (and later mining) enclave. The introduction of Native Reserves and Native Trust Land will be discussed, along with the development of a dual agrarian system, which was designed to maximise European possibilities for production and marginalised the black Zambian population, ensuring their dependence on wage labour. The first distinctly private property rights to land develop: yet they are attainable for a small group within the economy. A case-study (Petauke) is examined to test for divergent development in an area that is more densely populated compared to the rest of the Zambian territory. It does not render a remarkably different pattern of ownership: one where small part of the population holds firm, private rights to land, while others are denied perpetual security of tenure. Post-independence saw settlement schemes, socialism and several Land Acts redressing past inequities. This process, combined with population growth, ensures a continued battle for rights to land in current Zambia.

### 3.1 Creating a nation for cultivation: 1924-1964

The density and distribution of population has been, historically, determined by man's capacity to make a living off the land. Hence, rural population patterns reflect a country's natural resources. Zambia is characterised by ecologically different regions: from fertile to arid, and different regions, soil types and ecological circumstances create different opportunities for a population to sustain themselves. In Zambia, *citemene* was practiced in regions of soil poverty: a slash-and-burn technique whereby trees were lopped, piled and burned, and the main grain sowed in the ashes. In the areas under *citemene*, which make up about one-fifth of Zambia's total land-surface, population density was only about 4 people per square kilometre in 1943<sup>148</sup>, and has not changed much since (see). Large regions are uninhabited, due to infestation of tsetse flies found in the game reserves of Luangwa and western Zambia, or due to barren soil, for example found in much of the sand belt west of the upper Zambezi. Rather high population densities can be found in fertile parts of the southern and eastern provinces; on the upper Zambezi flood plain, on the lower Luapula and around Lake Bangweulu. Here, population density can rise to more than 40 people per square kilometre – a tenfold compared to the regions first mentioned. In the vast woodlands of the northeast and northwest, dominated by *miombo* woodland<sup>149</sup>, density ranges between 2 and 10 per square

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<sup>148</sup> Data from D.U. Peters, 'Land Usage in the Serenje District', Rhodes Livingstone papers 19 (Londen 1950), reproduced in S.M. Makings, 'Agricultural change in Northern Rhodesia/Zambia: 1945-1965', *Food Research Institute Studies* (1966) 195-247, 196. Study dates from 1943.

<sup>149</sup> The name *miombo* is widely used to describe the type of savannah woodlands that dominate in Southern Africa. The soil is typically acidic and nutrient poor (<http://www.geos.ed.ac.uk/homes/cryan/miombo>, accessed 13-3-2016).

kilometre.<sup>150</sup> Generally, the distribution of population in Zambia is low, and dense concentrations are to be found a few clusters remote from one another, such as Lusaka and the Copperbelt. See Table 1:

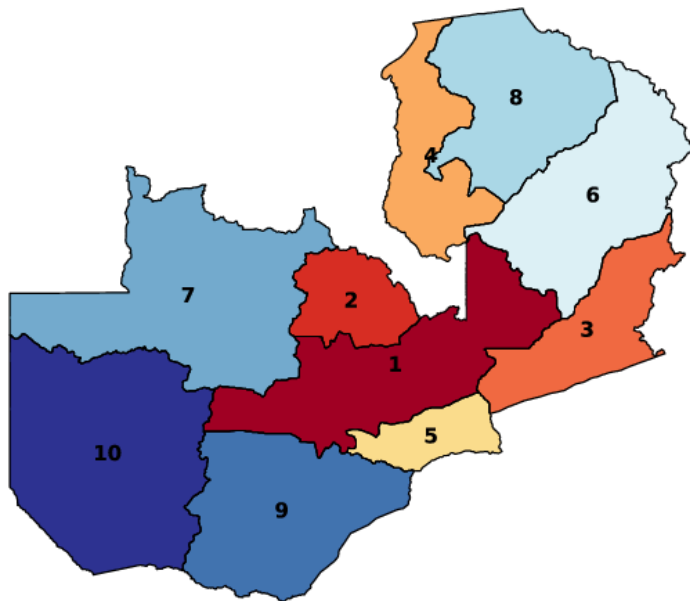


Table 1. Population density in Zambian Provinces<sup>151</sup>

	Province	Density (people/km <sup>2</sup> )
1	Central <sup>152</sup>	13.4
2	Copperbelt <sup>153</sup>	62.5
3	Eastern	24.7
4	Luapula	19
5	Lusaka	100.4
6	Muchinga	8.1
7	Northern	14.2
8	North-Western	5.6
9	Southern	18.8
10	Western	7
-	Δ	17.3

The numbers noted make Zambia the most sparsely populated of the three territories studied in this thesis. Its area is almost double that of Zimbabwe and almost six times that of Malawi, but it still has the smallest total population (16,2 million, 2015 estimate<sup>154</sup>). 65 per cent of this population live in rural areas under precarious circumstances. Households typically cultivate small plots of land: 82 per cent are small-scale farmers cultivating 5 hectares or less. In 2008, 1,1 million small-scale farmers held about 1 hectare of land: a small and vulnerable resource of wealth when one adds that the majority of livelihoods are based on subsistence farming.<sup>155</sup> In an agricultural economy like this where the population is extremely vulnerable to food insecurity, policy interventions concerning and tenure directly impact the livelihoods of many Zambians. This, combined with its remarkably low population densities, makes it an interesting case study for this thesis. How did population numbers influence Zambia's system of laws guiding property to land? Historically land has been kept in the lineage or clan and has been passed on through inheritance via the male line. This means a man will typically receive a portion of land through membership to a clan or lineage – an entity that is (much) bigger than the nuclear family.<sup>156</sup> When young men would come of age they could request land from the traditional leader or chief. In areas where land was scarce the leadership would divide the available land himself. Newcomers to an area appeal to the local leader for access, and interestingly for Zambia, migrants are welcomed because “adding to the population increases

<sup>150</sup> A. Roberts, *A History of Zambia* (New York 1976) 11.

<sup>151</sup> G. Law (2015) via <http://www.statoids.com/uzm.html>, accessed 28-4-2016. Data is from a 2010 census.

<sup>152</sup> Lusaka was split from the Central Province in 1973.

<sup>153</sup> The Copperbelt was not a province until 1969, when it was known as the Western Province. The Western province became what was formerly known as Barotseland.

<sup>154</sup> United Nations World Population Prospects (2015), via [http://esa.un.org/unpd/wpp/Publications/Files/Key\\_Findings\\_WPP\\_2015.pdf](http://esa.un.org/unpd/wpp/Publications/Files/Key_Findings_WPP_2015.pdf) accessed on 28-4-2016.

<sup>155</sup> USAID, 'Land Tenure Country profile Zambia: Property rights and resource governance Zambia' via [http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Zambia\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Zambia_Profile.pdf) accessed on 28-4-2016.

<sup>156</sup> An exception to this pattern are matrilineal communities found in the north of Zambia.



the leadership's political base"<sup>157</sup>. This confirms the relative value of labour over land in Zambia: a ratio that has played a role throughout colonial and postcolonial history of land in Zambia.

In 1924 the BSAC's Charter lapsed and the British Government assumed control.<sup>158</sup> The agreement assigned from the Company upon the Crown "all such rights and interests in land as it [the Company] claims to have acquired by virtue of the Concessions granted by Lewanika"<sup>159</sup>. This meant the claims the Company had previously laid on land in the North were now extrapolated throughout the entirety of the territory, and "the transfer of Northern Rhodesia to the Colonial Office did not in itself cause any sudden change in the direction of the country's affairs"<sup>160</sup>. It continued to be ruled by a small white elite - now as civil servants.

The state of Northern Rhodesia the Colonial Office inherited from the BSAC in 1924 was still in budgetary deficit.<sup>161</sup> Because of this reason, Britain's main concern was to see that the territory was made to pay its own way. A strategy to achieve this goal was to increase export, and ultimately balance revenue against expenditure. This strategy was deployed by colonial Zambia's first Governor: Sir Herbert Stanley. He believed that Zambia should be developed as a 'white man's country', and strong links with white settlers in southern Africa were to be promoted. Hence, further European immigration was encouraged, and large blocks of the most fertile and accessible land (mostly situated along the line of rail between Livingstone and Katanga) were set aside for exclusive European use. This would also benefit the young state's cash flow because it lowered the price of African labour, since Africans were severely handicapped in producing cash crops (through limited access to fertile land), and thus forced to seek cash through wage-labour.<sup>162</sup> A cash economy that facilitated extraction of capital was further institutionalised through the introduction of income and hut taxes.<sup>163</sup> Following the example set in South Africa and colonial Zimbabwe, in the 1928 Northern Rhodesia Order in Council a distinction was made between Crown Land and African reserves: the first of which could be bought and sold according to English Land Law and the second were for African occupation under customary tenure arrangements.<sup>164</sup> The most promising and fertile plots of land were accommodated to the Crown and the remainder was to be customary land, or divided into reserves, establishing a relatively rich "line of rail" which contrasted with a vast poor hinterland.<sup>165</sup>

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<sup>157</sup> USAID, Land tenure profile Zambia, 6.

<sup>158</sup> CO 795/101/4: Land policy: British South Africa Company's divisible land revenue; question of allocations to Native Reserves Fund.

<sup>159</sup> *Ibid.*, 3.

<sup>160</sup> Roberts, *A History of Zambia*, 182.

<sup>161</sup> Frankema, 'The colonial roots of land inequality', 444.

<sup>162</sup> Roberts, *A History of Zambia*, 183.

<sup>163</sup> T. Frederiksen, 'Authorizing the "Natives": governmentality, dispossession, and the contradictions of rule in colonial Zambia', *Annals of the Association of American Geographers* 104 (2014) 1273-90, 1277.

<sup>164</sup> M. Roth, A.M. Khan and M.C. Zulu, 'Legal framework and administration of land policy in Zambia', in: M. Roth and S.G. Smith (eds.) *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995) 1-46, 4.

<sup>165</sup> J. Schultz, *Land use in Zambia. Part I: The basically traditional land use systems and their regions* (Munich 1976) 1.



**Map 6: State and customary land in Zambia.**<sup>166</sup>

The black parts show Crown Land: a narrow strip of land up to 50 kilometres on either side of the railway line from Livingstone to the Copperbelt, including thin pockets of land near Chipata, Mbala, Mukushi, Mumbwa, and Mwinilunga. The demarcated part on the left marks Barotseland.

Between 1924 and 1927 Zambian land was surveyed and the areas around Chipata (Fort Jameson) in the east, Mbala (Abercorn) in the far north and along the railways line were deemed Crown territories. In between, reserves were marked out, and Africans living near the frontiers were forcefully moved into them.<sup>167</sup> The reserves hemmed white farming areas to ensure labour was proximate and provided a home for the 60.000 people who were displaced by the demarcation of Crown Land. Reserve land could not be bought and sold, in contrast to Crown land – where legal title of ownership could only be acquired by whites. This restricted access to about two-thirds of the country to the African population: they could only inhabit and cultivate land in the Reserves<sup>168</sup>, whereas the rest of the land was either subject to the Crown or left unassigned<sup>169</sup>. The enactment of Crown Land was continued, and by 1938 there were 38 reserves outside Barotseland, covering almost 14 million hectares.<sup>170</sup>

The invasive socio-economic strategy the colonial administration employed meant people were forced to leave land they had inhabited for centuries and, hence, duly impacted peoples' livelihoods. Between 1942 and 1946 318 villages in the Eastern Province and 120 villages in the Western province were relocated.<sup>171</sup> Yet the duality in the land system also significantly increased Zambia's agricultural output; the colonial land system was designed to maximise its use of land *and* labour. The average areas under maize<sup>172</sup> grew to 13.500

<sup>166</sup> Adapted from B. van Loenen, Land tenure in Zambia, Paper for the department of Spatial Information Engineering, University of Maine (1999) np.

<sup>167</sup> Roberts, *A History of Zambia*, 183.

<sup>168</sup> Frankema, 'The colonial roots of land inequality', 444.

<sup>169</sup> 'Unassigned' also implied restricted for the African population. These lands were held for future expansionist endeavors, but also comprised forest and game land. See A. Ng'ombe and R. Keivani, 'Customary land reform to facilitate private investment in Zambia: achievements, potential and limitations', *Urban Forum* 24 (2013) 33-48, 36.

<sup>170</sup> S. Berry, *No condition is permanent. The social dynamics of agrarian change in sub-Saharan Africa* (Madison 1993) 105.

<sup>171</sup> Makings, 'Agricultural change in Northern Rhodesia', 204.

<sup>172</sup> Maize was the staple crop in Zambia is sometimes used as an aggregate of Zambian crops ('maize statistics', see e.g. Makings, 'Agricultural change in Northern Rhodesia'.

hectares between 1925-1930. Within five years it expanded to 17.000 hectares, reaching a high point of 19.000 in 1930.<sup>173</sup> Land under agriculture was continuously expanded; to boost production, an extra 1.537.805 hectares of customary land was acquired by the government in 1941.

Hence, the foundation of land administration in Zambia can be traced back to the Northern Rhodesia Order in Council of 1928, which established Crown land to be administered through freehold tenure for European settlers and Native Reserves under usufruct rights for African occupation.<sup>174</sup> These 'customary' rights were guarded by newly empowered traditional authorities.<sup>175</sup> Swathes of undesignated land, known as 'silent lands', were left in anticipation of an influx of more European settlers.<sup>176</sup>

### 3.1.1. Native Trust Lands

The coercive displacement of the African population from both state and 'silent' lands into the Native Reserves led to massive population pressures in the Reserves, creating negative social outcomes and environmental degradation. By 1938, the Pimm Commission was formally installed and acknowledged the disastrous effects of overcrowding in the Reserves and the futility of having left the silent lands uninhabited, since the coveted arrival of new European farmers never materialised.<sup>177</sup> By now, there were severe land problems in Chipata, Katete and Mazabuka. It took almost another decade to enact the Northern Rhodesia Native Trust Lands Order in Council to address the issue of artificial land scarcity. The 1947 Land Order added a category: Trust Land. Unalienated areas that were allegedly "unsuitable for African cultivation" and/or areas known to contain mineral deposits were retained as Crown Land, while formerly undesignated 'silent' land (44.211.906 hectares) was designated as Native Trust Land. Here, customary authorities were the ones in charge of land rights, and could grant usufruct rights to land.

Yet, all rights that were to be enacted on Trust Land were subject to the Governor: his authority (or represented authority) was required to grant any freehold or leasehold title. The Colonial Office notes that "rights of occupancy in native trust land may be granted to non-Africans for periods not exceeding 99 years, provided the Governor deems that such a grant is for the benefit direct or indirect of the inhabitants of the Territory as a whole."<sup>178</sup> Hence Native Trust Land came to depend on a malleable set of rights, and other than what its intentions might exude, was not solely set aside for the occupancy of "tribes or groups of tribes".<sup>179</sup> There was one very important difference between Native Trust Land and Native Reserve Land; on Trust Land, the colonial administration continued to hold the right to appropriate land and grant leasehold or freehold title to individuals. Native Trust land would remain under customary law and could not be converted into Crown land. Alienation to African

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<sup>173</sup> Makings, 'Agricultural change in Northern Rhodesia', 199.

<sup>174</sup> N.J. Sitko, J. Chamberlin and M. Hichaambwa, 'Does smallholders land titling facilitate agricultural growth? An analysis of the determinants and effects of smallholder land titling in Zambia', *World Development* 64 (2014) 791-802, 793.

<sup>175</sup> E. Colson, *The social consequences of resettlement: the impact of the Kariba resettlement upon the Gwembe Tonga* (Manchester 1971) 134-5.

<sup>176</sup> J.W. Bruce and P.P. Dorner, 'Agricultural land tenure in Zambia: perspectives, problems and opportunities', Research paper for the Land Tenure Center, University of Wisconsin, September 1982, 5.

<sup>177</sup> *Ibid.*, 6.

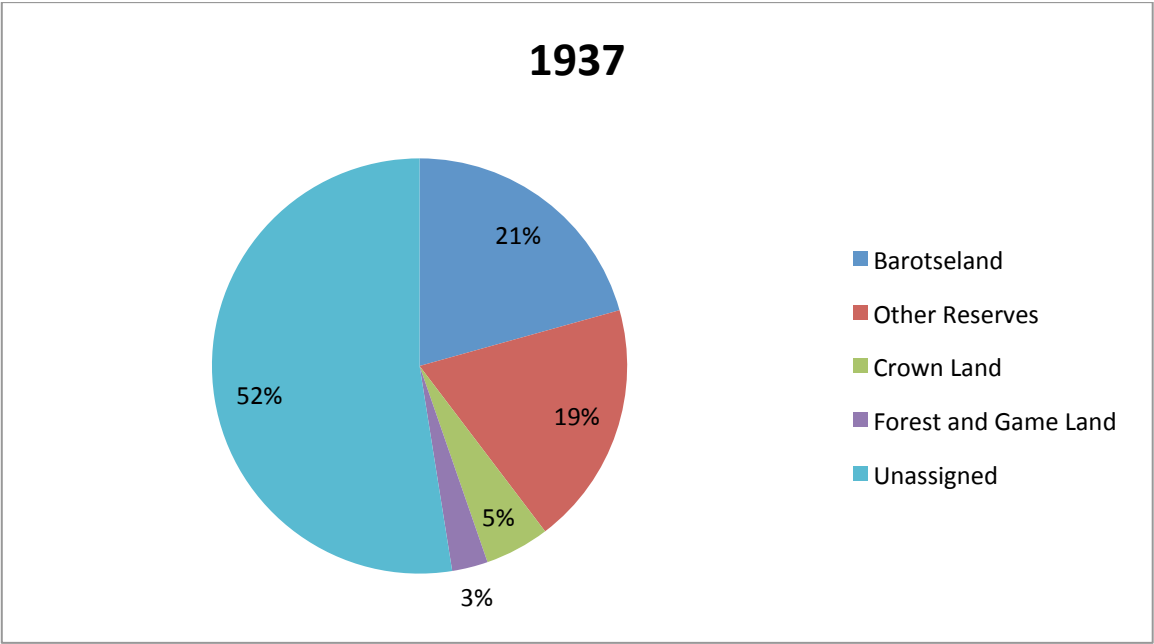
<sup>178</sup> CO 1015/910: Agricultural land legislation in Northern Rhodesia.

<sup>179</sup> *Ibid.*

people was restricted: but “non-natives” could be granted rights of occupancy for a period of 99 years. The Native Reserves were held solely for the use and occupation of Africans, while trust land was for this same purpose, but enabled leases to be issued to non-Africans.<sup>180</sup> This meant that essentially customary authorities held in the land in trust for the potential future use by the colonial state.<sup>181</sup>

*De jure*, the term and the definition of trust land is rather ambiguous. On the one hand it was meant to be held in ‘trust’ and ensure sufficient land for habitation and agriculture for the African population, but on the other hand it did little to protect these rights. *De facto*, it meant land that was previously subject to customary tenure now became available for expansion by white settlers. It remains unclear what circumstances exactly are taken into consideration, or rather, what reasons there would be not to grant white settlement in a certain area. The only criteria was whether settlement was to “the use or common benefit direct or indirect of the ‘natives’”<sup>182</sup>, but under a paternalistic regime, this meant what was viewed as beneficial to the native population – including reallocation of villages and forced removal from native grounds. This new category of land with its opaque set of rights came to encompass 75 per cent of the colony.<sup>183</sup> Its expansion from 1937 to 1952 and 1957 is represented in charts 1, 2 and 3 below.

Graphs 3, 4 and 5. Land distribution in Zambia<sup>184</sup>



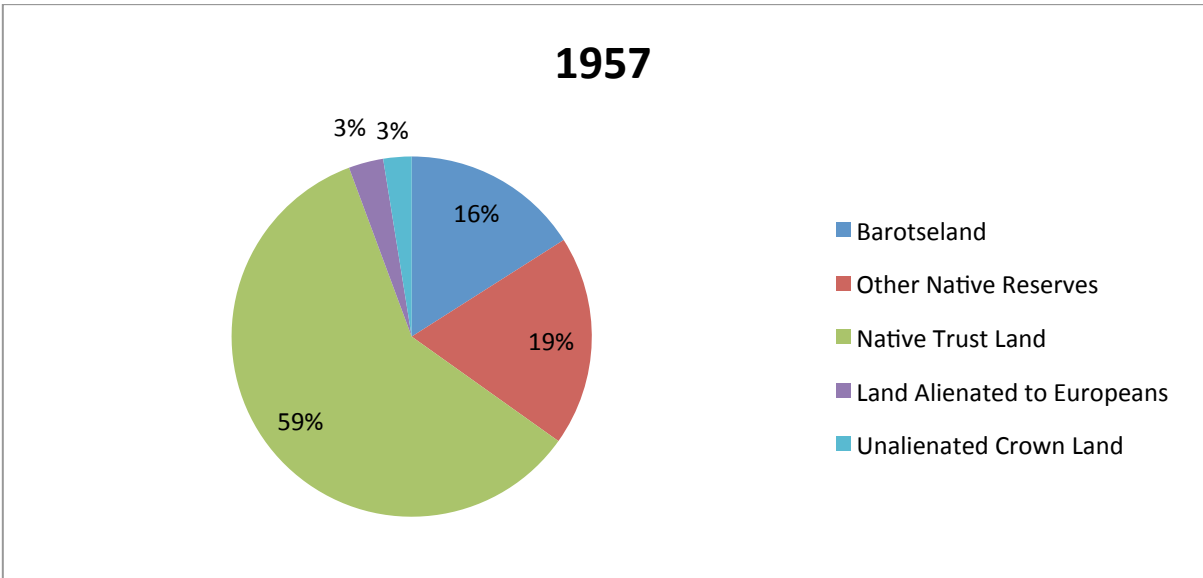
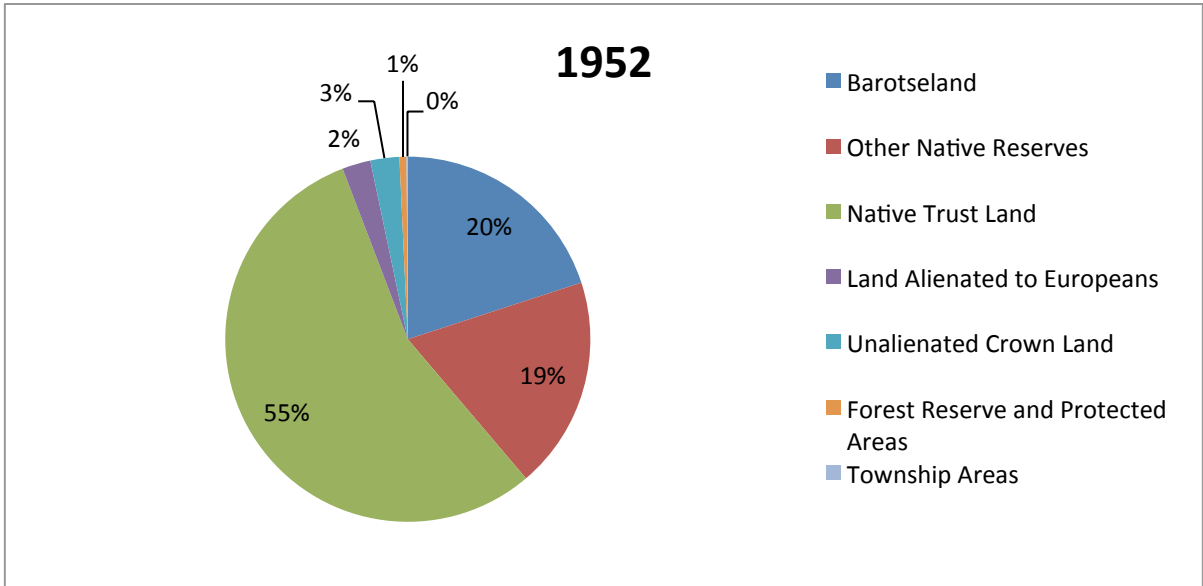
<sup>180</sup> Makings, ‘Agricultural change in Northern Rhodesia’, 243.

<sup>181</sup> Sitko *et al.*, ‘Does smallholders land titling facilitate agricultural growth?’, 793.

<sup>182</sup> Government of Northern Rhodesia, *Native Trust Land Order-in-Council* (Lusaka 1947) cited in T. Brown, ‘Contestation, confusion and corruption: Market-based land reform in Zambia’, in: S. Evers, M. Spierenburg and H. Wels, *Competing jurisdictions: settling land claims in Africa* (Leiden 2005) 83.

<sup>183</sup> *Ibid.*, 83. This percentage includes Barotseland.

<sup>184</sup> Bruce and Dorner, ‘Agricultural land tenure in Zambia’, 6.



Even though there was an increase of Native Trust Land between 1952 and 1957, this did not mean there was more land available for Africans. Because of the fluid rights guarding Native Trust Land, leaving legal leverage for European settlers to gain legal title to it, Trust Land became a euphemism for land to be acquired by white settlers with the means to do so. The paternalism of this policy becomes even more evident as, in 1955, a Commission specialising in tenure arrangements recommended that title should remain a special privilege, only to be granted to “good farmers” and holdings that were “large enough to constitute an economic unit”.<sup>185</sup> Yet: “[there is] no doubt whatsoever that it would be for the direct or indirect benefit of the inhabitants of this territory if, in given areas in Native Trust Land, a European farmer were permitted to hold a 99 year right of occupancy over an area of, say, 2000 acres.”<sup>186</sup> Title became a special privilege, a privilege confirming the stronghold of European settlers on Zambian land by making legal title exclusively attainable for those with access to capital, labour, and leverage in the administration.

<sup>185</sup> CO 1018/49: Lord Hailey: papers. Advice noted by Hailey.

<sup>186</sup> CO 1015/910: Agricultural land legislation in Northern Rhodesia.

### 3.1.2 Subconclusion

The desire to attract more European farmers was an on-going theme in the economic and agricultural development of Zambia. From 1951 onwards plans were devised to ensure an easy transition from leasehold to freehold tenure for Europeans. “Freehold” , according to a transcript of a meeting held in the colonial office in 1950, held a “magical attraction” for farmers.<sup>187</sup> Although leasehold granted the administration greater control over the allocation of land<sup>188</sup>, the possibilities to borrow from banks were greater under freehold and enforcing a system solely of leaseholds was impossible without a significant increase of staff, which “cannot be contemplated.”<sup>189</sup> The colonial administration faced with a dilemma - how to a) attract more European farmers to boost market growth and b) retain control over land allocation and, ultimately, political power? Inter-governmental communication notes: “It may be true that freehold tenure would be popular among farmers, but this is only natural because, from the point of view of Government, they would be getting something for nothing”.<sup>190</sup> The Northern Rhodesian Agricultural Lands Bill 1956 attempted to answer this question. It held control, but also enabled a transition to freehold title. Freehold on Crown land could be granted after a probationary period of leasehold: a leaseholder may, after a minimum period of 7 years, apply for an option to purchase his holding provided that he has given evidence of good husbandry and installed permanent improvements of not less than 10,000 pounds in value (5,000 if the holding was less than 1,000 acres).<sup>191</sup> “The general policy of the department [of agriculture] is to develop and to stabilise European and African agriculture in order to ensure as great a measure of self-sufficiency in territorial food supplies a possible, combined with a high level of farming prosperity.”<sup>192</sup>

There was a stringent need to diversify the country’s economy, which was heavily dependent on the export of copper. Especially during the first half of the 1950’s, there was a spectacular rise in copper prices, for one due to the Korean War. There were more jobs for Europeans on the copper mines than ever before, and the number of whites in colonial Zambia rose from 22,000 to 37,000 between 1946 and 1951, reached 49,000 in 1953 and 72,000 in 1958.<sup>193</sup> Yet copper alone could not carry the country’s prosperity: the economic advance was unbalanced. The European community was wealthy, but on itself too small of a market to sustain expansion of trade and industry. Roberts explains: “If Europeans were to continue to enter the country as managers, supervisors and businessmen, they would have to depend on African as well as European buying power”<sup>194</sup>. This is why the growth of the agricultural sector was key to the development of the country. Increasing African production of food and cash crops would mean more jobs and new industries. But “... the scarcity of land for high-yield production” and the “sparseness of the African population” were severe obstacles for the emergence of a diversified economy. The sudden decline in copper prices from 1956 onwards attested to that weakness. While the attraction for further European emigration eroded, African resistance movements grew in number and size, rising against colour bars in

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<sup>187</sup> CO 105/596: European land tenure in Northern Rhodesia.

<sup>188</sup> Roth et al., ‘Legal framework and administration of land policy in Zambia’, 5.

<sup>189</sup> CO 1015/597: European land tenure in Northern Rhodesia.

<sup>190</sup> CO 1015/1433: Legislation on use land for agriculture in Northern Rhodesia.

<sup>191</sup> DO 123: Sessional Papers: Federation of Rhodesia and Nyasaland.

<sup>192</sup> CO 1015/11: Annual reports of the agricultural department of Northern Rhodesia, 124.

<sup>193</sup> Roberts, *A history of Zambia*, 212.

<sup>194</sup> *Ibid.*, 213.

employment, exclusion from education and overall colonial exploitation. 1964 saw an independent Zambia, with Kenneth Kaunda as its first president.<sup>195</sup>

## 3.2 Independence and beyond: 1964-2013

Independence brought sweeping changes to many aspects of Zambian politics, but administration of land remained markedly unchanged for more than a decade. Both Native Reserves and Native Trust Lands continued to exist, as did the governments' right to allocate Trust Land without consent from TA's. Crown Land only merely changed its name and became known as State Land – no administrative change occurred.<sup>196</sup> However, there was a significant shift in commercial farming. Where the country had always relied heavily on the commercial farm sector and its food surplus to feed its urban population, many European settlers abandoned their commercial farms after independence: of the 1,185 European farms that were occupied in 1961, approximately 460 were vacated within two years of independence. By 1970-71, the commercial farming sector had declined to 1,076 farming units, of which 643 were classified as "African" and 433 as "non-African": the departure of European farmers from the Central, Lusaka and Southern province (areas near the urban markets and main transport network) from 1964 onwards permitted the Zambian elite to move onto the vacated farms and initiated the establishment of an indigenous landed class.<sup>197</sup> Jumping ahead another decade to 1981, the number of commercial farming units owned by whites by most counts had fallen even further to around 300.<sup>198</sup> European farmers were pushed away by (a lack of faith in) Zambian independence and with this a fear of exclusion from (political) power, regulations hindering expatriation of profits and "marketing policies that seriously eroded profits" and pulled by major land incentives in Zimbabwe and South Africa.<sup>199</sup> The postcolonial government appropriated most of this land and redistributed it to Zambians through so-called "settlement schemes"<sup>200</sup>.

### 3.2.1. Settlement schemes

Settlement schemes were aimed to allocate land to individuals in order to stimulate agricultural commercialisation and ensure domestic food-sufficiency.<sup>201</sup> Villages were moved to more accessible locations where land was more suited to agriculture or where there was more developed infrastructure to facilitate market access.<sup>202</sup> Individuals who had successfully applied or had been identified by the state to participate in a settlement scheme were allocated a plot of land that ranged from 10 to 250 hectares, either free of charge or for a small fee. Tenure was leasehold: first on a short-term basis, and if obligations of production were met, for extended periods of time. The scale of land available for these schemes was substantial: by 1987, 550,000 hectares had been used to instigate this programme of large-

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<sup>195</sup> Ibid., 219.

<sup>196</sup> Sitko et al., 'Does smallholders land titling facilitate agricultural growth?', 793.

<sup>197</sup> A.M. Kanduza, 'Allocation system of land and its guardianship under traditional tenure in Zambia', Paper presented at the twenty-eighth annual meeting of the African Studies Association, New Orleans, United States, 23-26 November 1985, 4.

<sup>198</sup> Bruce and Dorner, 'Agricultural land tenure in Zambia', 9.

<sup>199</sup> Roth et al., 'Legal framework and administration of land policy in Zambia', 5.

<sup>200</sup> Sitko et al., 'Does smallholder land titling facilitate agricultural growth?', 793.

<sup>201</sup> F. Chenoweth, J. Knowles and G. Ngenda, 'Settlement programs', in: M. Roth, & S.G. Smith (eds.), *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995) 173–198, 175.

<sup>202</sup> Kanduza, 'Allocation system of land', 5.

scale investment in agriculture.<sup>203</sup> The government's prerogative to assign title makes for a system vulnerable to bureaucracy, favouritism and corruption. Sitko et al. researched the source of land titles in Zambia and found that wage-earners from the public sector were the most likely to hold title to land, and smallholder farmers were the least likely to have access to land through formal title. Vacated plots and land reserved for settlement schemes and thus ultimately to develop indigenous agriculture were used as state patronage systems for "retrenched or retired civil servants"<sup>204</sup>. Sitko et al. conclude, after a econometric regression analysis of employment and land title, that "... Zambia's system of allocating land title to smallholders is configured in such a way as to disproportionately favour individuals with the economic and social advantages conferred through wage labour, particularly in the public sector"<sup>205</sup>. Such practices severely hampered the success of these schemes to bring about more productivity in the agricultural sector since land was often not transferred to those with the most potential to utilise it optimally, but to beneficiaries designated by the state.<sup>206</sup> Also, the multitude of state bureaucracies that became involved with distributing land to associates "made it impossible for the state to effectively track and register the distribution of titled land necessary for triggering the development of land markets and associated credit markets"<sup>207</sup>, leading to an unregulated land market that did not contribute to opening up Zambia's land for sustainable farming practices.

Bureaucracy also made acquiring title on Native Trust Land an arduous task. Roth *et al.* illustrate:

...these procedures, involving six different sections in three different ministries (the Agricultural Lands Board, the Commissioner of Lands, the Land Registry Section and the Land Survey Section, all in the MOL, the Land Use Planning Branch in the Ministry of Agriculture, and the Valuation Branch in the Ministry of Local Government and Housing) are far more complex than can be justified.<sup>208</sup>

This complexity was coupled with severe understaffing and resulted in extended delays of land transactions. In order to negotiate resettlement between headmen, parry cadres and local officials and effectively reach the rural population, Village Productivity Committees (VPC's) were installed. Yet this form of "rural institution building" was another example of the failure by the postcolonial government to draw villages and villagers into its orbit. VPC's had "not transformed villages into effective production units"<sup>209</sup> and never evolved into legally binding organisations. Rather, interpretations of custom remained influential in land allocation for the rural population.<sup>210</sup>

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<sup>203</sup> Sitko et al., 'Does smallholder land titling facilitate agricultural growth?', 793; F. Mujenja and C. Wonani, *Long-term outcomes of agricultural investments: Lessons from Zambia* (London 2012) 11.

<sup>204</sup> D.J. Ray, 'Chifwile settlement scheme: Expanding the frontier of Zambian agriculture' (Doctoral dissertation, African studies association) cited in Sitko et al., 'Does smallholder land titling facilitate agricultural growth?', 793.

<sup>205</sup> Sitko et al., 'Does smallholder land titling facilitate agricultural growth?', 796.

<sup>206</sup> *Ibid.*, 793.

<sup>207</sup> K. Deininger and G. Feder, 'Land registration, governance, and development: Evidence and implications for policy', *The World Bank Research Observer* 24 (2009) 233-66, 258.

<sup>208</sup> Roth et al. 'Legal framework and administration of land policy in Zambia', 17.

<sup>209</sup> Berry, *No condition is permanent*, 98.

<sup>210</sup> *Ibid.*, 129-130.

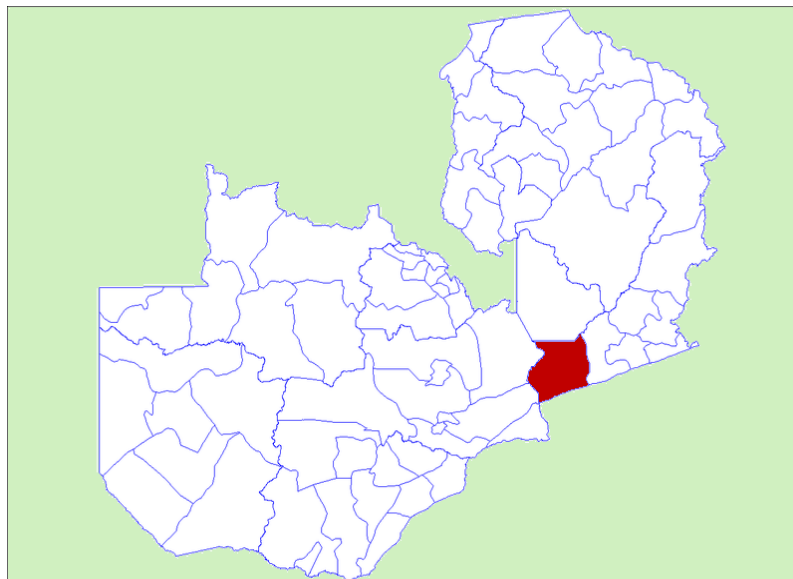


When the world copper price collapsed in 1974 and Zambia's economy was plunged into a prolonged recession. This downturn was exacerbated by heavy investment in the development of transportation routes to the sea and the Rhodesian Bush War in Zimbabwe. Agricultural market infrastructure and input supply services deteriorated and real crop prices stagnated.<sup>211</sup> By 1980, Zambia, once a net exporter of maize, was forced to import half of its domestic consumption needs.<sup>212</sup>

### 3.2.2 Petauke: access to land in a rural area

The installation of the settlement schemes and the economic recession brought about considerable change in the way the rural population related to the land. Kanduza assessed the impact of postcolonial policy on the traditional system of land allocation and its alleged insecurity of ownership in a rural area in the Eastern Province: Petauke.<sup>213</sup> The District had a population density of 28,2 in 2000, and poses an exceptional case in Zambia.<sup>214</sup> As a locus with relative dense population, it serves as an interesting case study in a country, which is otherwise remarkably scarcely populated. Nonetheless, there is no indication that property rights to land developed in a different way in this area compared to the rest of the country: the sense of ownership and land security was inherently connected to being a part of the community.

Map 7. Petauke District, Zambia<sup>215</sup>



During the 1970's, in Petauke District, the majority of people gained access to land by opening up unused land. Between 1966 and 1972 Kanduza notes a large increase in people who gained land by opening plots that were previously unused, which most likely results from the implementation of the settlement schemes. This process of village regrouping forced

<sup>211</sup> Ibid., 99.

<sup>212</sup> A.P. Wood and E.C.W. Shula, 'The state and agriculture in Zambia: A review of the evolution and consequences of food and agriculture policies in a mining economy', in: T. Mkandawire and N. Boureane (eds.), *The state, food and agriculture in Africa* (Dakar 1986) 299.

<sup>213</sup> Kanduza, 'Allocation system of land', 4.

<sup>214</sup> Calculated from <http://www.geohive.com/cntry/zambia.aspx> accessed on 9-5-2016

<sup>215</sup> [https://en.wikipedia.org/wiki/Petauke\\_District](https://en.wikipedia.org/wiki/Petauke_District) accessed on 9-5-2016

communities (villages) to seek land elsewhere and farm land that was previously empty.<sup>216</sup> Even though most people during this period accessed new, previously uninhabited land, it was a social endeavour that concerned the entire community – even though the end result may be *individual* title to leasehold land. 96,2 per cent of the respondents interviewed in Kanduzi's study indicated all forms of land acquisition were always mediated by the village head. The chief was the *ene chalo*, or "the owner of the earth".<sup>217</sup> Ultimately title to land does not lie with the whole family, but is in the hands of the head of the household. Yet when gaining access to new land, he/she is subject to the authorities in the village. Junior members of the family may have access to parcels of land, but they did not hold the power to subdivide, sell, lease or give away the land. The boundaries of the village, farms and plots (also under regrouping) were determined through negotiations between the village head, councillors and household heads, who would consult with neighbours and local authorities and decide where and to whom to (al)locate parcels.<sup>218</sup> The allocation of farmland, hence, was a joint, community decision.

Regardless of the communality of the process of allocating land, people did feel secure of tenure. Traditional structures did not allow land to be given (or sold/leased) away to non-relatives: land would be passed on to kin. The study shows that 73,5 per cent of the villagers holding land in Petauke said they felt secure to pass land to their sons, 62,4 per cent to daughters 29,9 per cent to spouses, 14,5 per cent to son-in-laws, and 28,1 per cent to nephews and nieces.<sup>219</sup> Hence, those who held land felt confident about their rights to and ownership of the land. Bequest (whether partible or not) was in accordance with individual preferences and established practices alike. Kanduzi's study shows confidence with regard to the rights enjoyed under existing tenancy. The majority expected this same security would be passed on to their children: 53,6 per cent were convinced that the existing tenancy granted them definite ownership, 42,8 per cent was not so sure ("did not express strong confidence") and the remaining 3,6 per cent were uncertain. The land described here is State Land, is guarded by customary tenure and subject to leaseholds. However, *de facto*, tenure is perceived as if there are indeed individual rights to land: there is room for individual rights to exist within a system of communal tenure.

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<sup>216</sup> Kanduzi, 'Allocation system of land', 16-7.

<sup>217</sup> *Ibid.*, 16.

<sup>218</sup> *Ibid.*, 17.

<sup>219</sup> *Ibid.*, 18.

Table 2: Land distribution in Petauke District by manner of acquisition<sup>220</sup>

Method of acquisition	Percentage (%)
Chief or village head	4,1
Parents	20,6
Inherited	13,8
Spouse	1,4
Maternal relatives	1,1
Parents-in-law	6,8
Self-acquired (new land)	50,9
Other	1,3

### 3.2.3 African socialism and the Land Act

The onset of an economic recession and the failure of the settlement schemes to boost agriculture production and relieve Zambia's dependence on the volatility of global copper prices called for a radical change in land policy. Little had changed since 1965, when 91 per cent of exports consisted of copper alone while tobacco (the main export crop) constituted only 1,3 per cent of total exports.<sup>221</sup> By 1973, the majority of land in Zambia was still under customary tenure in the form of Reserves or Trust Land (see graph 4). But Zambia's post-independence government was influenced by the socialist regimes of other African postcolonial governments; most notably Tanzania. The idea was that land belonged to the people, and the individual's right to land was simply to use it.<sup>222</sup> The government's political objective was "to mould Zambia into a classless society in which the exploitation of one man by another was to be eliminated"<sup>223</sup>.

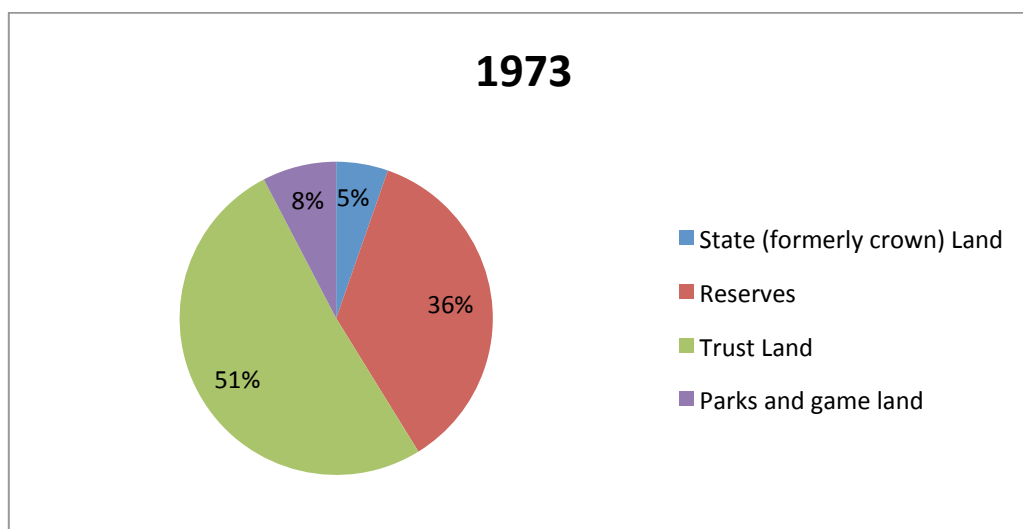
<sup>220</sup> Kanduzi, 'Allocation system of land', 17.

<sup>221</sup> Frankema, 'The colonial roots of land inequality', 444.

<sup>222</sup> M. Adams, Land tenure policy and practice in Zambia: issues relating to the development of the agricultural sector, Paper for Mokoro, 13 January 2003 accessed via <http://fsg.afre.msu.edu/zambia/resources/Land1.pdf> on 12-5-2016, 7.

<sup>223</sup> M.P. Mvunga, *Land law and policy in Zambia* (Lusaka 1978) cited in Adams, 'Land tenure policy and practice in Zambia', 7.

Graph 6. Land distribution in Zambia<sup>224</sup>



Two Acts aimed to challenge this situation and regain control of land markets and agricultural production. The first was the Lands Acquisition Act (1970), which grants the President the power to acquire property when “he is of the opinion that it is desirable or expedient in the interest of the Republic to do so”.<sup>225</sup> If and when land would be acquired, compensation or a grant of other land may be offered to the landholder, depending on the presence of owners and whether the land was developed or not.<sup>226</sup> And the second, five years later, the Land (Conversion of Titles) Act vested all land in Zambia absolutely in the President<sup>227</sup> and replaced freehold title by leasehold.<sup>228</sup> It also nationalised vacant and underdeveloped plots of land and forbade subdivision and sublease without the President’s consent.<sup>229</sup> Free titles or leaseholds that were already in effect at the time were converted to leaseholds not exceeding 100 years.<sup>230</sup> The first clause in the act states that the right of possession of all minerals oils and precious stones remains the lessor’s – which was now the state. Aiming, once again, to boost production for commercial farmers and smallholders alike, the lessee was not allowed to let the land remain idle for more than three years without the lessor’s consent.<sup>231</sup> In addition to an impetus to production, the 1975 Land Act was an attempt to put an end to land speculation. The scarceness of land under freehold (see the graph above) that was created during colonialism and perpetuated after independence had led to an overheated land market, whereby prices spiralled to unknown heights and had made freehold tenure unattainable for ordinary citizens.<sup>232</sup> After 1975, prices became subject to valuations by qualified “valuers”<sup>233</sup>.

<sup>224</sup> Roth et al., ‘Legal framework and administration of land policy in Zambia’, 6.

<sup>225</sup> USAID, Land tenure profile Zambia, 9.

<sup>226</sup> Ibid., 9.

<sup>227</sup> Roth et al., ‘Legal framework and administration of land policy in Zambia’, 16.

<sup>228</sup> Kanduzi, ‘Allocation system of land’, 9; F. Place, V.R.N. Chinene, M. Hansungule and F. Maimbo, ‘Land tenure and agricultural development in customary areas: results from Eastern and Southern provinces’, in: S.G. Smith (ed.), *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995) 149-71, 151.

<sup>229</sup> Van Loenen, Land tenure in Zambia, np.

<sup>230</sup> Roth et al., ‘Legal framework and administration of land policy in Zambia’, 10.

<sup>231</sup> Ibid., 16.

<sup>232</sup> Ibid., 16-7.

Land did no longer hold any intrinsic value, and only improvements to the land (like buildings or agricultural infrastructure) could be bought or sold.<sup>234</sup> This subdued the land market as such and made private ownership of land impossible: land was no longer a saleable or mortgageable commodity.<sup>235</sup>

Yet a highly unequal agricultural sector remained in place. Momba notes the limited opportunities to access credit for smallholders; a disadvantage that was not mitigated by making land an untradeable and non-mortgageable commodity. In 1978-9 most of the agricultural credit went to large-scale farmers<sup>236</sup>, while small-scale farmers<sup>237</sup> received only 8.66 (K 1.353.317,28) per cent of the total amount.<sup>238</sup> It is exemplary of the skewed land market that remained in place after 1964. The government attempted to fill the production gap that was left after Europeans had emigrated through settlement schemes and the abolishment of freehold title<sup>239</sup>, but an economic miracle failed to occur.

It must be noted that the vast majority of land in Zambia was still administered as Reserve Land. This land was very sparsely populated and dominated by subsistence and smallholder farming. As of 1976 Zambia's population totalled just over four million, with more than a million people living in or around towns. Outside the towns, population density merely reached 4 people per square kilometre.<sup>240</sup> Land in these areas, which was often difficult to farm due to ecological conditions, was set apart for the exclusive use of the "indigenous peoples of Zambia". Yet the President could issue grants of land to Zambians for periods up to 99 years, and rights of occupancy of up to 99 years to non-Zambians whilst also demanding rent for the use of land. This last measure was a result of the 1985 Land Amendment Act: a piece of legislation that restricted the alienation of land to non-Zambians without the written consent of the President.<sup>241</sup>

### 3.2.4 The effects of the 1995 Land Act

The 1995 Land Act brought back privatised land rights and was supposed to reinvigorate a land market, but recent studies find it disadvantages the rural population who live under customary tenure arrangements. The efforts made by the Kaunda government to spark Zambia's agricultural sector had not been adequately successful to create sustainable economic growth, and land became a central issue in resolving this problem. Zambia's economy remained dependent on mining and increasingly upon international donors. This combined with the spirit of the post-Cold War, which was very different from Kaunda's policies of nationalisation: liberalisation and privatisation were promoted worldwide, and Zambia was

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<sup>233</sup> C.T.A. Banda, 'Institutional, administrative, and management aspects of land tenure in Zambia', in: J. W. Arntzen, L.D. Ngcongco, & S D. Turner (dds.), *Land policy and agriculture in Eastern and Southern Africa* (New York 1986) 77-81, 77.

<sup>234</sup> Brown, 'Contestation, confusion and corruption', 84.

<sup>235</sup> Van Loenen, Land tenure in Zambia, np.

<sup>236</sup> Mostly European-owned farms situated along the railway that were producing for export markets.

<sup>237</sup> Described as "peasants with two hectares and above, and recommended as 'good farmers' by the extension officers of the Department of Agriculture". J.C. Momba, 'The state, rural class formation and peasant political participation in Zambia: The case of the Southern province,' *African Affairs* 88 (1989) 331-57, 337.

<sup>238</sup> Ibid., 337.

<sup>239</sup> Adams, Land tenure policy and practice in Zambia, 3.

<sup>240</sup> Roberts, *A History of Zambia*, 11.

<sup>241</sup> Brown, 'Contestation, confusion and corruption', 84.

no exception.<sup>242</sup> Land reform became an electoral pledge, but also a key conditionality the country was to meet in order for it to be able to restructure its international debt. This resulted in the election of the Movement for Multiparty Democracy (MMD) in 1991: a government that sought to break with socialist land policies and implement extensive market reforms.<sup>243</sup> The MMD's election manifesto highlights:

The MMD shall institutionalise a modern, coherent, simplified and relevant land law code intended to ensure the fundamental right to private ownership of land (...). To this end, the MMD government will (...) bring a more efficient and equitable system of tenure conversion and land allocation in customary lands; land adjudication legislation will be enacted and coordinated in such a way that confidence shall be restored in land investors (...) the MMD shall attach economic value to undeveloped land [and] promote regular issuance of title deeds to productive land owners in both rural and urban areas.<sup>244</sup>

As donors, the World Bank and IMF played a significant role in ensuring Zambian land policy was liberalised. By repealing the 1975 Act and reinstating a land market, the 1995 Land Act solidified private property rights to land.<sup>245</sup> Trust and reserve lands were amalgamated into a new category: customary land.<sup>246</sup> The existing rights in these areas were protected, it was possible to acquire tracts of land under freehold or leasehold tenure; hence, individual property rights to land were reinstated. The government argued that this policy change made "villagers (...) able to use their land as collateral to secure credit to invest in farms and businesses,"<sup>247</sup> a line of thought fully in agreement with the ideology of the Bretton Woods institutions and De Soto's hypothesis of private property as a means to aggregate capital and enable growth.

Still, for the customary tenure that governed 93 per cent of land in Zambia, the 1995 law changed little. Administratively, Trust Land and Reserves were still guided by customary tenure: rights of occupancy and use were protected, but there was no registration of ownership. Rather, intricate rights of (private) ownership were already at play, wherein some tracts of land were cultivated and 'belonged' to individuals, whereas others would be used communally.<sup>248</sup> Land was obtained by clearing undeveloped land, through gifts, sales or transfer in exchange for goods, services or marriage.<sup>249</sup> Every land settlement or clearing in customary areas was considered by the chief and possible headman, who guarded the communal interest. Strangers or newcomers in an area required permission from such a local authority to acquire land and settle. The United Nations Economic Survey observed:

The security of tenure tribal customary laws provided is almost equivalent to the security provided under freehold. Any individual who established residence in a village can acquire

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<sup>242</sup> M. Hansungule, P. Feeney and R. Palmer, 'Report on land tenure insecurity on the Zambian Copperbelt', Report for Oxfam GB (2004) 11.

<sup>243</sup> Brown, 'Contestation, confusion and corruption', 84.

<sup>244</sup> Movement for Multiparty Democracy (MMD) Manifesto 1991, 7 cited in Brown, 'Contestation, confusion and corruption', 84.

<sup>245</sup> Sitko et al., 'Does smallholder land titling facilitate agricultural growth?', 793.

<sup>246</sup> Roth et al., 'Legal framework and administration of land policy in Zambia', 19.

<sup>247</sup> Brown, 'Contestation, confusion and corruption', 86.

<sup>248</sup> Adams, 'Land tenure policy and practice in Zambia', 7.

<sup>249</sup> USAID, Land tenure profile Zambia, 8.

customary rights over the land, although nobody can lay a claim to land over which another individual has established rights. The rights are permanent unless they are extinguished by abandonment or death.<sup>250</sup>

These property rights are deemed secure enough to allow access to formal credit facilitated by the state.<sup>251</sup>

Table 2 shows the highly privatised nature of rights in the Southern and Eastern provinces; the data come from a survey held in 1992-93 of nearly 200 households.<sup>252</sup> The study focused on the link between tenure and on-farm tree planting activities, yet gives an interesting insight into the workings of land rights in customary areas in the years just before the Land Act was enacted. The data show that the overwhelming majority of households in these provinces felt they held strong rights of use to the land: almost 100% felt they had the right to cultivate, use inputs, plant trees and harvest agricultural produce. Respondents were less secure about their right to retain the land after long periods of fallow: only 53 per cent felt certain in the Southern province.

*Table 3: Prevalence of household rights over farmland in the Southern and Eastern provinces in Zambia (in %)<sup>253</sup>*

<b>Rights</b>	<b>Southern province</b>	<b>Eastern province</b>
<b>Use rights:</b>	%	%
Cultivate annual crops	98,9	98,9
Cultivate perennial crops	98,9	96,3
Use inputs	98,9	98,9
Erect a fence	98,9	82,9
Plant trees	98,9	96,3
Cut trees	79,6	94,9
Harvest produce from trees	93,5	98,7
Retain land after long fallow	52,7	81,7
<b>Transfer Rights:</b>		
Give trees to other family members	64,5	60,8
Give land to other family members	53,8	76,8
Give or sell land outside of the family	40,9	37,8
<b>Exclusion Rights:</b>		
Prevent others from growing crops	86,0	96,3
Prevent other from harvesting crops	83,9	97,6
Prevent others from grazing animals	76,3	28,0
Prevent others from growing trees	84,9	96,3
Prevent others from harvesting trees	86,0	91,5

<sup>250</sup> United Nations Economic Survey, cited in Van Loenen, Land tenure in Zambia, np.

<sup>251</sup> Van Loenen, 'Land tenure in Zambia', 5.

<sup>252</sup> Place et al., 'Land tenure and agricultural development in customary areas', 156-7.

<sup>253</sup> Ibid., 157. In the Southern province the total number of households interviewed was 93, in the Eastern province 82. Numbers are the percentages of households that expressed they felt they had these rights.

These numbers show that the rights in customary areas were already highly privatised before 1995. It is therefore not very surprising that the liberalisation of the land market and reinstatement of private rights did in fact not change much for the 93 per cent of land in Zambia that fell under customary law. After 1995, numbers point to an increase in leasehold title, but the growth is not staggering: the 6 per cent of land that was held in state leasehold in 1970 rose to 10 per cent in 2002.<sup>254</sup> Most conversions of customary land into leasehold took place in rural districts surrounding Lusaka, the Copperbelt and in the vicinity of tourist destinations (Livingstone, South Luangwa National Park and Lower Zambezi National Park). Other research shows the reinstalling of titling has no benevolent effect on smallholders and rural population, but benefits foreign investors and the national elite.<sup>255</sup> The 1995 Land Act also made it easier for foreigners to acquire land. Together with the Zambian elite, foreign buyers have been buying large-scale commercial farms. Sipangule et al. found: “Land that is targeted by investors is close to infrastructure and markets and suitable for agricultural production. These areas are also marked by higher population densities”<sup>256</sup>. Apart from the skewed patterns of settlement that is solidified by the act, whereby the most promising parts of land are alienated, another study points out the increasing inequality and the onset of a class system.<sup>257</sup> For example, in 1996, only 3 investors held title in the Chiawa chieftaincy on the outskirts of the Lower Zambezi National Park. Three years later, nineteen others (all tourist operators) held land in this area. Brown points out the problematic nature of this development, since small-scale and subsistence farmers were not in the same position to defend the customary rights they held to the land and convert these rights into recognised leasehold title.<sup>258</sup> The costs of converting customary to leasehold title proved too high for this group. Costs of converting customary land to a 14-year lease requires

...a sketch, the consent of the chief, payment of a lease charge, and multiple trips to district headquarters and the Ministry of Lands office in Lusaka or Ndola.<sup>259</sup> The cost to obtain a 14-year lease is at least \$100 (and often much more) and a 99-year lease requires a rigorous and expensive boundary survey prepared by a licensed surveyor; in 2005, average charges for survey and registration and travel costs were at least \$500 (US\$ equivalent) and often multiples of that amount, and typically required between 2 and 3 years to complete. The lessee must also pay an annual ground rent to the District Revenue Collector.<sup>260</sup>

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<sup>254</sup> Brown, ‘Contestation, confusion and corruption’, 86.

<sup>255</sup> Ibid., 87-8; N. Sitko and T.S. Jayne, ‘Structural dynamism or elite land capture? A case study of emergent farm growth in Zambia’, *Food Policy* 48 (2014) 194-202, 200; Sitko et al., ‘Does smallholder land titling facilitate agricultural growth?’, 794.

<sup>256</sup> K. Sipangule, K. Nolte and J. Lay, ‘Commercial farms in Zambian and the relationship with smallholders farms’, Paper for the 2016 World Bank conference on land and poverty, March 14-18 2016 Washington DC, np.

<sup>257</sup> J.C. Momba, ‘The state, rural class formation and peasant political participation in Zambia’, 331-57.

<sup>258</sup> Brown, ‘Contestation, confusion and corruption’, 88.

<sup>259</sup> Roth et al. ‘Legal framework and administration of land policy in Zambia’, 19-21.

<sup>260</sup> USAID, Land tenure profile Zambia, 7.



Since smallholders and subsistence farmers on average earn \$219 per year<sup>261</sup> and feel relative security over their customary rights, there is little incentive to spend limited income and time on land-conversion.<sup>262</sup> Lastly, Sitko and Jayne found that the customary land that is being captured by elites has increased the land converted to leasehold by urban wage earners. There are little alternatives that allow them to invest the (surplus) capital generated through wage labour in urban areas; hence land has become an interesting investment opportunity. The study points to the inefficient and unproductive use of leasehold land held by wage earners: on average, 28 per cent of the land was used for the production of crop, fallow or livestock, while the remainder of their land lays idle.<sup>263</sup> In other words, titles are mostly acquired by those not primarily engaged in agriculture. This “sub-optimal” use of land is, for obvious reasons, detrimental to the development of a productive agricultural system that Zambia so desperately needs to diversify its economy and uplift the standards of living of its rural population.<sup>264</sup>

In all, the 1995 Land Act has led to an increase in absentee land-ownership in Zambia, opened up the Zambian land market to foreign buyers, solidified class differences and increased inequality. These effects are the result of a land policy that was imposed on Zambia by international conditions, and has structurally underestimated the security of privately land rights in customary areas.<sup>265</sup> Even though rights were not documented in law, in the rural areas, where population has always been sparse and land abundant, people were free to choose how to access and use the land. There was no incentive to record the customary rights, since there was no stringent land scarcity. Hence, in Zambia, it was simple for the government (both colonial and postcolonial) to dictate land rights as they were met with little resistance. This, in turn, allowed national and international elites to alienate land. Both of these aspects, easy access but loosely defined rights and inefficient use of land are a direct result of relative land abundance and little population pressure.

### 3.2.5. Protecting a fragile system

Private property rights to land, as implemented by the 1995 Land Act, did not emancipate the rural population. In harsh ecological circumstances a system of customary rights had developed that not merely met subsistence needs, but survival – especially in times of drought or crop failure. A respondent, described as an “elderly woman” in a study by Muyakawa (2003), explains:

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<sup>261</sup> Food and Agricultural Organization (FAO), ‘Zambia: country action plan’, Initiative on Soaring Food Prices (ISFP) 2009 via [http://www.fao.org/fileadmin/user\\_upload/ISFP/Zambia\\_Final\\_Draft.pdf](http://www.fao.org/fileadmin/user_upload/ISFP/Zambia_Final_Draft.pdf) accessed on 9-5-2016.

<sup>262</sup> USAID, Land tenure profile Zambia, 7.

<sup>263</sup> Sitko and Jayne, ‘Structural dynamism or elite land capture?’, 201; Sitko *et al.*, ‘Does smallholder land titling facilitate agricultural growth?’, 794.

<sup>264</sup> Brown describes an example that is awfully familiar when one knows how the BSAC acquired land grants before 1900. A South African investor was able to acquire land from Chief Nkanya along the Luangwa River. Brown continues: “Once he had the title, the investor returned to Johannesburg where he sold the title for \$200,000. (...) The chief was led to believe that these particular individuals were investing for the long term and that he was granting them the use, but not the ownership, of these lands.” Cited in: Brown, ‘Contestation, confusion and corruption’, 90.

<sup>265</sup> Other studies find that the conversion to leasehold title benefits men much more than women, contributing to gender inequality. See e.g. A.H. Malambo, ‘Land administration in Zambia since 1991: History, opportunity and challenges’, *Global advanced research journal of history, political science and international relations* 2 (2013) 53-66.

When a place is for grazing cattle and used by all villagers, how then can one person come and get title for it? Where will the other people take their animals to graze especially if rich green grass is available on only one location in the village? Maybe for people in the town it is OK to have title to their land but in villages, because of communal ownership of some scarce resources it will be very difficult.<sup>266</sup>

Although some instances of encroachment and strife over boundaries have arisen, because of the relatively low population density land disputes are generally not as severe as those found in other parts of sub-Saharan Africa<sup>267</sup>; including Malawi. Commonly disputes are resolved by village headmen, yet when these local leaders fail to address the issue at hand satisfactorily, Land Tribunals can be approached.<sup>268</sup> There is little awareness however of the existence of the Tribunals; they are often underfunded, inaccessible to those who do not speak English, and operating with a towering backlog of cases.<sup>269</sup>

This means the system of customary rights, however privatised they are, are weakly protected, and fragile. As a chief from the North-western Province eloquently voiced the matter at hand to the Minister of Land in 2002:

We appreciate your effort to make land available to investors, which is important for development and food security. But we have serious concerns. *Chiefs are not chiefs without land.* When we look at the Land Act we feel that chiefs don't own the land anymore because all land is vested in the President and the chiefs have become only the agents who help to process the land for investors.<sup>270</sup>

The government, or civil society, has not been able to formulate an appropriate answer to this dichotomy. How can Zambia on the one hand stimulate its agricultural sector and adhere to global standards for market integration, whilst protecting a system of customary property rights to land? As of now, the government is encouraging an "open-door" policy to incite capital creation and encourage foreign investors to develop agricultural businesses in Zambia. Those who are willing to invest mostly leave disgruntled, as the ministry of lands "is unable to designate clearly defined, demarcated, and registered areas of land for settlement, or when negotiations are held with the chiefs which must subsequently be turned down"<sup>271</sup>. Pestered by high debt loads, declining donor aid, and slow economic growth,<sup>272</sup> land policy and reform remain on the agenda of the Zambian government, but it remains a constant balancing act between the needs of an international community for more clearly demarcated land and protecting the intricate relationship the population in Zambia has with the land they inhabit.

### 3.3 Subconclusion

In Zambia, the fluid relationship between individual and communal land ownership was never really understood, or purposely disregarded, by the colonial government. During colonialism

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<sup>266</sup> Elderly woman, Hamapande village, Monze District, Zambia in Muyakawa *et al.* 2003 cited in Brown, 'Contestation, confusion and corruption', 91.

<sup>267</sup> Place *et al.*, 'Land tenure and agricultural development in customary areas', 161.

<sup>268</sup> USAID, Land tenure profile Zambia, 9-10.

<sup>269</sup> Place *et al.*, 'Land tenure and agricultural development in customary areas', 161; en USAID, Land tenure profile Zambia.

<sup>270</sup> Brown, 'Contestation, confusion and corruption', 96.

<sup>271</sup> Roth *et al.*, 'Legal framework and administration of land policy in Zambia', 20.

<sup>272</sup> Place *et al.*, 'Land tenure and agricultural development in customary areas', 20.

the pressing demand for labour induced repressive measures to manipulate the labour market through interventions on the land market.<sup>273</sup> Labour constraints were a constant problem for the expansion of the agricultural sector. Although forms of individual tenure did exist in African property structures (as the Petauke- example illustrates, including its continuation after colonial rule), an idea of communal tenure as an inhibition to optimal production was formed and implemented on the land market. The concept of Trust Land furthermore embodies the ambiguity between communal and. Ultimately, before the end of colonialism, the dual agrarian system with its double-standards for guarding land rights was firmly institutionalised in the agricultural economy of Zambia. The sparse population of Zambia made enabled the government to relocate people with relative ease; illustrated by the policy aims from 1955 onwards, which strived to stabilise population numbers in the areas with better soils and attract European farmers. Post-independent measures, such as settlement schemes, did not do enough to redress the unbalanced land market, favouring those close to the government, and not reaching villages and villagers who needed land reform the most. Nationalism and economic socialism dictated land tenure policy, and during the early years of the Kaunda regime, all crown lands were renamed state lands.<sup>274</sup> Freehold became leasehold and “land” lost its intrinsic value. Market-based land redistribution became the dominant approach to land reform after the recession in the 1970s.<sup>275</sup> Land control was centralised in 1975 yet the allocation of land rights continued to be predominantly communal, carried out by chiefs and headmen. Access to rural land continued to be linked to the negotiation of settlement rights and village allegiances.<sup>276</sup> In all, although Zambia’s land reform policies during colonialism have created a severely hampered land market, there were little land disputes, and the rural population (93 per cent of the population, comprising of 1,1 million small-scale households cultivating on average one hectare each<sup>277</sup>) regulate their land through communal systems of land rights.

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<sup>273</sup> Frankema, ‘The colonial roots of land inequality’, 445.

<sup>274</sup> Brown, ‘Contestation, confusion and corruption’, 83.

<sup>275</sup> Ibid., 79.

<sup>276</sup> Berry, *No condition is permanent*, 129.

<sup>277</sup> USAID, Land tenure profile Zambia, 1.

## 4. MALAWI

*In the old days [thangata] was a good thing. The chief would kill fowls and goats, and make a lot of food, and prepare everything ready. And then he would take a small boy and tell him to say that the chief wants tangata tomorrow. And everyone would turn out to tangata. And when they came the chief would offer them beer and say "Now come to the garden and so give me your labour." And then they went to the garden and started hoeing. I cannot say what time. They had no way of keeping time, but I should say it would be about 6:30 to 7:00 a.m. Then they started working away until midday. And then food and beer came. And after that they marched to the chief's village in peace and with no signs of grief. And they all sat around the chief's courtyard. And all the food was brought. And after feasting away, they began to dance. And the chief said "Now you have done very well and helped me. Go in peace" and that is what is known by the natives as tangata.*

Joseph Bismarck, testifying in 1915 before the Commission of Inquiry into the Chilembwe Rising. Cited in B. Pachai, 'Labour Tenancy and Agrarian Discontent: A Case Study of Nyasaland (Malawi)', Paper delivered to the Centre for African Studies, Dalhousie University (1975) 7.

Malawi poses an interesting case study for the effects of population density. With a total population of more than 17 million and a population density of nearly 140 people per square kilometre, Malawi is one of the most densely populated countries in Sub-Saharan Africa.<sup>278</sup> A shortage of agricultural land is therefore not only a current problem, but has been recurrent throughout its history<sup>279</sup>; setting Malawi apart from the other countries studied in this thesis. The on-going struggle for land and land policy reform is a product of a historical process, wherein the availability, access and ownership of land were all contested and claimed by a variety of parties. The set of customs and laws that came to guide tenure in Malawi draw on a combination of modified colonial land legislation and a complex set of customary rules and norms, which have been interpreted and adapted to increasing pressure on land in different parts of the country.<sup>280</sup> This chapter shows the colonial government faced remarkably more resistance compared to Zambia, most notable from civil society organisations. It also shows the Malawian people were, despite the extensive distorting effects on land markets and settlement imposed by the colonial government, able to retain a certain agency over their land. This chapter will argue population density is of explanatory value in understanding the development of land rights comparing a densely settled territory versus Zambia, with its sparse population. It starts with the recognition of defining social factors in the determination of land in Malawian society, such as matrilineal organisation, follows the transformation of the indigenous labour system *thangata* under colonialism, the installation of a dual agrarian system, the postcolonial attempts to install private land ownership and the on-going marginalisation of smallholder farmers.

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<sup>278</sup> <http://data.worldbank.org/indicator/EN.POP.DNST> accessed on 16-4-2016

<sup>279</sup> P.E. Peters, "'Our daughters inherit our land, but our sons use their wives' fields": matrilineal-matrilocal land tenure and the New Land Policy in Malawi', *Journal of Eastern African Studies* 4 (2010) 179-199, 179.

<sup>280</sup> S. Holden, R. Kaarhus and R. Lunduka, 'Land policy reform: The role of land markets and women's land rights in Malawi', Noragric Report No. 36 (2006) 1.

## 4.1. Special circumstances

Within Malawi's national boundaries there is a considerable regional variation with regards to population density. A study by Holden, Kaarhus and Lunduka (2006) on the progress of land policy reform found an average population density of around 53 per square kilometre in the north, whereas the central region (which includes the capital of Lilongwe) population density reached 140. The highest ratios of people versus land were found in the south, where population numbers were close to 174 per km<sup>2</sup>.<sup>281</sup> A representation of regional variation in population density and the fluctuations therein can be found in Table 1.

With some of the finest arable land in former British Central Africa<sup>282</sup>, land and the relevance of access to land cannot be stressed enough. To this day the agricultural sector employs 85 per cent of the workforce and generates 90 per cent of foreign exchange earnings.<sup>283</sup> Control over land and labour were key aspects of the colonial history of Malawi.

There are several factors shaping the development of land rights, land occupation and land access in the Malawian context. The first has to do with migratory patterns that influence the population density in several regions. The second involves cultural customs that determine access to and inheritance of land.

### 4.1.2 Migration

Malawi's territory has always known notable number of emigrants and immigrants. From 1899 onwards, the brutal enforcement of a new labour code in present day Mozambique led to large-scale migration of the Lomwe ethno-linguistic group into the southern parts of Malawi.<sup>284</sup> Kuczynski indicates a net immigration of several hundred thousand from Mozambique during the first fifty years of British administration, yet "in the first three decades births probably did not exceed deaths. In the last two decades there may have been a natural increase but it certainly was not large"<sup>285</sup>. Colonial Officials note at least half of the increase in population between 1921 and 1931 was due to Lomwe and Sena immigration<sup>286</sup> which might also explain some of the stark variations in table 4.

On the other hand, densely populated Malawi also functioned as a labour pool for the mines in Rhodesia and South Africa. Gregory and Mandala hypothesise an emigration of at least 15 per cent of the adult male population in 1921, 1926, and 1931; and of 25 per cent in 1945.<sup>287</sup> Others estimate the annual impact of the outflow of emigrants ranges from 5 males per 1000 in 1920 to nearly 30 per 1000 in 1940.

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<sup>281</sup> Ibid., 4. Data from 2005.

<sup>282</sup> B. Pachai, 'Land policies in Malawi: An examination of the colonial legacy', *The Journal of African History* 14 (1973) 681-698, 681.

<sup>283</sup> D. Chinigò, 'Re-peasantization and land reclamation movements in Malawi', *African Affairs* 115, 97-118, 99.

<sup>284</sup> R.B. Boeder, *Silent majority: a history of the Lomwe in Malawi* (Pretoria 1984).

<sup>285</sup> R.R. Kuczynski, *Demographic survey of the British Colonial Empire: Vol II* (London 1948) 638.

<sup>286</sup> CO 323/854/41. Nyasaland Protectorate Blue Book report: Original Correspondence from Governor Smith Despatch no. 164. 25 April 1921.

<sup>287</sup> J.W. Gregory and E. Mandala, 'Dimensions of conflict: emigrant labor from colonial Malawi and Zambia, 1900-1945', in: D.D. Cordell and J.W. Gregory, *African population and capitalism: historical perspectives* (Boulder 1987) 221-40, 228.

TABLE 4  
**Regional population density in Malawi\***  
(in people per square kilometre\*\*)

	Lower- Shire	Blantyre	Mlanje	Zomba	Upper- Shire	South- Nyasa	Lilongwe	Dedza	Dowa	West- Nyasa	Mombera	North- Nyasa
<b>1920</b>	35,5	36,9	14,4	20,1	12,9	11,9	15,6	28,2	22,6	7,4	10,1	4
<b>1921</b>	32,9	35,6	15,7	25,8	9	12,1	17,5	24	21,5	7,9	10,3	3,9
<b>1922</b>	27	59,3	16,3	32,2	6,4	12,8	19,1	21,5	16,6	7,9	10,5	3,8
<b>1923</b>	33	29,8	16,7	32,6	4,7	12,9	19,2	21,3	17	7,8	10,5	3,8
<b>1924</b>	32,7	29,2	17,7	32,8	6,2	13,1	19,4	21,2	17,3	8,3	10,8	3,8
<b>1925</b>	33,7	29,2	18,9	33	6,4	13,1	20	21,5	17,3	8,6	10,8	3,8
<b>1926</b>	33,4	29,4	21,6	33,4	8,1	14,2	21,3	21,9	17,8	8,5	10,4	4
<b>1927</b>	32,9	26,9	23,4	33,7	10,4	15,7	17,3	22,1	18,3	8,4	9,8	4,1
<b>1928</b>	32,6	29,8	23,4	38,1	10,4	15,7	17,3	23,4	18,6	8,3	9,4	4,1
<b>1929</b>	32,8	29,8	23,8	39	10,4	16,1	21,2	23,4	19,1	7,2	9,8	4,1
<b>1930</b>	36,3	29,3	25,8	39,2	10,4	16,2	22,4	23,5	19,5	7,2	9,8	4,1
<b>1931</b>	36,8	29	30	45	11,5	17,5	22,3	23,1	19,6	8,9	11,9	4,9
<b>1932</b>	43	33,7	34	46,2	11,5	17,6	20	29,4	24,9	8,9	11,9	4,9
<b>1933</b>	44	43,6	34	47,1	11,6	17,8	20,5	29	25,1	7,3	12	3,9
<b>1934</b>	44,7	33,7	34,3	46,4	11,5	17,2	19,9	25,9	26,8	9,1	12,1	5,8
<b>1935</b>	44,3	33,7	34,2	47,3	11,5	17,2	19,9	25,7	26,8	9,8	11,8	5,9
<b>1936</b>	44,4	33,7	36,8	47,1	12,8	17,1	20,1	23,4	26,9	9,8	10,6	5,9
<b>1937</b>	44,6	33,7	40,1	46,1	13,1	17	20,1	20	27,1	9,8	9,4	5,9
<b>1938</b>	43,3	33,7	41,1	46,1	13,1	17	21,2	25,8	26,6	10,6	10,1	5,9
<b>1939</b>	42,7	33,6	41,1	47,6	13,3	17,1	20,3	25,8	28,2	10,6	10,1	5,9

Source: The National Archives (TNA), Colonial Office (CO) 452/23-42, Nyasaland Blue books of Statistics 1920-1939.

\* Regions were selected based on a continuous collection of data from 1920 onwards

\*\* Population density in square kilometres calculated from square mileage

### 4.1.3 Matrilineality and matrilocality

In a large part of Malawian society access to land follow matrilineal and matrilocality principle. This means that “inheritance and succession run through the female line so that children are members of their mother’s lineage, the heir to a male authority holder is his sister’s son, and, on marriage, husbands move to their wives’ village”<sup>288</sup>. This system had historically granted access to land and forged strong family ties, especially between brother and sister. Land was only accessible through membership to a community, a (extended) family (*mbumba*). Yet many western observers argued it inhibits agricultural development, mainly by subdividing plots to heirs and alienating males from land transactions:

Males have been discouraged from looking at the farm as a source of income because, for the most part, they have had little or no control over the land. To obtain the use of land a man must not only marry since it is the women who have rights to the land, but the most also move to his wife’s village to obtain the land. If a man divorces his wife, as frequently happens, then he must relinquish that piece of land and will not get another until he marries again. On the death of the farmer the rights to cultivate pass through the female line and a piece of land is often fragmented among several women, usually sisters. A man has little influence over his successor to the land and the land usually has no market value (though this is changing), so that investment of time and money in it is not attractive. Such interplot mobility and the insecurity of the whole system meant that the typical male has had little interest in developing the land he was using.<sup>289</sup>

It must be noted that not all social units or groups in Malawi used this system. The Angoni of northern Malawi, for example, are a patrilineal group and hence exempt from the abovementioned customs.<sup>290</sup>

## 4.2 Land rights in colonial Malawi, 1923-1964

At the starting point of this analysis, land in colonial Malawi was either in the hands of private owners under freehold tenure or deemed Crown land. The first group held strong, individual rights to the land, of which the legal titles were recorded when the British Central Africa Protectorate was proclaimed in 1891. The second was in the hands of the British Commissioner himself, who was responsible for the administration of the Protectorate, and whose goal was to develop agriculture through the agency of the European farmers.<sup>291</sup> Crown land consisted of all the unoccupied lands, and British policy assumed ownership of this land to the Crown. The Crown could give land in the form of land concessions to new settlers under terms of freehold or leasehold.<sup>292</sup>

In pre-colonial Malawian society, customary systems determined land rights. Scholars agree on the multifaceted nature of customary law, and the many factors that define it prevent the presentation of a complete overview. Nonetheless, an overview of the different forms of rights can be found in the first chapter of this thesis. Note that in Malawi, usually fields are passed on through matrilineal inheritance, and the chief’s role is as judge or arbiter in dispute

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<sup>288</sup> Peters, ‘Our daughters inherit our land’, 182.

<sup>289</sup> P.F.M. McLoughlin, ‘Land Reorganization in Malawi, 1950-60: Its pertinence to current development’, in: S. P. Schatz (ed.), *South of the Sahara: Development in African economies* (Philadelphia 1972) 130.

<sup>290</sup> *Ibid.*, 131.

<sup>291</sup> Kandaŵire, ‘Thangata in pre-colonial and colonial systems’, 187.

<sup>292</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 103.

cases.<sup>293</sup>

After the pioneer foreigners, traders and missionaries had laid claims on vast extents of land (for a more detailed history of this process, see chapter 2), both chiefs and colonial administrators started to raise the issues of ownership and occupation of land. These concepts became increasingly protracted and contested as population numbers (both settler and African) grew and the increased pressure on the land magnified the differences<sup>294</sup> between the occidental and African systems.

#### 4.2.1 Thangata

The Europeans needed workers to develop the land and produce crops for export (mainly cotton and tobacco) on the newly established plantations. A system of labour tenancy was invoked, based on a traditional system of labour exchange that was in place before European presence. Yet, Kandaŵire notes: “there is a whole world of difference between traditional thangata and colonial thangata. The former is nothing other than a social institution, which embodies a pre-colonial notion of reciprocal labour. In the colonial situation the term came to mean forced labour”<sup>295</sup>. Colonial thangata became equivalent to forced labour, since those who were living inside the boundaries of land acquired by a European settler were declared tenants. Rather than paying rent, it was possible for tenants to perform labour without pay for the estate owner for a certain period each year. An increased pressure on land through earlier influx of immigrants made security of tenure increasingly pivotal for the indigenous population, while the Europeans were able to profit from the expansion of the labour reserve. New tenants were all the more dependent on estate owners for their land. But the black population were successful farmers: within a time span of 10 years, production of cotton by African smallholders increased from 26 to 1200 tons.<sup>296</sup> This economic success provided alternatives for subsistence, and hence, a form of autonomy for the farmers. This, in combination with heavy recruitment of labourers for the South African mines, further hampered the quest for labour by the European estate owners. A hut tax (1912) whereby one-half of this tax could be paid off through work for a European settler was imposed in order to settle this issue.<sup>297</sup>

By all means, colonial thangata was an exploitative system. Historians note physical mistreatment, ill payment<sup>298</sup> and destruction of cash crops or payment in crops (such as tobacco) instead of money in order to compel labour.<sup>299</sup> In a severely unbalanced trade-off, Europeans exchanged the right to occupy alienated land for readily available labour – a situation that brings to mind the situations on trust land in Zambia. But here, especially in the densely populated Shire Highlands in Malawi, disputes between settlers and the local people

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<sup>293</sup> P.E. Peters and D. Kambewa, ‘Whose security? Deepening social conflict over ‘customary’ land in the shadow of land tenure reform in Malawi’, *The Journal of Modern African Studies* 45 (2007) 447-472, 456.

<sup>294</sup> These differences are epitomised in the notion of absolute land rights (occidental) vs. land as the preserve of chiefly ancestors, their living representatives, current occupants and future generations, wherein an overlapping and fluid set of rights, wherein occupation was the most absolute in western terms, were common.

<sup>295</sup> Kandaŵire, ‘Thangata in pre-colonial and colonial systems’, 185. For an impression of the workings of pre-colonial thangata, see the first motto of this chapter.

<sup>296</sup> Pachai, ‘Land Policies in Malawi’, 687.

<sup>297</sup> M.C. Newbury, ‘Ubureetwa and Thangata: Catalysts to peasant political consciousness in Rwanda and Malawi’, *Canadian Journal of African Studies* 14 (1980) 97-111, 107-8.

<sup>298</sup> *Ibid.*, 107.

<sup>299</sup> Kandaŵire, ‘Thangata in pre-colonial and colonial systems’, 187.



began to increase, and conflict over land was more common, more explicit and more violent than in sparsely populated colonial Zambia.

#### 4.2.2 Grievances and the non-disturbance clause

More and more chiefs, who conventionally had the strongest grip on the land, sensed that they and/or their fathers had been swindled of their land. But Harry Johnston, first head of the Nyasaland colonial administration, inverted any possible form of guilt for the division of and the conditions on Malawian land into a paternalistic form of credit for protecting the chiefs and their subjects:

The fact is, that at the time the chiefs sold land to the Europeans they were very heedless of the results. All they desired was the immediate possession of the trade goods or money given in payment.... It was, however, highly necessary to secure these people from the results of their chief's heedlessness, in many cases, as they were apt to become the serfs of the white man when he began to appear as their over-lord. One of the results of the land settlement, therefore, was to completely free the natives from any dependency on the white settler, by restoring to them the inalienable occupancy of their villages and plantations.<sup>300</sup>

What Johnston did to restore the “inalienable occupancy of their villages and plantations”, was to insert a clause into title deeds or certificates of claim that came to be known as the *non-disturbance clause*. Herein European landowners were reprimanded not to disturb existing villages and plantations without the consent in writing of the head of the administration. Its objective was to protect people through entitling them to live free of rent or labour obligations<sup>301</sup>, and was a reaction to widespread dissatisfaction among Malawians who had become landless or forced into thangata through European land alienation. In 1915, grievances led to the 1915 Chilembwe uprising, where a European estate in the south was attacked and six people, whereof three Europeans, were murdered. Yet, apart from the fact that Johnston himself would be the judge to what extent entire communities were disturbed, documentation from the Colonial Office reveals that “It looks as if Sir Harry Johnston and his assistants were not as thorough as they made out in inspecting all the lands concerned before issuing Certificates of Claim”<sup>302</sup>. This discovery, however, did not seem to ameliorate the colonial administrations’ restoration-policy to secure the population. Pachai (1973) has noted the vast amount of land that was alienated during Johnston’s administration: by 1936, 66 certificates of claim were registered, 59 with land rights and 11 with mineral rights, covering an area of 1.499.464 hectares of a total landholding potential of 10.182.669 hectares – meaning roughly 15 per cent of the total land area was privately held under freehold tenure by European owners. This includes the finest arable lands and the most densely populated part of the country, in the Shire Highlands.<sup>303</sup> At the end of the First World War, the colonial government was faced with at least two problems. On the one hand, there was the aggrieved African population, fuelled by increasing dissatisfaction with their socio-economic position, while on the other hand, European estate holders were laying off farm workers due to a decline in

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<sup>300</sup> H.H. Johnston, *British Central Africa* (London 1898), 113.

<sup>301</sup> Pachai, ‘Land Policies in Malawi’, 684.

<sup>302</sup> CO 525/160. Original Correspondence: Despatch to Governor Sir Harold Kittermaster, 27 April 1936.

<sup>303</sup> Pachai, ‘Land Policies in Malawi’, 683.

demand for labour – a result of the economic slowdown of the first World War. The second problem enforced the first, as the estates sought ways (and often just acted upon their economic inclinations) to evict their tenants who, without sufficient *thangata*-obligations, had become rent-free squatters.<sup>304</sup> Their response was the appointment of a Land Commission to address the legal aspects of the colonial regime's land holding policies, which now resulted in a growing class of landless peasants. The 1920 Commission recommended "the provision of land reserves for indigenous communities as long as it did not lead to loss of labour by the British settler community"<sup>305</sup>. Labour-as-payment schemes were deconstructed and replaced with schemes whereby tenants could sell their crops to the planters at low prices – practically making the estates middlemen, or hubs, where agricultural surplus was traded. The Commission also paved the way for the 1928 Natives on Private Estates Ordinance<sup>306</sup>: a law that further dismantled *thangata*. It stated that:

...every resident African was entitled to a site, materials for a hut and a cultivable plot of ground. He had to enter into an agreement with the landowner either to work for wages for whole or part of his rent or to cultivate his plot, and sell part of his crops to the landowner in lieu of rent. In either case, it was the duty of the land-owner to provide the resident with work and a cultivable plot. Failure to provide either of these would negate his claim to rent. Rent was to be fixed by a District Board, and this included the fixing of the exchange rate for cash crops cultivated. Except for those residents who failed to meet their rent obligations within a month of the due date, no resident was to be evicted unless six months' notice to quit had been served at the end of each quinquennial period.<sup>307</sup>

Furthermore, a clause in the act stated that the government could acquire land for those Africans who were made landless as a result of eviction. Owners of estates over 4046,856 hectares (10,000 acres) were allowed to evict up to 10 per cent of tenants in 1933, and every 5 years thereafter. These people were to be re-settled on Crown Lands.<sup>308</sup> In exchange, the estate would be granted land ownership of Crown land of equivalent value elsewhere in the territory.<sup>309</sup> But the 1928 Act was as ambivalent as the earlier statement by the Commission, because on the one hand it entitled every resident African to a site and a cultivable plot of ground<sup>310</sup>, but issues of original rights and security of tenure were disregarded. It protected tenants from the worst excesses of *thangata*, but rather solved the estate owners' surplus of tenants and granted new traction in a stagnant market by allowing the diversification of rent. It stipulated three ways in which African could reside on private estates, all of which were ultimately controlled by the landowner: through the payment of rent; labour in lieu of the whole or part of the rent; or the sale of crops for the whole or part of the rent.<sup>311</sup> These measures might have sufficiently satisfied parties at this point in time, but it failed to tackle the

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<sup>304</sup> Kandaŵire, 'Thangata in pre-colonial and colonial systems', 188.

<sup>305</sup> C.M. Silungwe, Customary land tenure reform and development: a critique of customary land tenure reform in Malawi's National Land Policy, master dissertation Warwick Law School (2005) 20.

<sup>306</sup> Full title: "An Ordinance to Regulate the Position of Natives residing on Private Estates (No 14 of 1928)"

<sup>307</sup> Pachai, 'Land Policies in Malawi', 688.

<sup>308</sup> Article 15-16 of Native Tenants on Private Estates Ordinance.

<sup>309</sup> P. Murphy (ed.) *British Documents on the End of Empire: Central Africa, Part I, Vol. 9*, 62.

<sup>310</sup> Pachai, 'Land Policies in Malawi', 688.

<sup>311</sup> *Ibid.*, 689.

structural issues stemming from dense population and a biased arrangement of land ownership.

### 4.2.3 Dual system of ownership

At the beginning of the 1930's, the colonial administration and private estate holders were the two exclusive owners of the land in colonial Malawi. Yet, their hegemony was challenged by a peasantised population without rights of ownership, unsecure tenure, and restricted access to land. A socially unjust system that implicitly determined ownership along racial lines amplified the voice of the Native Associations: a movement initiated and pursued by missionaries, teachers, priests, civil servants, businessmen, farmers and chiefs. They called on the government about the loss of their rights, their need for more land and security of tenure.<sup>312</sup> By now, there were three groups in society that quarrelled over land rights: the government, the estate-holders, and the African population. The first was concerned with raising as much taxes as possible without paralysing the economy, the second with the need for a reliable flow of cheap labour<sup>313</sup>, and the latter with justice for past actions and securing a livelihood for current and future generations. As 1933 approached, the first year the plantations were legally allowed to evict tenants according to the 1928 Ordinance, tensions between the landholders and African communities rose. The government reacted by re-purchasing land from the estate-holders in order to accommodate evicted population. The Native Authority Bill of 1933 organised rural communities into so-called Native Authorities. These were to represent the communities regarding land and agricultural issues, and were in fact an institutionalisation of a) indirect rule through local chiefs and b) the dual agrarian (freehold and communal) systems. Although the first may empower local communities and strengthen their hold on land, both measures (most certainly the second) enforced the dynamic of peasantisation. Chinigò illustrates its effects: "In Thyolo, as long as the supply of land was relatively large, the chiefs distributed land to the Lomwe in exchange for produce or labour services; after a few years this led to a provision of usufruct rights free of charge"<sup>314</sup>. From 1936 onwards, the government passed successive Native Trust Land Orders-in-Council, meaning the state could declare parcels of land 'native trust land' and hence reserve it for 'native' settlement. *De jure* this was a new means to allocate and control land ownership, but *de facto* little changed, as the state retained the interest in the land as well as the power to dispose of such lands by grant of lease to make it private or estate land.<sup>315</sup>

At this point, the African population was divided between those who lived on Crown (or, when enacted, trust) land and those who lived on freehold land. African chiefs on the Crown land were recognized as traditional authorities (TA's), through which the government exercised administration of the population. In their turn, the TA's communicated their grievances about the lack of cultivable land, whereupon the government receded to the strategy of granted verbal assurances to Africans that their rights to land were being safeguarded. But this angered the estate holders who relied entirely on the dispossessed class for the supply of labour.<sup>316</sup> Hence even though the government aimed to protect the planters interests by looking for ways to avoid conflict, the persistence of thangata and the

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<sup>312</sup> Ibid., 687.

<sup>313</sup> Chinigò, 'Re-peasantization and land reclamation movements in Malawi', 104.

<sup>314</sup> Ibid., 104.

<sup>315</sup> Silungwe, Customary land tenure reform and development, 20.

<sup>316</sup> Kandaŵire, 'Thangata in pre-colonial and colonial systems', 187.

continued alienation of land by European planters made sure that any legal attempt to reorganise the system of land rights were mere juridical concoctions, unable to soothe the perpetual conflict between Africans and Europeans.

#### 4.2.4 Reorganisation schemes

Social unrest regarding land increased in the decades to follow and was amplified by the economic stringencies of the 1930s and the war years of the 1940s.<sup>317</sup> 1945 saw a victory of the British Labour party, and a full-fledged adoption of more progressive colonial land policies that were to strengthen peasant farming for food consumption and market production was adopted.<sup>318</sup> Another Land Commission was called into action (1946), concluding that “conflict between natives and settlers over land tenure” was a “major problem”<sup>319</sup>. This realisation inspired two government programmes to be initiated in the 1950s: the Master Farmers’ Scheme and the Village Improvement Schemes. The first aimed to establish progressive farming through a class of yeomen who adopted modern agricultural techniques. Synergies with estate agriculture were aspired to by assigning individual land titles. The Village Improvement Schemes were deemed a viable solution to resettle Africans and so reduce pressure on land in the densely populated areas in the south.<sup>320</sup> Here, population density reached 173 per km<sup>2</sup> on Crown lands<sup>321</sup>; a result from an already historically dense occupation pattern, augmented by evictions from estate land and immigration. But rather than relieving pressure on land and increasing agricultural production, the schemes were ambiguously used to dislocate the most politically active individuals from their homes<sup>322</sup>; undermine existing matrilineal tenure systems by denying women autonomy in land-related decisions<sup>323</sup>, and insist on fixed patterns of rotation that resulted in a 20-30 per cent decrease of food production.<sup>324</sup> The attempts to reorganise the tenurial system *without* revising the dual agrarian system as a whole failed.

The period of ‘reorganisation’ just after the Second World War shows a complex field of different actors holding clashing interests and views regarding the question who owns, or should own, the land. Regardless of where people lived, the African population continued to be marginalised and forced into peasantry by the dual system of agriculture. The situation on the estates might have improved here and there; the so-called liberal rule that Africans could sell their crops to the planters at a low price was still a “subtle way to of getting the African to collaborate willingly in the exploitation of his own labour for the benefit of the landlord”<sup>325</sup>. Policy-revision regarding crown lands fall into this same paradox, whereby re-purchasing of land by the government to resettle evicted tenants and even give them the opportunity to hold individual title, turned out to be a way for the administration to exercise more control over

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<sup>317</sup> Peters and Kambewa, ‘Whose security?’, 450.

<sup>318</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 105.

<sup>319</sup> F.E. Kanyongolo, ‘Land Occupations in Malawi: Challenging the Neoliberal Order’, in S. Moyo and P. Yeros (eds.) *Reclaiming the Land* (New York 2005) 118-141, 122.

<sup>320</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 105.

<sup>321</sup> CO 525/184/10. Nyasaland Protectorate (Native Trust land) (Amendment): Order in Council, 1940.

<sup>322</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 106.

<sup>323</sup> McLoughlin plausibly suggests the failure of the schemes was because women’s interests and power over land was dramatically underestimated. They were the ones who held cultural-historic rights over the land; not the men (including chiefs or headmen) who were taken to be the deciding authority. McLoughlin, ‘Land Reorganization in Malawi,’ 136.

<sup>324</sup> McLoughlin, ‘Land Reorganization in Malawi’, 134.

<sup>325</sup> Kandaŵire, ‘Thangata in pre-colonial and colonial systems’, 188.

native, rural society.

A study by Kandaŵire of the Chingale district, where a resettlement scheme was implemented from 1948-1954, highlights the ambiguities. He found that traditional leaders, who had been denied authority over their native grounds under thangata, now regained a position wherein they could determine who had access to and ownership of land. But instead of this leading to satisfaction in an area where 34.000 people were living on two hundred square miles and land was highly contested, this led to the formation of contending groups "... claiming the right to dispose of land to others, while these latter reject his claim as an improper attempt to monopolise land rights"<sup>326</sup>. TA's had been undermined throughout the period of colonisation, and reinstating means as powerful as determining land access were contested by the population. A 'principle of primacy', favouring those who were in the area the time when the government bought it from the private owners to decide on the allocation of land to newcomers, further complicated the issue in an area where migration and land alienation had always been present. In other words, the resettlement schemes pitted the population against one another in a struggle for land, instead of reaching its objectives of solving contestation concerning land rights and increase production. Kandaŵire signifies: "The colonial land policy had created the asymmetrical social structure which had been aimed at preserving those African institutions which could lead to a cheap exploitation of resources in the country for the benefit of the colonisers"<sup>327</sup>.

#### 4.2.5 Towards independence

The year 1949-50 was a year of severe food shortage in colonial Malawi. Highly insecure land rights and continuous resettlement, whereby people were either disabled or discouraged to invest in plots of land, undoubtedly contributed to this famine. Social tensions were at an all-time high, manifested by the 1953 Tannet uprising: an outbreak of violence whereby more than 10 people were killed on an estate in Thyolo after protests against malpractices and exploitation. Chinigò observes that this uprising "...exacerbated a deep sense of injustice, which ended up further legitimising the land encroachments initiated months before, on plantations belonging to the British Central Africa Company"<sup>328</sup>. The massacre is still remembered today as a fundamental moment in the anti-colonial struggle in southern Malawi.

Earlier attempts to regulate agricultural and land issues had failed – the time for a radical change in land policies seemed more pressing than ever before. The government resorted to its usual expedient and set up a Land Commission, which reported as follows: "... [we] have reached the conclusion that the only solution is the clear-cut one of getting rid of the status of resident native and leaving him free to quit the estate or to stay there on terms satisfactory both to himself and the landlord, substituting contractual for statutory rights"<sup>329</sup>. In order to act upon this conclusion, the government re-purchased large tracts of land held in freehold by the British Central Africa Company (BCAC), which held large holdings that remained undeveloped. When the General Manager took up the fight, an anonymous correspondent responded: "It is useless of Mr Nicol<sup>330</sup> making himself ill by trying to save the

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<sup>326</sup> Ibid., 188.

<sup>327</sup> Ibid., 189.

<sup>328</sup> D. Chinigò (2016) 'Rural Radicalism and the Historical Land Conflict in the Malawian Tea Economy', *Journal of Southern African Studies* 42, 283-97, 288.

<sup>329</sup> Abrahams Commission Report, cited in Pachai, 'Land Policies in Malawi', 690.

<sup>330</sup> Mr J. Kaye-Nicol, General Manager of the BCAC.

plums of his property, the trend of Nationalisation has come to Nyasaland and privately-owned land is doomed”<sup>331</sup>.

A period of transition seemed to have begun. A Land Ordinance Regime was passed in 1951, which defined land as public, private or customary, though the latter was a type of public land, which remained under the ultimate control of the Protectorate’s governor. Land tenure regimes that were previously “created by treaty, convention, agreement or conquest” were formalised and defined land as either public, private or customary.<sup>332</sup> By June 1954, 141.640 hectares were reacquired by the government to increase the share of public/customary land, meant to resettle African population. This left a mere 3,7 per cent of land (352.886 hectares) in private hands in the form of freehold estates. Apart from reacquisition and resettlement, a trend of securing African tenure was enforced by the 1952 Private Estates Ordinance. The bill legalised the presence of all resident Africans on estates and made registration obligatory; entitled every resident to the land they already under crops at the time of implementation (with the right to withdraw the land if it was not put to ‘good use’); abolished the five-year period of eviction.<sup>333</sup> Under the motto of economic partnership, economic production became a direct factor influencing the occupation and cultivation of land. Security of tenure remained the prime issue in this respect. In 1952 the European representative for Blantyre underlined: “...security of tenure was what the peasant cultivator as well as the big landowner wanted”<sup>334</sup>. In spite of the introduction of customary land, where security of tenure was supposed to be guarded by traditional law, the 1952 Ordinance once again failed to tackle the dual agrarian system. The special status customary law gained in fact meant a further marginalisation of Africans, who were now not only became spatially and economically separated, but legally and culturally as well.<sup>335</sup>

The struggle for comprehensive redistribution of land became a strong pillar of the independence-movement. In order to prevent further escalation and conflict, until independence in 1964 the government saw no other option than to further try to accommodate land rights to the needs of the African population. The first measure was to fortify customary law, in 1960 with the introduction of a legal provision for property and land to be inherited according to customary rules, and in 1962 the right to reside on private estates as a resident was extended to children and dependants of those residents through the Private Estates Bill. This latter piece of legislation was the work of dr. Banda, who in a few years would become the first prime minister of an independent Malawi. The tone for the intentions of his postcolonial policy regarding land was set: neither the exploitation of labour tenants under the guise of rent, nor large tracts of undeveloped private land would be tolerated. Furthermore, security of tenure should be offered at fair rental prices and without the threat of resettlement or eviction to African residents and their descendants and dependants.<sup>336</sup>

#### 4.2.6 Subconclusion

The road to independence was paved with attempts to align African land interests with those of the Europeans. But those interests were split into two main groups who desired stronger

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<sup>331</sup> Nyasaland Times cited in Pachai, ‘Land Policies in Malawi’, 691.

<sup>332</sup> Holden *et al.*, ‘Land policy reform’, 10.

<sup>333</sup> Pachai, ‘Land Policies in Malawi’, 692.

<sup>334</sup> Nyasaland Legislative Council debates 6-7 July 1954, 63-4, cited in Pachai 694

<sup>335</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 106.

<sup>336</sup> Pachai, ‘Land Policies in Malawi’, 694-5.

grip on the land; African peasants who became residents versus private estate holders. The colonial government aimed to balance them out, but was heavily influenced by British political-economic stakes. From the very beginning of Malawi's Protectorate-state onwards, land ownership was determined by race and British law. Agricultural production was geared towards export and depended heavily on the employment of African labour. Since Africans were not willing to work for the planter, *thangata* was enforced and the latter was obliged to work for the former.<sup>337</sup> *Thangata*, and the liberalised version in the form of sharecropping, were means of the coloniser to exclude the colonised from full participation in the economy.<sup>338</sup> This system facilitated a shift from reciprocal labour (pre-colonial) to marketable labour (colonial). *Thangata* and the ensuing dual agrarian system also firmly established the right to dispose and allocate land into the hands of colonial administrators and plantation holders, leaving traditional leaders and smallholders empty-handed. On both Crown (to partially become customary) and freehold land, Africans lacked security of tenure and were stripped of the land they had occupied and used in supposed perpetuity.

### 4.3 Land rights in postcolonial Malawi, 1964-2013

When Malawi gained independence from the British in 1964, it inherited a grid of contested land rights. During the colonial era, population continued to grow with more than one per cent per annum<sup>339</sup>, now averaging at 33 people per square kilometre, compared to 5 and 11 in Zambia and Zimbabwe respectively.<sup>340</sup> The fact that the colonial economy had almost fully relied on plantations made the dispersion of land a powerful topic, especially in a society that was trying to remake and rekindle its socio-economic structure in order to face the future. Radical changes were to take place. The first postcolonial government was led by dr. Banda. During the proceedings that followed independence, he emphasised that the existing customs for holding and tilling land were out-dated and unsuitable for developing a country with an economy based on agriculture. Banda argued that the colonial; dual system of customary/trust land and plantation land discouraged individuals and institutions from providing loans for investment in and development of land. In a statement that seems neoliberal *avant la lettre*, a flourishing agricultural economy based on individual title was envisioned:

First by accepting and recognising the principle or idea of individual ownership of land and secondly by insisting that anyone who owns land, whether as an individual or as the head of his or her family, is strictly responsible for the economic and productive use of his or her land; otherwise it must be taken away.<sup>341</sup>

To revive the economy, tenure reforms were deemed absolutely necessary. Previously unfixed and uncertain land boundaries had led to contention and even conflict, and succession rules led to excessive fragmentation and subdivision of holdings. Dense

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<sup>337</sup> Kandaŵire, 'Thangata in pre-colonial and colonial systems', 189.

<sup>338</sup> Ibid., 188.

<sup>339</sup> For this period, this is a high number. As of now, Malawi is the ranks sixth in nations with the highest populations growth rate (3.3% for 2015). <https://www.cia.gov/library/publications/the-world-factbook/geos/mi.html> accessed 18-4-2016

<sup>340</sup> <http://www.gapminder.org/data/> accessed 18-4-2016.

<sup>341</sup> Hansard, *Proceedings of the Malawi Parliament, 4<sup>th</sup> session, 1966-7* cited in C. Ng'ong'ola, 'The design and implementation of customary land reforms in Central Malawi', *Journal of African Law* (1982) 115-132, 115.

population and the shortage of land also caused uncontrollable dealings in land.<sup>342</sup> A scattered and contested economic fabric was the result, discouraging long-term investment in any given plot of land. Dr. Banda eloquently illustrated his vision to solve this problem:

No one is responsible... for the uneconomic and wasted use of land because no one holds land as an individual. Land is held in common... and everybody's baby is nobody's baby at all.<sup>343</sup>

In other words, a move towards individual land rights was initiated. Within three years of independence, three new statutes were enacted. The first was the Customary Land Development Act, which provided for the "ascertainment of rights and interest in customary land" and for its "conversion" for "better agricultural development", processes termed "allocation of customary land". The second was the Registered Land Act, which provided the machinery for registering titles to land, including allocated land, and the new substantive land law applicable thereto. The third was the Local Land Boards Act; providing the machinery for controlling dealings in allocated land after registration.<sup>344</sup>

#### 4.3.1 New laws, new economy?

The Land Bill introduced in 1965 recognised that land was the country's greatest economic asset and that its potential could only be maximally used when subjected to proper rules and regulations. The colonial categories of Crown, freehold and trust land were moulded into public, private and customary land. All three categories were placed under full governmental supervision and control. The goal of all these new regulations was planned and orderly development of the agricultural sector.<sup>345</sup> The first attempt to fully implement this goal was through the Lilongwe Land Development Programme (LLDP)<sup>346</sup>. Covering 202,343 hectares in the densely populated Lilongwe District, the programme was supposed to advance a transition from a subsistence to a cash economy. Its success was to be extended into other districts, in anticipation of national coverage.<sup>347</sup> Its aim was to increase agricultural productivity, but land rights were the key of its strategy. It aimed to "re-organize land tenure systems from usufruct to consolidated holdings under a registered deed of freehold title, thus making land preservation and improvement worthwhile to the individual"<sup>348</sup>. Hence, land held under customary tenure was now to accommodate individual ownership.

Yet the process of titling land in Lilongwe led to more disruption than productivity. The titling programme ran aground on the time it took to identify, demarcate and title land, and only a small area was finally covered.<sup>349</sup> The core problems was identifying the unit of land to be granted individual title and the propensity of chiefs and elders to control the allocation process, leading to younger men and especially women, who traditionally hold strong ties to

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<sup>342</sup> Ng'ong'ola, 'The design and implementation of customary land reforms', 115.

<sup>343</sup> Hansard, *Proceedings of the Malawi Parliament, 4<sup>th</sup> session*, 399-412, cited in *ibid.*, 115.

<sup>344</sup> Ng'ong'ola, 'The design and implementation of customary land reforms', 116.

<sup>345</sup> Pachai, 'Land Policies in Malawi', 695.

<sup>346</sup> The World Bank was willing to provide loans for such a land reform programme and started to participate in 1968.

<sup>347</sup> Pachai, 'Land Policies in Malawi', 695.

<sup>348</sup> D.W. Nothale, 'Land tenure systems and agricultural production in Malawi', in: J.W. Aruntzen (ed.) *Land policy and agriculture in Eastern and Southern Africa* (Tokyo 1986) cited in Holden et al., 'Land policy reform', 11.

<sup>349</sup> Peters and Kambewa, 'Whose security?', 450.



the land through matrilineality, to be worse off. Emphasis on individual title can easily take away or dilute women's rights to land, as men could easily take advantage of the opportunity to possess more land and rights. Due to a lack of resources and poor economic positions, women may be inclined to sell their titles to wealthy groups in order to survive. Matchaya concludes: "This phenomenon may be much more under the titling regimes than it is under the traditional land ownership because the latter has inbuilt checks against destitute land alienation"<sup>350</sup>.

The transition to a system of individual land rights was fraught with problems. The registration of an individual as a proprietor "confers on him the rights of ownership of that land as private land"<sup>351</sup>, but the Act was quickly adapted to also accommodate the registration of "family land" rights. Eventually, family land became the norm under LLDP<sup>352</sup>, although one representative per family was registered as the proprietor.<sup>353</sup> The designation of new land rights in a densely populated area, where land was scarce and desired, proved to be a hotbed for strife over proprietorship and demarcation. The introduction of this system was a means to exercise new relations of power, based on land, between and within families, chiefs, headmen and governmental "demarcation teams". The LLDP set out to institutionalise a system, with all its distinct characteristics, that had never been present on customary territory; one with clear-cut boundaries and unequivocal owners. Whereas access and ownership to land had always been dependent upon belonging to a community, or *mbumba* (family):

While the boundary of the village is fixed, the family united boundary is more flexible, depending upon relative land pressure between families, enthusiasm during the hoeing season, and new marriages in the families. The leader of the family holds the rights of the land in trust for the absent members, and it is he [the trustee] who allocates lands to an outsider<sup>354</sup>

A move to private rights was initiated, but resisted by rural population and TA's. Policy was adapted and the family remained the nexus on the customary land. As Kishindo has noted for the Yao people in Balaka (to the north of Zomba): "Families that have enjoyed uninterrupted use of specific pieces of land for generations do not perceive themselves as mere right holders but owners of the land they use"<sup>355</sup>.

The futility to define and demarcate family units and record the persons with interests therein was the most notable shortcoming of the postcolonial effort to reform the land system. Also, policy-makers saw that individual title would not overcome rampant fragmentation and subdivision of holdings, and that larger family holdings would be better equipped to optimally

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<sup>350</sup> G. Matchaya, 'Land ownership security in Malawi', *African Journal of Agricultural Research* 4 (2009) 1-13, 12.

<sup>351</sup> A.T.B. Mbalanje, 'Land law and land policy in Malawi', Report for the Food and Agricultural Organization of the United Nations (1986) np.

<sup>352</sup> Silungwe, Customary land tenure reform and development, 26.

<sup>353</sup> Ng'ong'ola, 'The design and implementation of customary land reforms', 119.

<sup>354</sup> C. Martin 'Land Registration in Malawi', *Chartered Surveyor* February 1971, 375-6 cited in in Pachai, 'Land Policies in Malawi', 696.

<sup>355</sup> P. Kishindo, 'Dynamics of land tenure: A village case study', In: T. Takame, *Current issues of rural development in Malawi* (Chiba 2006) 22.

exploit the land on a cooperative basis than a multitude of individuals holdings that would rarely exceed 2 hectares.<sup>356</sup>

### 4.3.2 The revival of a dual system

The first attempts by the Banda-led government to spark agricultural growth through implementing individual title did not work. But while government officials tried to demarcate land and assign title in Lilongwe, another remarkable process was taking place. A 1967 amendment to the Land Act allowed customary land to be converted and leased to individuals and corporations for up to 99 years. This arrangement was well put to use and a Malawian landed class began to emerge. Holden et al. note some 1.200.000 hectares of land were converted from customary to leasehold between 1977 and 1997, mostly for the production of high-value tobacco. A 1972 amendment to the 1963 Special Crops Act introduced a licensing system for burley and flue cured tobacco production. The licensing system ensured that these varieties of tobacco could only be grown on freehold and leasehold land, which prevented smallholder farmers from producing and commercialising them<sup>357</sup>, and prevented them from participating in the most rewarding area of the economy. This situation is similar the dual colonial system, where the most fertile parts of the country were in the hands of planters, and the remaining part was held in trust for the African population.

There is another aspect in Banda's policy that hints of a continuation of the colonial system. In 1965 the Chiefs Act was enacted, formalising the role of Native Authorities in customary areas. Chiefs were legitimised as the intermediaries between the people and the state. This marked the consolidation of a dual administrative system, and a revival, or continuation, of the system that did not differ much from the colonial one which was in place.<sup>358</sup> Agricultural products were obtained from the smallholder producers on customary land through regulation, while the newly established political elite was provided with "the carrot" of leased estates. These underwent a remarkable expansion during the 1970s and 1980s by annexing some 700.000 hectares of customary land.<sup>359</sup> A combination of reasons such as mismanagement, overcapitalisation and the economic slump following on the oil crisis meant many of these estates were failing by the early 1980s. Structural adjustment programmes offered by the Bretton Woods institutions were introduced including its accompanying liberalisation policies. On the one hand this meant that the most successful and entrepreneurial smallholders were able to integrate into global market networks, while it also intensified the process of land alienation and displacement *without* offering alternative sources of income for the majority of the middle-income and poorer population. The latter became dependent on wage labour and subsistence agriculture, and inequality grew. From 1990 to 2006 the average income of the bottom quartile was a tenth of the top quartile, with an increase from 1:4 to 1:11 between 1986 and 1990.<sup>360</sup> This economic malaise incited reclamation movements, which revolved around "the symbolic as well as the material meaning

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<sup>356</sup> Ng'ong'ola, 'The design and implementation of customary land reforms', 124. Calculated from acres.

<sup>357</sup> Chinigò, 'Re-peasantization and land reclamation movements in Malawi', 108.

<sup>358</sup> Ibid., 108-9.

<sup>359</sup> Peters and Kambewa, 'Whose security?', 451. The disruption and unrest caused by this process was not generally known outside of Malawi because of Banda's tight control on news and media. USAID, Land tenure profile Malawi, accessed 19-4-2016.

<sup>360</sup> Peters, 'Our daughters inherit our land', 188. Ratio in 2006 is 1:10.

of land”<sup>361</sup>. The politicisation of the rural population led to public protests challenging the Banda regime and eventually a national referendum, which heralded the entry of multiparty democracy in 1994.<sup>362</sup> In the run up to the elections the land question was at the centre of political contention, which eventually gave Bakili Muluzi the power of the Presidency.<sup>363</sup>

### 4.3.3 Post-British, post-Banda: a new era?

In 1996, a Presidential Commission of Inquiry on Land Policy Reform (PCILPR) was established to “recommend the main principles of a new land policy which will foster a more economically efficient, environmentally sustainable and social equitable land tenure system.”<sup>364</sup> It concluded that the granting of private titles through the LLDP had not achieved greater security of ownership, negotiability of title nor a robust land market.<sup>365</sup> Lastly, it expressed a concern regarding the historical wrong done to those who saw their land alienated to Europeans and for which “it is not unreasonable that demands for some form of land readjustment are being asserted”<sup>366</sup>. The report also recognised the variety in customary tenure rules (including the different matrilineal and patrilineal forms) as “a complex mixture of rules of conduct, leadership codes and management principles relating to access to and control of land in a given social context”<sup>367</sup>. Thus even though customary rules may vary between communities, it will usually mean that “every individual has, by virtue of membership in a given community, access to the land resources of that community in space and time”<sup>368</sup>. Such rights are transmissible to designate heirs. But the increase of pressure on land under such customary tenure led the Commission to point out changes in the traditional lineage organisation of descent, inheritance and succession, whereby potential heirs “most distant from core lineage members are increasingly becoming targets for eviction”<sup>369</sup>.

This occurred most frequently in those areas that suffered most from land pressure, especially in the Southern Region. In order to reduce population pressure over land, the Community-Based Rural Land Development Project was called into life by government and donor organisations. It was based on the ‘willing seller, willing buyer’ model, and provided resettlement for the landless or near-landless farmers out of Tyholo and Mulanje.<sup>370</sup> Even though it sounds as a reasonable solution to a structural problem, several studies question its effectiveness. It became clear that a large number of beneficiaries actually returned after resettlement – a dynamic that created even more problems. A farmer from the area commented:

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<sup>361</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 102.

<sup>362</sup> Peters and Kambewa, ‘Whose security?’, 451.

<sup>363</sup> Silungwe, Customary land tenure reform and development, 30.

<sup>364</sup> Holden et al., ‘Land policy reform’, 13. The PCILPR was set up and executed by the Ministry of Land with the assistance of the World Bank.

<sup>365</sup> Holden et al., ‘Land policy reform’, 14.

<sup>366</sup> PCILPR 1998, cited in Holden *et al.*, ‘Land policy reform’, 13-14.

<sup>367</sup> *Ibid.*, 13.

<sup>368</sup> *Ibid.*, 13.

<sup>369</sup> *Ibid.*, 14.

<sup>370</sup> Chinigò, ‘Re-peasantization and land reclamation movements in Malawi’, 111.

[T]he project was a failure. People are coming back from Mangochi, they claim back the land they left to others, and this creates endless disputes. Resettlement meant conflict, and this is disrupting our communities. And we continue to be short of land.<sup>371</sup>

The serious disputes over land, especially in the South, and the abovementioned findings of the Commission inspired the creation of the Malawi National Land Policy, which was discussed in Cabinet in 2002. All land-related laws set forth in this Policy were to be reviewed by a Special Law Commission (2003).<sup>372</sup> It recommended a) new restrictions on freehold tenure, for example by reserving it for Malawian citizens, b) the conversion of parts of freehold land into leasehold, and c) supervision of the status of companies and corporates with shares in land in Malawi.<sup>373</sup> With regards to customary land, the New Land Policy states customary landholdings shall be registered as private customary estates. To circumvent the problem of subdivision and interchangeable rights between the individual and the family, which were noted earlier on, these customary estates were to be registered for entire communities, families or individuals. These customary estates will have “private usufructuary rights in perpetuity, and once registered, the title of the owner will have full legal status and can be leased or used as security for a mortgage loan.” Hence, tenure on customary land (now covering almost 70 per cent of national land) moved towards stronger individualised rights, but units for titling remained unspecified.<sup>374</sup>

#### 4.3.4 A struggle for ownership

The 2002 Land Policy has been subject to heavy debate until the early 2010s and has still not been passed as law.<sup>375</sup> So far, adoption of the principles proposed in the Land Policy has been limited to a handful of donor-sponsored projects.<sup>376</sup> At its core, the Land Policy aims to address the historical problem whereby land in Malawi was expropriated from communities without compensation. The distinction between government and public land, made by the Muluzi government was supposed to make land acquisition more transparent. Acquisition for national development purposes (infrastructure, environmental protection) should be government land, and land acquired for the benefit of the general public should be compensated based on the “open market value and paid to the owner both for the land and improvements”. The 2006 Commission suggested the establishment of a titled “Land Acquisition and Compensation Act”, to ensure that any acquisition under the Act shall be accompanied by appropriate compensation.<sup>377</sup> Two structural problems inhibit broad public support of and therefore the adoption of the New Land Policy. The first is determining the extent of compensation. The Commission also recommended an independent evaluator, appointed by the Minister or local government authority, shall be called upon to determine ‘appropriate’ compensation. The compensation was to be calculated based on losses of “occupational rights, loss of land, loss of structure (investments), loss of business, relocation costs, loss of goodwill, costs of professional advice, injurious affection, nuisance or loss or

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<sup>371</sup> Ibid., 112.

<sup>372</sup> Peters and Kambewa, ‘Whose security?’, 452.

<sup>373</sup> Holden et al., ‘Land policy reform’, 16.

<sup>374</sup> Ibid., 17.

<sup>375</sup> Peters, ‘Our daughters inherit our land’, 190.

<sup>376</sup> USAID, Land tenure profile Malawi, 2.

<sup>377</sup> Holden et al., ‘Land policy reform’, 18.

reduction of tenure as long as they are not too remote and are a natural and reasonable consequence of the disposition of the land”<sup>378</sup>. But how are former, present and future rights to land quantified in a scattered, unregulated land market as Malawi? The policy assumes “all existing rights and encumbrances” can be incorporated, but these rights are more often incompatible between existing uses and rights that are derived from (past) allegiances – rights that need far more analysis and are not easily singled out.<sup>379</sup> The second important factor that impeded the adoption of the Bill is the struggle for power which a contested system of rights as described above has generated. Resistance to land reform came from the traditional authorities and/or their representatives. Their resistance, voiced during the Commissions’ consultative process, was based on the conception that the Bill would undermine their power over land. The 2002 Land Policy suggested that Customary Land Committees should be implemented to control the TA’s. The Committees were to oversee formalisation of customary land and allocation of village lands<sup>380</sup>, which can be taken as a restriction to their authority, which had been (politically) enforced during the Banda regime.<sup>381</sup> Peters describes the social struggle for power and ownership:

...some farmers (...) reject the stance of the chiefs who are trying to reassert their rights over the scheme land. Some say that the chiefs do not own the land but are trustees, and that the plots should belong to those who have cultivated them for years. Some say that the government owns the land but is lending it to the farmers on the scheme, and chiefs should not be involved at all. Yet others, echoing the official government view, say that the land should belong to the new (and to be formed) associations of users of the scheme plots.<sup>382</sup>

The role of TA’s is also disputed in the land rental and sales market. As population grows and land becomes increasingly scarce, leasing in or leasing out land has become a common means for people to improve their welfare or search for alternative livelihoods.<sup>383</sup> The TAs are also very much involved in determining prices and periods of lease<sup>384</sup>, and a new Land Policy would undermine this economic position of power as well.

Because of the central role land played in the local power structures, the conflict over land became entangled with competition and conflict over authority. Through the mobilisation of TA’s into civil society and their position of power in multiparty democracy, the struggle for land was one between “elders (or seniors) and juniors, between traditional authorities or chiefs of various stripes and younger educated groups, between men and women, between locals and migrants, between autochthones and strangers” and also one that found resonance in the highest political and economic circles.<sup>385</sup>

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<sup>378</sup> Ibid., 18.

<sup>379</sup> Peters and Kambewa, ‘Whose security?’, 465.

<sup>380</sup> M.E. Smette, ‘Land rental markets in Malawi’, via

[http://iasc2008.glos.ac.uk/conference%20papers/papers/S/Smette\\_1115.pdf](http://iasc2008.glos.ac.uk/conference%20papers/papers/S/Smette_1115.pdf) accessed 20-4-2016.

<sup>381</sup> Holden *et al.*, ‘Land policy reform’, 72.

<sup>382</sup> Peters and Kambewa, ‘Whose security?’, 465.

<sup>383</sup> Holden *et al.*, ‘Land policy reform’, 31.

<sup>384</sup> Peters and Kambewa, ‘Whose security?’, 453.

<sup>385</sup> Ibid., 467.

## 4.4 Subconclusion

Independence did not lead to a radical break with colonial land policies. Instead, the first decades after independence were characterised by a clash in the government's intentions to stimulate agricultural development and the policies it installed to that end. During the Banda era, there was no focus on land redistribution and channelling resources to smallholder agriculture but a continued emphasis on estate agriculture.<sup>386</sup> A political-economic elite was able to install itself, global market integration was enabled by liberalisation, and encroachment onto public land was unproblematic. Hence, postcolonial Malawi saw a continuation of colonial land policies. Yet colonial policies defined ownership and occupation on the basis of race, while postcolonial policies deracialised ownership in the freehold agricultural sector, giving way to an African elite.<sup>387</sup> On-going economic malaise and rising inequality, both directly related to the question who owns the land in Malawi, forced Banda to resign. After Banda, another kick-start for land reform was initiated. It was, once again, based on the assumption that customary land was inherently insecure and traditional systems of land allocation and inheritance did not promote agricultural development. Traditional systems were further eroded, and a substantial resistance grew among traditional leaders and civil society representatives. To this day, the debate on who decides the *owner* and the value of land is on-going. With increasing land scarcity demand for land rises and may increasingly be satisfied through land markets.

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<sup>386</sup> Chinigò, 'Re-peasantization and land reclamation movements in Malawi', 107.

<sup>387</sup> Kanyongolo, 'Land Occupations in Malawi', 121.

## 5. ZIMBABWE

*Scarcity is constructed through the machinations of tenure and ownership*

J. Till, 'Scare stories: scarce stories. The ideology of austerity', SCIBE, scarcity + creativity in the built environment working paper nr. 10, (2012) 6.

This final chapter serves as a case to test the outcomes of the previous chapters, which represent extremes with regard to population density. Zimbabwe hovers in-between them (see graph 1 and 2), and should thus neither have developed especially clearly demarcated land rights, nor was land a negligible factor endowment, with open access as a result. Yet Zimbabwe has developed the most intense history of land rights of the territories studied and, perhaps, of the world in modern history. A Rhodesian settler in 1949 summarised his point of view: "Don't regard the country as a Black Man's country, where the white man is the intruder, an exploiter of Black labour, a superior; look at it as an empty country (which it practically is for what are 1.750.000 millions [sic.] in a country three times the size of England?) to be settled with (a) white population ...."<sup>388</sup>. The ratio between people and land was relevant from the first colonial encounters onwards, and this chapter traces the dynamics between population and land. Land was not as easily alienated as in sparsely populated Zambia, and creating Reserves was a tactic employed by the BSAC from its inception onwards. Premier Coghlan, for example, told the all-settler legislative assembly in 1927, "This is essentially a country where the white man has come and desires to stay, and he can only be certain of doing so if he has certain portions of the colony made his exclusively"<sup>389</sup>. This chapter traces the development of that intention via the controversial Native Land Husbandry Act, a Second Chimurenga, Unilateral Declaration of Independence, land policy implications installed by the British and Bretton Woods, to the Third Chimurenga, and the ensuing struggle for land between race and class extending into the present.

### 5.1 Land rights in colonial Zimbabwe: 1923-1980

The ownership of land is an integral part of the colonial and postcolonial history of Zimbabwe. Unlike any other country in sub Saharan Africa, the struggle for land in Zimbabwe has spurred political upheaval and outright violence between those who held land, and those who did not. Yet the reason for researching the impact of population density on the bundle of rights that determine land ownership is not as evident as in the case of Zambia or Malawi. Both these countries pose an either extraordinarily low, or a remarkably high density, which leads one to assume its impact to be far greater than in a country where the concentration of population was never either notably high or low. Yet, this makes Zimbabwe an ideal test case wherein the alleged effects of population density can be mitigated.

In 1923, administrative authority of the territory of Southern Rhodesia was transferred from the BSAC to the Responsible Government, institutionalising a "settlers"<sup>390</sup> state"<sup>391</sup>. It had

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<sup>388</sup> A.S. Mlambo, 'Building a white man's country: Aspects of white immigration into Rhodesia up to World War II', *Zambezia* 15 (1998) 123-46, 131.

<sup>389</sup> V.E. Machingaidze, 'Agrarian change from above: The Southern Rhodesia Native Land Husbandry Act and African response', *The international journal of African historical studies* 24 (1991) 557-88, 559.

<sup>390</sup> The term 'settler' can change its connotation for different speakers in different periods during the history of Zimbabwe. It is a label that is inextricably linked to access to land in colonial and postcolonial eras. Here, it refers to white colonists who occupied vast swathes of agricultural land during the colonial

been the result of a build-up of pressure from the expanding settler population, for whom the scattered legal landscape of BSAC treaties and overlapping authority exercised by the British colonial commission designating Crown Lands, were an obstruction to further development.<sup>392</sup> Yet, settlers sought development mostly through expanding control over territory, which, ever since the arrival of the Pioneer Column in 1890, had become a predominant aspect of government in Southern Rhodesia. The fact that a relatively large number of white settlers established themselves in colonial Zimbabwe is mostly ascribed to the beneficial ecological circumstances: temperature, vegetation, quality of the soil, water supply, etc., made for a tropical climate that was nonetheless well-suited for whites to settle: most notably the “high field” crosscutting the middle of the country (see the yellow strip on map 1).<sup>393</sup> The natural wealth of the land offered legion opportunity for the newly established Europeans to invest in agriculture and mining – both sectors that were in dire need of affordable labour. The population density at that time was not as low as in Zambia, yet numerous enough to form a potentially vigorous opposition<sup>394</sup>: a fear that, for example, was seen as confirmed by the ‘First Chimurenga’<sup>395</sup>. Possession of land became a pivotal tool for the European powers to forge dominance over a population that was neither especially numerous nor sparse – a protracted, frenzied history of land rights is its result.

Rhodesia was colonised with the belief it would flourish as a gold-mining economy and generate unprecedented revenues for its exploiters. Yet at the end of the 19<sup>th</sup> century, the projections made by the BSAC were persistently too high and matched neither the generated costs nor returns on the overhead capital.<sup>396</sup> The persistent overestimations called for an “emergency economic response” and the government resorted to a “least-cost” means of forging economic development, namely the granting of large-scale land concession to white immigrants; mostly companies based in South Africa or Britain.<sup>397</sup> The argument here was that if a white rural bourgeoisie would settle in Rhodesia, they would develop the country and

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period. See S. Fitzmaurice, ‘Ideology, race and place in historical constructions of belonging: the case of Zimbabwe’, *English language and linguistics* 19 (2015) 327-54.

<sup>391</sup> C. Summers, *From civilization to segregation: Social ideals and social control in Southern Rhodesia, 1890-1934* (Athens OH, 1994) 4. By settler colony or state, I refer to the “colonisation of underdeveloped areas by European producers who became economically dependent on the indigenous population”, meaning the white immigrant population was neither purely administrative (focused on peasant export), nor was the indigenous population sparse enough to be neglected as a market or a factor of production in the colonial economy. P. Mosley, *The settler economies. Studies in the economic history of Kenya and Southern Rhodesia 1900-1963* (Cambridge 1983) 237.

<sup>392</sup> Sonius, *Rhodesia*, 45-6.

<sup>393</sup> *Ibid.*, 3. Along this elevated plateau, the “Great Dyke”, are the gold belts, holding the country’s gold reserves. In the lower parts of the country, towards its borders, coal is found, along with numerous other minerals. See e.g. A.H. Wilson, ‘The Great Dyke of Zimbabwe’, *Developments in Petrology* 15 (1996) 365-402.

<sup>394</sup> Summers, *From civilization to segregation*, 2-3.

<sup>395</sup> S. Moyo and P. Yeros, ‘Land occupations and land reform in Zimbabwe: Towards the national democratic revolution’, in: S. Moyo and P. Yeros (eds.), *The resurgence of rural movements in Africa, Asia and Latin America* (London 2005) 165-208, 191.

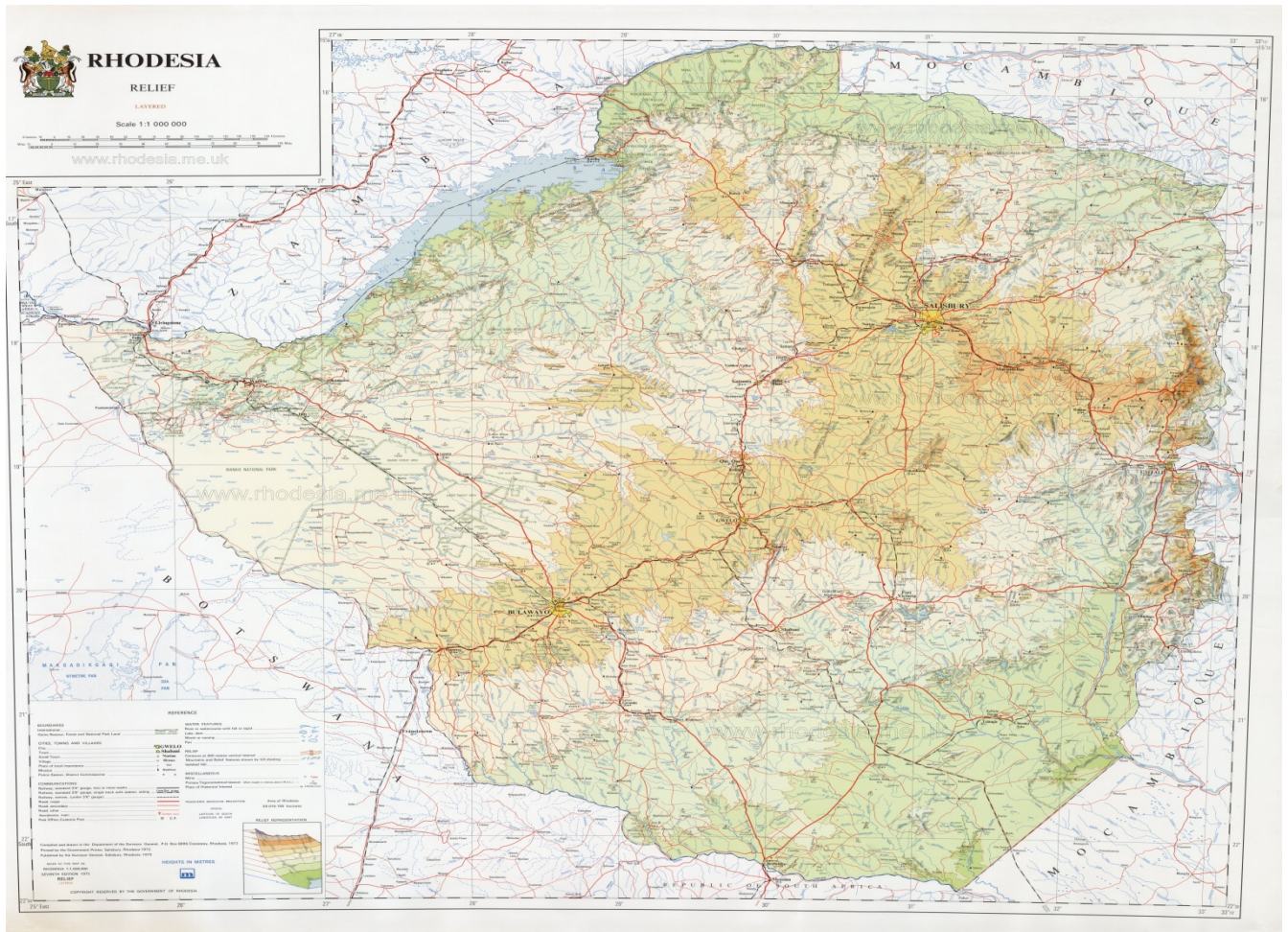
<sup>396</sup> Mosley, *The settler economies*, 13. Not only did the gold deposits fail to yield the wealth the BSAC had led investors to believe was there, but the military expenditures in the first years of colonisation were a heavy burden and exceeded estimates. See also G. Arrighi, ‘The political economy of Rhodesia’, *New Left Review* 39 (1966) 35-65, 35-6.

<sup>397</sup> This same method was implemented in Northern Rhodesia, yet with less success, since fertile land was not as ample as in Southern Rhodesia.



consequently “raise the value of its [the white rural bourgeoisie] assets in the area – viz. the railway system, the mine claims, and especially land”<sup>398</sup>. Land, therefore, has been pivotal in the social and economic development of Zimbabwe - European settlers were encouraged to set up farms, and the colony was readied to transform from a disappointing goldfield into an agricultural based settler colony.<sup>399</sup> In 1905 the Department of Agriculture wrote: “...there appears to be a general awakening to the fact that the lasting prosperity of the country and its greatest and most permanent (sic.) source of wealth lie in its pastoral and agricultural industries”<sup>400</sup>. The focus on agriculture only increased the importance of land, and tensions arose between immigrants and indigenous people, leading to the instalment of Native Reserves in order to diminish future conflicts over land and create a supply of cheap labour.<sup>401</sup>

Map 8: Relief map of Zimbabwe<sup>402</sup>



<sup>398</sup> Arrighi, 'The political economy of Rhodesia', 36; Mosley, *The settler economies*, 14.

<sup>399</sup> M. Anderson and E. Green, 'Developments under the surface – unintended consequences of settler institutions in Southern Rhodesia, 1896-1962', African economic history working paper series 14 (2013) 8.

<sup>400</sup> CO 603/6 Council Papers: Report of the Department of Agriculture 1905.

<sup>401</sup> Anderson and Green, 'Developments under the surface', 8-9. For a more in-depth explanation of the interests of immigrants, the BSAC and the African population regarding land before 1923, see Chapter 2 of this thesis.

<sup>402</sup> <http://www.rhodesia.me.uk/Maps.htm> accessed on 23-5-2016. Map dates from 1973.

### 5.1.1 The rise of a settler economy

The availability of labour and land were key issues for the creating of an agricultural settler economy. The early years of 'responsible government' were focused on enlarging and protecting the rights for Europeans to land: a process that went hand in hand with restricting access to and alienating land from the indigenous population. Land, Gann notes, "always formed the life-blood of Rhodesian politics"<sup>403</sup>, and with the institutionalisation of responsible government, pre-1923 settler conventions were turned into law.<sup>404</sup> Previously, land policy had been somewhat improvisatory yet dominated by the European community's interests. The 1923 Constitution provided the maintenance of the exclusive use rights for Africans in Native Reserves, similar to those set aside in 1895. The rest of the land was available for purchase by both Europeans and Africans.<sup>405</sup> The concern to strengthen the grip on land by the settler population was not yet reflected in land law. Concessions were granted *ad hoc* and the difference between 'African' and 'European' areas had a meaning in everyday parlance, but not in law.<sup>406</sup> In 1923, still, the Constitution Letters Patent stated "a native may acquire, hold, encumber, and dispose of land on the same conditions as person who is not a native"<sup>407</sup>. Yet not many Africans had been able to make use of this provision to purchase land for individual tenure: 18.210 hectares were sold to Africans compared to the 12.545.254 hectares purchased, during the same period, by Europeans.<sup>408</sup> In reality, the barrier between white and non-white land markets was maintained by the prices to which land in European areas had risen and the inability of nearly all Africans and most Indians to afford the acquisition of land.<sup>409</sup> There were clear signs of class formation, based on the access and right to own land in the colony<sup>410</sup>: a division that became entrenched law by the 1930 Land Apportionment Act.

The crisis years of the 1930's solidified the class relations. Politically, the newly installed government was no longer uncontested. Chiefs complained to visiting dignitaries that the reserves were becoming too small, wages were too low, and taxes and prices too high. The land question, in particular, was a topic that united African grievances, and a consciousness that severe racial inequality was creeping into Rhodesian land policies grew.<sup>411</sup> Although their organisation, inspired by the South African National Congress and mostly propelled by missionaries, posed little threat to the establishment, in general there was a sense that Africans became less respectful of the settled authority.<sup>412</sup> The Rhodesian government saw a motive to strengthen their legal rights to land and, if possible, annihilate the defiance of the current ambiguous legislation concerning land. Longingly, they looked at the pattern of physical separation of races which had been installed in South Africa, and where

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<sup>403</sup> Gann, *A history of Southern Rhodesia*, 231.

<sup>404</sup> Sonius, *Rhodesia*, 46.

<sup>405</sup> DO 35/354/3. Original Correspondence: Southern Rhodesia Land Apportionment Act.

<sup>406</sup> Mosley, *The settler economies*, 21.

<sup>407</sup> DO 35/354/3. Original Correspondence: Southern Rhodesia Land Apportionment Act.

<sup>408</sup> *Ibid.*, *Report of the Land Commission of 1925*, mentioned in source. These numbers reflect land division in 1930.

<sup>409</sup> Mosley, *The settler economies*, 21.

<sup>410</sup> See Arrighi, 'The political economy of Rhodesia', 38, for a distinction of five main classes in pre-war Rhodesia.

<sup>411</sup> For a refutation of the absence of African resistance during this period, see also C. van Onselen, 'Worker consciousness in black miners: Southern Rhodesia, 1900-1920', *The Journal of African History* 14 (1973) 237-55.

<sup>412</sup> Gann, *A history of Southern Rhodesia*, 258.

Africans came into “as little as possible conflict or competition with the white man socially, economically, and politically”<sup>413</sup>. The possibility to demarcate separate areas was looked into by the Morris Carter Land Commission, set up in 1925.<sup>414</sup> The Commission set out to:

Enquire into and report upon the expediency and practicability of setting apart defined areas outside the boundaries of Native Reserves a) within which Natives only shall be permitted to acquire ownership of or interest in land, and b) within which only Europeans shall be permitted to acquire ownership of or interest in land.<sup>415</sup>

The Commission concluded that a form of territorial apartheid was both preferred by Africans and Europeans<sup>416</sup>, yet that there was also a need to set aside land for purchase by ‘detribalised’ and ‘progressive’ rural Africans who aspired to better themselves. The commission declared that African land ownership should only be permitted in areas especially designated for that purpose, and suggested some 3 million hectares of land located next to the reserves – in the hope communal farmers would be able to learn from their more ‘advanced’ neighbours.<sup>417</sup> Hence, the commission advised a policy of setting aside defined areas in which the acquisition of land should be confined to Africans and Europeans respectively, was both practicable and desirable, “until the native has advanced much further on the path to civilisation, it is better that points of contact between the two races should be reduced”<sup>418</sup>. The areas were deemed Native Purchase Land: land set aside for those Africans who were able and willing to acquire individual tenure. Africans thus lost the right to buy land anywhere in the territory, but benefited from a protected land market.<sup>419</sup> This advice passed as legislation in the form of the 1930 Land Apportionment Act.<sup>420</sup> The Act gave effect to the principal recommendations of the Carter Commission and introduced the major policy regarding the ownership of land, dividing the country’s territory on the basis of European and African Lands. This meant the creation of an exclusive European area, maintenance of Native Areas, a new category of Native Purchase area, and unassigned land, left “for future determination”<sup>421</sup>. This land was mostly rocky and waterless, unfit for agriculture.<sup>422</sup> The Act also established a Native Land Board: a Board that advised Africans on acquiring land in Native Purchase Areas.

In a 1930 report the Dominions Office reflects: “... this Bill relates primarily only to the question of the purchase of land on individual tenure. The Native who is content to live under tribal conditions is provided for by ample reserves fixed some time ago by a Commission.” The reserves mentioned amounted to 2.5 million acres of land, on which 560.000 of the total 880.000 of the African population resided. The Bill did not change the nature or size of the

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<sup>413</sup> N.H. Wilson, ‘The Development of Native Reserves’, *NADA: The Southern Rhodesia Native Affairs Department Annual* 1 (1923) 88.

<sup>414</sup> Mosley, *The settler economies*, 24; O.B. Pollak, ‘Black farmers and white politics in Rhodesia’, *African Affairs* 74 (1975) 263-77, 264; Gann, *A History of Southern Rhodesia*, 268; Sonius, *Rhodesia*, 46-7.

<sup>415</sup> DO 154/37. Land Apportionment Legislation for Southern Rhodesia: Land other than Native Reserves, 3.

<sup>416</sup> Sonius, *Rhodesia*, 47.

<sup>417</sup> Pollak, ‘Black farmers and white politics in Rhodesia’, 264.

<sup>418</sup> DO 35/354/3.

<sup>419</sup> Gann, *A history of Southern Rhodesia*, 268.

<sup>420</sup> DO 35/354/3.

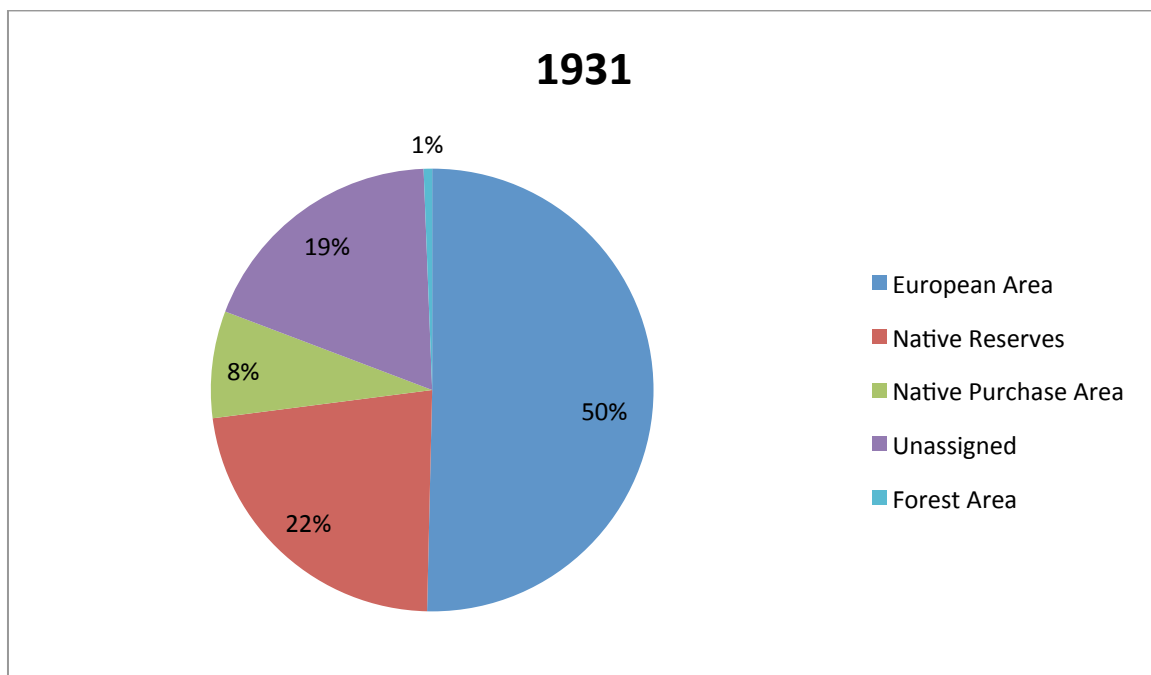
<sup>421</sup> *Ibid.*

<sup>422</sup> Mosley, *The settler economies*, 24.

reserves, which were determined pre-1923, but provided the setting apart of “Native purchase areas, in which only Natives may hold or occupy land”. The report concludes: “On the whole, the proposed legislation has been generally regarded as making generous provision for the Natives”<sup>423</sup>.

Yet the report fails to note that the 7 million acres that were set aside as purchase areas were of poor quality and “often in isolated areas of the country, far removed from transportation lines and markets.”<sup>424</sup> The areas were set up to compensate for the loss of right to purchase land anywhere in the country, but by independence in 1980 less than 10.000 of the 50.000 people that were envisioned to have made use of the provision had actually settled in the purchase areas<sup>425</sup>.

Graph 7. Land division in Zimbabwe after implementation of the Land Apportionment Act<sup>426</sup>



### 5.1.2 Between the acts: pressure on the land increases

The 1930 Land Apportionment Act caused for a seemingly clear-cut segmentation of land into a European area where land was allocated through market forces, and an African area where allocation was communal, and neither having the right to purchase in the reserve of the other.<sup>427</sup> In reality, the situation on the land was more complex. The policy of segregation of land ownership involved the removal of many thousands of people from the European into the designated Native Areas.<sup>428</sup> This, combined with continued population growth, led to significant pressure on the land in the reserves. By the end of the Second World War, the

<sup>423</sup> DO 35/354/3.

<sup>424</sup> A.K. Shutt, ‘Purchase area farmers and the middle class of Southern Rhodesia, c. 1931-1952’, *The international journal of African historical studies* 30 (1997) 555-81, 555.

<sup>425</sup> Ibid., 555-6.

<sup>426</sup> C.J.M. Zvobgo, *A history of Zimbabwe, 1890-2000 and Postscript, Zimbabwe, 2001-2008* (Newcastle upon Tyne 2009) 56.

<sup>427</sup> Mosley, *The settler economies*, 25.

<sup>428</sup> Zvobgo, *A history of Zimbabwe*, 56-7.

reserves were seriously overcrowded and overstocked<sup>429</sup>: both the result of and incentives for changes in land policies after 1930.

Apart from the Africans that inhabited European areas, the Act did not provide for the urban African population. Since the towns were all situated in the European Areas, it was impossible for Africans to live within its borders and carry on business – which, in turn, would be detrimental for e.g. mining towns. A 1941 amendment to the Land Act attempted to solve this problem, by creating Native Urban Areas in the vicinity of European towns.<sup>430</sup> In reality, these were African locations under special provisions of the Act, but remained part of the European Area: Africans could only acquire leaseholds. These areas were usually far from the towns, so that Africans had long and difficult daily journeys to work. Because of the impracticality, people would often reside in European areas in order to be nearer to their employment: a habit a 1945 amendment to the Act ended. It forbade “disposing of or attempting to dispose of any such land [land within a European Area] to a Native; lease any such land to a Native; permit, suffer or allow any Native to occupy such land”<sup>431</sup>.

Yet the 1945 amendment addressed another problem as well. As noted, when the European Area was created, many African families were living within its borders, as they had for generations. Government policy was to move these people gradually to African lands, but 95.000 remained in the European Area in addition to those entitled to live on estates and for which the Act had made exemptions. There were also an estimated 175.000 Zimbabwean Africans living in Forest Area or, on the old communal basis, in the Native Purchase Area.<sup>432</sup> This was known as the “squatter problem”<sup>433</sup>. Very little fertile, attractive land remained unoccupied in the European areas, and space could only be made available by clearing land or compelling existing owners to sell. Land scarcity was enhanced by the influx of European settlers escaping the economic hardships of post-war Europe. White population grew from 80.500 in 1945 to 219.000 by 1960. The majority of these immigrants turned to farming, and the amount of European-owned farms nearly doubled from 4.673 in 1945 to 8.632 in 1960.<sup>434</sup> From 1945 onwards land scarcity became an increasingly pressing problem in European and African areas.

Due to the arrival of more European settlers, post-war settlement policy was not only focused on controlling land prices, but also on removing squatters from alienated land.<sup>435</sup> Since the government could not regulate the private market of agricultural land, it focused on the second aspect of the solution, and actively targeted the relocation of squatters. Between 1945-51, more than 85.000 families were moved from European land into reserves<sup>436</sup>, some of which were located in inhospitable and tsetse-ridden areas. By now, the African population was forcefully stripped from secure tenure. A 1943 survey by *the Natural Resources Board on the Conservation of Natural Resources on the Land Occupied by Natives* found the African

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<sup>429</sup> I. Phimister, ‘Rethinking the reserves: Southern Rhodesia’s Land Husbandry Act reviewed’, *Journal of Southern African Studies* 19 (1993) 225-39, 225.

<sup>430</sup> M. Yudelman, *Africans on the Land* (Cambridge 1964) 79; DO 154/37 (1960).

<sup>431</sup> Zvobgo, *A history of Zimbabwe*, 56.

<sup>432</sup> DO 154/37.

<sup>433</sup> See e.g. Mosley, *The settler economies*, 25 and Pollak, ‘Black farmers and white politics in Rhodesia’, 273. Squatters can be defined as persons who occupy, without consent, land owned by others, with the purpose of occupying such lands indefinitely for residential and occupational uses.

<sup>434</sup> A. Selby, ‘White farmers in Zimbabwe 1890-2005’, PhD dissertation University of Oxford (2006) 55.

<sup>435</sup> Mosley, *The settler economies*, 25.

<sup>436</sup> *Ibid.*, 27.

population of Zimbabwe was living on the following lands under the following tenurial conditions:

1. Natives on occupied alienated farms in the European area. These may be a) ordinary agricultural labourers on monthly contract, possibly cultivating a small plot but not in accordance with any form of tenancy agreement b) labour agreement tenants and c) cash-paying tenants who agreements must now be annually renewed by the Chief Native Commissioner, under the authority of a permit granted by the Minister of Native affairs
2. Natives on un-occupied alienated farms in the European area - usually the property of land companies - paying from 1 to 2 pounds per head per annum rent (27.000)
3. Natives on Crown Land in the European area (76.000)
4. Natives in the native purchase area, subdivided into those who have acquired or are in the process of acquiring a plot in a survey locality, those cultivating land which has not yet been survey or dividend into plots and those on such portions of special occupational area land as have now been included in the native purchase area. Here the land tenure system for the present at any rate resembles that of a centralised reserve rather than that of an alienated portion of the Native (purchase) area. The grazing is communal; arable land is allocated between natives but on holds a lease or deed of grant. The remainder of the special occupation area, where as you will observe from what I have just said in the legal position of the natives is week, will eventually be incorporated in the native reserves
5. Natives in Reserves both a) those that have been centralised and b) those that have not yet been centralised (885.000)<sup>437</sup>

Table 5 illustrates the decrease in the share of population living on alienated lands, and, as a result of the amendments in the Land Apportionment Act, the relative increase of population in the reserves.

*Table 5. Distribution of African population in Zimbabwe by type of land tenure, 1922-51 (all figures in thousands)<sup>438</sup>*

	Total African population	In Reserves	In Native Purchase Areas	On alienated lands
1922	788	503	-	285 (36,2%)
1926	848	553	-	295 (34,8%)
1931	983	641	-	342 (34,8%)
1936	1081	719	54	308 (28,5%)
1941	1265	854	103	308 (24,3%)
1946	1533	1084	135	314 (20,5%)
1951	1840	1258	237	344 (18,7%)

As can be deduced from table 5, population density in the areas designated to Africans increased significantly during 1922-1951. By 1955, population density in the reserves had risen to 28,6 compared to 11,2 in 1931<sup>439</sup>, when the Land Apportionment Act had just been passed.

<sup>437</sup> Do 35/1169. Natural Resources Board Memorandum on the Conservation of Natural Resources on the Land Occupied by Natives, 2.

<sup>438</sup> Mosley, *The settler economies*, 26.

<sup>439</sup> Density calculated from acres for reserves given in Zvobgo, *A history of Zimbabwe*, 56, and population numbers by Mosley, *The settler economies*, 26 and DO .

This fuelled not only grievances by the African population, but also an interesting governmental response. The government was looking for ways to increase the carrying capacity of the Reserves, for one by preventing individual tenure. Precariously, a governmental report from 1945 for example notes: “It is sometimes argued that with limited land available for Natives in general, the creation of individual plots over as great an area as 7.900.000 acres [3.197.016 hectares] is wasteful and that a wiser policy would be to develop the area on the lines of centralised [communal] reserve<sup>440</sup>”. The Natural Resources Board notes, in the same year: “and the opinion of the administrative officials of this department is dictated by necessity, because a given area of land cut up into holdings for individual tenure will obviously not accommodate the same number of people as could be accommodated under the communal system<sup>441</sup>”. The state of the soil was also a source of problems, since the land in the Reserves was often uncultivable: “It should be pointed out that in many of the Native Reserves in south-eastern Mashonaland, where they cover a very large acreage, the country is of a very broken and diversiform nature and includes mountain, hill, valley, plain and vlei land with its grazing.” It was advised to implement a “correct system of pasture management”, able to adapt to the specific ecological circumstances. “Only in this way can the carrying capacity of these reserves be maintained and increased”<sup>442</sup>, states a 1943 *Report of Commission to enquire into the conditions prevailing in the pasturage of the colony*. The same problems were found in the Native Purchase Areas:

A considerable portion of the Native Purchase Area is uninhabitable; it will not be possible to subdivide all the area into plots for individual tenure. Certainly the land is now uninhabitable and probably about 4,5 million acres [1.8 million hectares] of further land within the existing Native Purchase Area might with advantage be settled after the manner of a centralised reserve.<sup>443</sup>

In other words, the government was considering a re-evaluation of private land ownership in the Purchase Areas due to the increased pressure on the land, arguing that an intensive system of agricultural with communal fields has the ability to hold a larger amount of people. Yet another report:

The bulk of the opinion of officials of the Native Department and others is entirely opposed to the policy of granting individual holdings to natives – a form of tenure contrary to their traditions. Looked at from the point of view of the conservation of the soil (...) much more effective supervision and control of the landholders is essential. It is contended that better use could be made of the land and that it could accommodate more natives if occupied on communal principles – points of importance where there appears to be a shortage of land.<sup>444</sup>

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<sup>440</sup> DO 35/1169, 9.

<sup>441</sup> Comments on the natural resources board memorandum on the conservation of natural resources on the land occupied by natives page 10 native area point 5 by H.D. Simmonds (secretary for native affairs chief native commissioner director of native development 2<sup>nd</sup> of march 1945.

<sup>442</sup> DO 35/1169, Report of Commission to Enquire into the Conditions Prevailing, etc., in the Pasturage of the Colony (1943) by sir A.F. Russell, 12-3.

<sup>443</sup> Ibid., 11.

<sup>444</sup> DO 35/1169. Original Correspondence.

The Reserves were designed to hold more people, rather than to provide homes where people could exercise their choices in an economic way: that is, to farm in accordance with the ecological circumstances at hand. Individual tenure was possibly also seen as leverage against the colonial regime, and granting more grip on land, would grant the population more grip on political affairs. Therefore, the pressures of population density and the need to increase access to land to farm more sustainably and effectively were weaker than the direct political power of the colonial government. The economic grievances that this unsustainable system created continued to brood, with disastrous consequences for the history of Zimbabwe.

### 5.1.3 The Native Land Husbandry Act

Overpopulation on African Lands became a priority for land policy after the Second World War. Up to this point in time, the reserves were employed to hold as many people as possible, and communal tenure was hailed for its carrying capacity; it was even hoped to bring about agricultural improvement.<sup>445</sup> Yet soon the severe overpopulation and degradation of land made any form of agricultural growth impossible, and a solution was proposed with the Native Husbandry Act (NLHA) in 1951.<sup>446</sup> The objectives of the Act were to:

- (i) to provide for a reasonable standard of good husbandry and for the protection of natural resources by all Africans using the land;
- (ii) to limit the number of stock in any area to its carrying capacity, and, as far as practicable, to relate stock holding to arable land holding as a means of improving farming practice;
- (iii) to allocate individual rights in arable areas and in communal grazing areas as far as was possible in terms of economic units, and, where this was not possible due to overpopulation, to prevent further fragmentation and to provide for the aggregation of fragmentary holdings in economic units;
- (iv) to provide individual security of tenure of arable land and individual security of grazing rights in communal grazing areas; and
- (v) to provide for the setting aside of land for towns and business centres in the African areas.<sup>447</sup>

These goals directly changed the way the people in the overcrowded Reserves were to relate to the land. The Act was designed to ensure 'sound' farming practices, and such practices could, according to new governmental ideas, only be attained on the basis of individual land tenure. In practice, the Act meant inhabitants of the African reserves could gain farming and grazing rights of certain demarcated plots, which were not inheritable, were granted to individuals. The combination of arable land and grazing rights was supposed to be sufficient to provide an "economic basis" for a family. The arable acreage and number of cattle which may be held varied from 6 acres [2,4 hectares] and 6 cattle to 15 acres [6,7 hectares] and 20 cattle according to the nature of the land. Yet a man may have up to three holdings.<sup>448</sup> If the

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<sup>445</sup> Mosley, *The settler economies*, 28.

<sup>446</sup> Zvobgo, *A history of Zimbabwe*, 56-8.

<sup>447</sup> Phimister, 'Rethinking the reserves', 226; DO 154/37. Native Land Husbandry Act, 2.

<sup>448</sup> DO 154/37.



holder of these rights would show proof of “inadequate husbandry”, the rights would lapse<sup>449</sup> and be auctioned off on the market.<sup>450</sup> Underlying this Act was the belief that traditional farming practice based on shifting cultivation and communal occupation were wasteful and primitive, and a replacement by settled and more productive methods was the answer to both spur production and halt ecological degradation.<sup>451</sup> In other words, the land degradation was blamed on African malpractices, rather than on the consequences of forced resettlement after the second world war to make way for new European immigrants. It was thought that communal agriculture led to ‘soil-mining’: the depletion of nutrients in the soils due to overuse and farming without fertilizer.<sup>452</sup> Communal tenure supposedly encouraged this, since user-rights would dissolve when land was not farmed – including periods of fallowing, while individual property was viewed as a remedy against soil degradation.<sup>453</sup>

The implementation of the Act was “expensive” and proceeded slowly and with friction.<sup>454</sup> In 1955 the Native Agricultural Department established “steady” progress had been made, but “in the light of what can be and has to be done the rate of overall improvement is so slow as to frustrate any but the most enthusiastic”<sup>455</sup>. Explaining the slow course of executing the Act, a confidential report to government notes: “A main cause of friction has been the need to compel Africans to reduce their cattle, the possession of which is traditionally important to Africans”<sup>456</sup>. The report also found that many more families had been entitled to holdings than could actually be provided for with holdings of “economic size” within the available areas. This led to the conclusion that “many Africans will in the future be without land rights”<sup>457</sup>.

The government’s response to overpopulation and land degradation by granting individual rights to land might seem surprising since land had become a crucial asset in power relations between Africans and Europeans. Yet the idea that the colonial government granted the African population gained more leverage over land is deceiving. Apart from the slow and incomplete implementation of its statutes, there are several clues that suggest the Act was a political instrument to appeal to international partners and integrate the African lands into the land market, resulting in landlessness among its inhabitants. First of all, Pollak notes the Act was mostly a way to appear “conciliatory and ameliorative” towards the African majority in a white-dominated economy – a policy that was supposed to evoke support from London for the federation of Southern Rhodesia, Northern Rhodesia and Nyasaland – with Southern-Rhodesia as the financial, commercial and administrative centre.<sup>458</sup> Secondly, the introduction of “individual land tenure” as a civilising measure paid no attention to the type of agriculture and the system of ownership that was already in place. Individual user rights were often

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<sup>449</sup> Violation of the Act, e.g. holding too large a stock of cattle, could result in fines and even imprisonment.

<sup>450</sup> Mosley, *The settler economies*, 28.

<sup>451</sup> DO 35/354/3.

<sup>452</sup> Definition taken from <http://www.oasisglobal.net/soilmine.htm> accessed 1-6-2016.

<sup>453</sup> Sonius, *Rhodesia*, 92.

<sup>454</sup> DO 35/354/3.

<sup>455</sup> Sonius, *Rhodesia*, 61.

<sup>456</sup> DO 35/354/3.

<sup>457</sup> DO 35/354/3.

<sup>458</sup> Pollak, ‘Black farmers and white politics in Rhodesia’, 269.

already in place, although dependent upon membership of a community.<sup>459</sup> The NLHA did not grant rights of individual ownership that could be passed on to an heir, or sold to the highest bidder: the individual tenure the Act granted was in reality void of ownership. Instead of placing the security of tenure into the hands of a headman or chief, as was previously the case, the Act placed the agency to determine tenure on African lands in the hands of a paternalistic European administration.<sup>460</sup> Thirdly, for Africans living in urban areas, the NLHA offered no option to secure tenure whatsoever. In 1958 the Urban African Affairs Commission suggested that “at least some non-racial areas should be created within the towns, and that Africans should be given more security of tenure there”. The proposal was quickly refuted on the grounds that it involved an erosion of the Land Apportionment Act, which was held by Europeans “as a charter, almost a bill of rights in this country”<sup>461</sup>. All these points resulted in a land market within the reserves, and landlessness as a result. The NLHA made the African population, for the first time, volatile to losing their land entirely: either when they did not manage it according to European standards, or were not able to access an allocated plot because of slow and unclear allocation methods, or were unable to obtain money for surveying fees and the maintenance of the land. These people were forced onto the labour market.<sup>462</sup>

It is not surprising that the period after the Second World War, when racial segregation was solidified through land allocation laws, which constantly favoured the European population, saw a growth of African resentment.<sup>463</sup> A confidential report concluded the NLHA “...will mean the end of traditional African way of life, by which every African, even if settled in a town, had some communal rights in a reserve; and the recognition of what has long existed in practice, an African proletariat permanently settled in the towns, and without any tie to the land.”<sup>464</sup> Hence, despite the government’s interest in developing a rural economy and land reform, which would consequentially generate more rural income and taxes, the sluggish implementation of the Act, the commercialisation of land rights in the reserves, and growing landlessness made the NLHA more of a political façade than an actual reversal in land ownership policy.

### 5.1.4 Political turmoil: unilateral independence and the Second Chimurenga

African opposition against the NLHA grew. Ever since 1923 the colonial government had ensured a white monopoly on the most fertile lands, forcefully relocated entire African

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<sup>459</sup> J.F. Holleman, *Chief, council and commissioner: some problems of government in Rhodesia* (Assen 1969) 7.

<sup>460</sup> Sonius, *Rhodesia*, 60.

<sup>461</sup> Mosley, *The settler economies*, 29.

<sup>462</sup> The 1894 Glen Grey Acts had had a similar outcome in the Transkei in South Africa. See e.g. B. Malinowski, *The dynamic of culture change. An inquiry into race relations in Africa* (London 1945) or S.J. Ndlovu-Gatsheni and C.K. Tafira, ‘The land question in South Africa. History of dispossession, political discourse, and post-apartheid government policy’, in: T. Lumumba-Kasongo, *Land reforms and natural resource conflicts in Africa. New development paradigms in the era of global liberalization* (New York 2016) 121-34.

<sup>463</sup> Sonius, *Rhodesia*, 86.

<sup>464</sup> DO 35/354/3.

communities, de-stocked valuable<sup>465</sup> cattle, encouraged landlessness and hence forced the African population to turn to labour. The access to land was a key aspect of opposition to the act: with limited mobility and few other opportunities to make a livelihood, people were tied to their land. Threats to their position relating land are hence direct threats to their security.<sup>466</sup> In 1958, the African population of some 2.550.000 had less than 17.000.000 hectares available for settlement and agriculture, while the European population of 207.000 held 19.500.000 hectares<sup>467</sup>: a population density of respectively 15 and 1. African grievances became increasingly politically organised, and were for example represented by the Southern Rhodesia African Farmers Union.<sup>468</sup> A significant number of wealthier peasants echoed nationalist cries. Together with rural businessmen (“reserve entrepreneurs”), schoolteachers, headmasters, as well as chiefs and headmen, they coordinated branches of the African National Congress and the National Democratic Party (NDP).<sup>469</sup> Their voices were amplified by strikes and several alarming reports about the abject state of poverty among African communities.<sup>470</sup>

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<sup>465</sup> Zvobgo explains: “To the simple villager, cattle were his wealth, his means of livelihood, his bank account and his insurance in old age” Zvobgo, *A history of Zimbabwe*, 57; let alone the social, cultural and religious value of cattle.

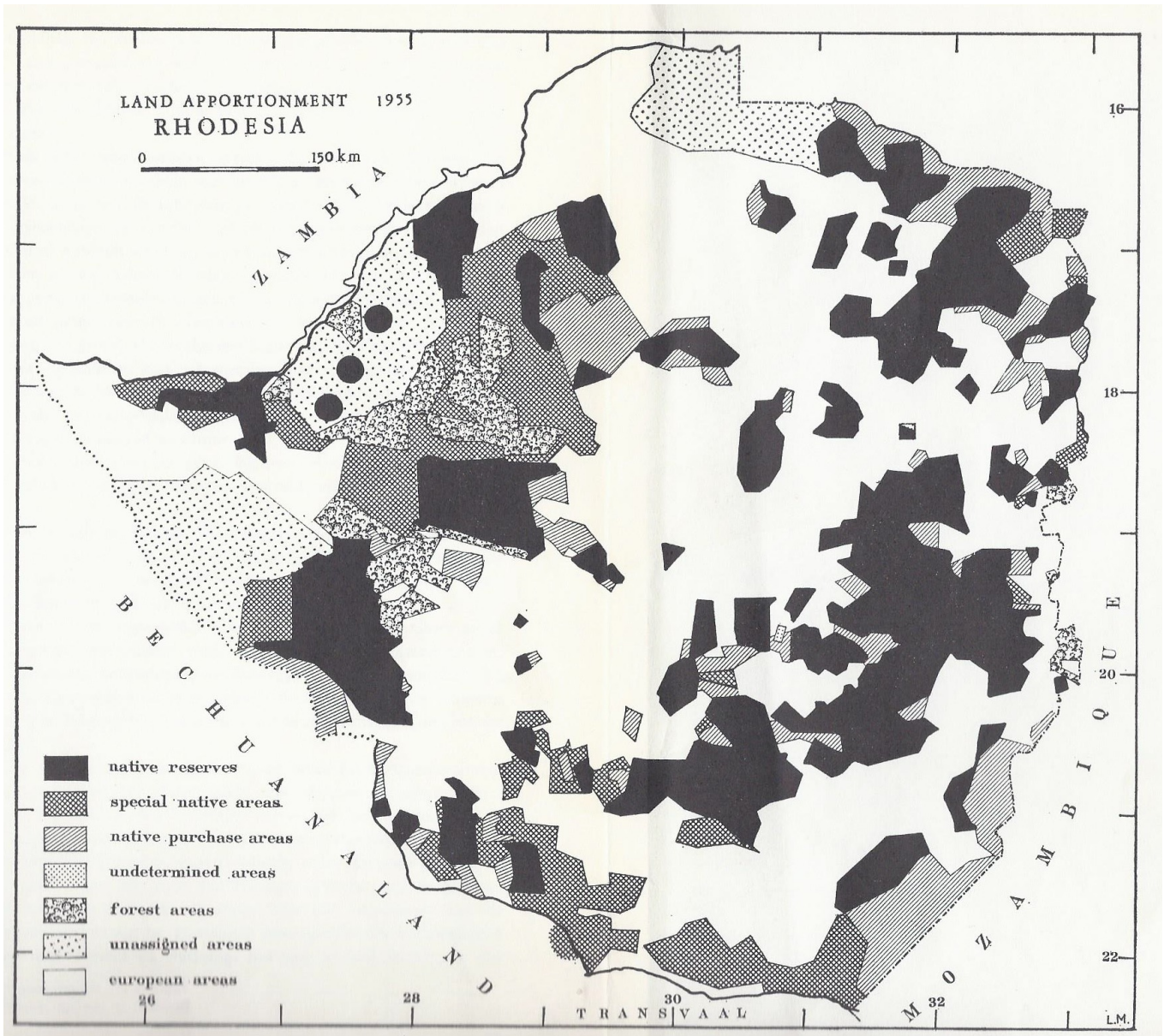
<sup>466</sup> *Ibid.*, 57.

<sup>467</sup> B.N. Floyd, ‘Land apportionment in Southern Rhodesia’, *Geographical review* 52 (1962) 566-82, 566.

<sup>468</sup> Pollak, ‘Black farmers and white politics in Rhodesia’, 272.

<sup>469</sup> Phimister, ‘Rethinking the reserves’, 239.

<sup>470</sup> Machingaidze, ‘Agrarian change from above’, 573.



Map 9. Land apportionment in Zimbabwe 1955<sup>471</sup>

<sup>471</sup> Sonius, *Rhodesia*, 35-6. Note the overlap between European Areas and the most fertile land as outline in the relief map, map 8.

Their opposition did not go unnoticed. In 1960, prime-minister Whitehead observed that a continuation of the ““one way traffic in the purchase of land would be politically unacceptable”. The administration worried about the backlash, from white farmers, land reform would evoke, but also about the “economic stagnation” in the reserves: “The European farmer could be persuaded to accept the idea of throwing open European land and the native purchase areas to purchase by any race and allowing the reserves and Special Native Areas to be brought into the common pool at a later date – in the case of some reserves, much later. He is usually well able to stand on his own feet.”<sup>472</sup> As a response to the increasing pressure on land and the on-going problems in the reserves, the Select Committee on the Resettlement of Natives had been installed.<sup>473</sup> By 1960, they had produced two reports. The first (October 1959) recommended that:

- (i) Africans should be able to acquire freeholds as well as leaseholds in urban areas
- (ii) African townships should be sited and developed so as to facilitate industry and business, and as close as possible to areas where Africans work. Transport should be improved;
- (iii) Government should play more part in the development and administration of townships [but the principle of administration but the European municipalities should continue; thus there would be no African local government].<sup>474</sup>

The second report (August 1960) concluded that:

- (i) All agricultural land should be open to purchase by anyone, regardless of race. This would involve the repeal of the a) Land Apportionment Act b) those sections of the constitution which set aside the Native Reserves;
- (ii) As an interim measure, the existing Native Reserves, Special Native Area and Native Purchase Area should be amalgamated in a new category called “African Land”, administered uniformly and all available for freehold purchase by Africans.<sup>475</sup>

Implementation of the recommendations of these reports would involve abandoning the principles which had governed land use in the country for thirty years, namely the creation of a ‘settlers state’, which developed itself through its control over territory. The report concludes: “Europeans would have to bring themselves to realise that they can no longer keep half of the land while the Africans, ten times as numerous, are faced with increasing difficulty in getting a living from the land<sup>476</sup>”.

The problem was exacerbated by the slow industrialisation of the colony. The NLHA caused an increasing number of Africans who became deprived of their land security and hence in need of income from labour. Yet the number of jobs rose by a mere 50.000 between 1956-60: positions that were both taken up by indigenous and foreign Africans.<sup>477</sup> In 1962, the Chief Native Commissioner wrote:

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<sup>472</sup> DO 154/37

<sup>473</sup> DO 35/354/3.

<sup>474</sup> DO 154/37.

<sup>475</sup> Ibid.

<sup>476</sup> Ibid.

<sup>477</sup> Machingaidze, ‘Agrarian change from above’, 574.

It was hoped that the increasing industrialisation and economic growth in the non-Tribal areas would provide this alternative [livelihood]... Up to the end of 1956, this is what in fact happened, the population increasing during the period 1951-56 by 16 percent, and overall employment by 15 percent. Since then there has been a slowing down in the rate of industrial expansion and economic growth. The population has increased by 18 percent in the succeeding five years [1956-61] but the increase in overall employment outlets have not kept pace with the increase in population, nor has any means of social security, other than land in the Tribal areas, been devised.<sup>478</sup>

The realisation by the Chief Native Commissioner and the reports by the Select Committee showed clear signs that land reform was necessary in order to avoid further impoverishment of the African population. The warnings, however, were met with apathy. William Harper, the parliament's Leader of Opposition, described the recommendation to repeal the Act and open up all land in the colony to be purchased by any race "a sledge-hammer blow at European settlement". He continued: "If this report is acted upon, as it may well be, then with all humility I say: God help Southern Rhodesia."<sup>479</sup>

The contradiction between white and black interests grew severely during the 1960s. This is illustrated by the Native Affairs Amendment Act: an amendment to the NLHA. This amendment made refusal to move an offense, as well as not answering questions concerning information required to grant farming rights to a new dwelling site. Consequently, it increased the power of the state and was aimed at anti NHLA-activists in the reserves. From then on, it was an offense for "any native (or headman) who makes any statement or does any act or thing... which is likely to undermine the authority of an officer of the Government"<sup>480</sup>. It also abolished meetings in the reserves without previous written permission by the Native Committee.<sup>481</sup>

These further constrictions the Amendment proposed were oil upon the fire of African nationalist movements. Nationalist riots broke out in townships in 1960<sup>482</sup> and were vigorously suppressed, as were the rising number of strikes and boycotts in both rural and urban areas.<sup>483</sup> The grievances held by the African population were eventually unified in the NDP in 1960, established by Nkomo, Mugabe, Chitepo and Sithole. The NDP was banned 1961 and morphed into the Zimbabwe African People's Union (ZAPU), led by Nkomo.<sup>484</sup> The Zimbabwe African National Union (ZANU) was formed in August 1963 by Chitepo and Sithole as a breakaway from ZAPU. ZANU accused ZAPU of reluctance to engage in a physical confrontation with the government, and adopted a policy of militancy and "confrontation" with

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<sup>478</sup> Reports of the Chief Native Commissioner for the years 1957-1962, accessed via [www.britishonlinearchives.co.uk](http://www.britishonlinearchives.co.uk) on 28-5-2016

<sup>479</sup> DO 154/37.

<sup>480</sup> The Statute Law of Southern Rhodesia, *The Native Affairs Amendment Act* (1959) 297, cited in Machingaidze, 'Agrarian change from above', 581.

<sup>481</sup> Machingaidze, 'Agrarian change from above', 581.

<sup>482</sup> R. Martin, 'The rule of law in Zimbabwe', in: S. Chan and R. Primorac (eds.), *Zimbabwe in crisis: The international response and the space of silence* (New York 2007) 65-79, 70.

<sup>483</sup> J. Muzondidya, *Walking a tightrope: Towards a social history of the coloured community of Zimbabwe* (Trenton 2005) 167-70.

<sup>484</sup> J. Mtisi, M. Nyakudya and T. Barnes, 'War in Rhodesia, 1965-1980', in: B. Raftopoulos and A.S. Mlambo (eds.), *Becoming Zimbabwe. A history from pre-colonial period to 2008* (Harare 2009) 141-66, 147.

the settler government.<sup>485</sup> During this tumultuous period African nationalism became more and more institutionalised, and reactionary whites also came together in order to strengthen their position. In 1962 they had united in the Rhodesian Front, led by Ian Smith. This party won the Southern Rhodesian election of 1965, having been buoyed by a 1964 referendum, wherein whites had overwhelmingly voted for independence from Britain. Backed by the knowledge the UK would take action and send troops, Smith issued a Unilateral Declaration of Independence (UDI) on 11 November 1965.<sup>486</sup> A settler economy had become a settler state.<sup>487</sup>

This political chronicle of events might seem trivial in the analysis of population density and land rights, yet is crucial to its development in Zimbabwe. The adversities between the settler regime and the increasingly militant opposition is all about land (dis)possession. Their histories are shaped by the access and rights to land, and their determination is derived from the motivation to increase or maintain those rights and privileges. In a 1973 speech ZANU's chairman Chitepo said:

I could go into the whole theories of discrimination in legislation, in residency, in economic opportunities, in education. I could go into that, but I will restrict myself to the question of land because it is very basic. To us, the essence of exploitation, the essence of white domination, is domination over land. That is the real issue.<sup>488</sup>

For the African nationalists, from 1964 onwards the struggle for independence no longer took the non-confrontational, constitutional route. Their efforts and demands were not resonated by the settler regime, or by the British government. The latter feared black (mis)rule might lead to a large number of whites leaving Rhodesia for Britain – a prospect it could not economically accommodate.<sup>489</sup> Hence, it became obvious they would have to liberate themselves from settler rule. This realisation coupled with the more militant routine and the adoption of armed confrontation, led to the notion that 'we are our own liberators': the slogan of the first ZANU congress in 1964.<sup>490</sup>

The nature of the confrontation was elaborated. During the conference, different tactics were spelled out that were supposed to create an explosive political climate and eventually frighten whites out of power. A 'Five Point Plan' specified the enemy and spelt out the confrontation. It described targeting infrastructure such as bridges and roads to cause delay and prevent movement by army and police; cutting of telephone wires and electricity pylon; boycotting dipping fees and poll taxes; destruction of European farms and livestock and targeting Native Commissioners' Offices, police stations and white owned shops in African townships.<sup>491</sup> Both the ZANU and ZAPU organised military wings who took up the armed struggle, and the 'Second Chimurenga' commenced when both armies launched a guerrilla

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<sup>485</sup> B. Tavuyanago, 'The 'Crocodile Gang' operation: A critical reflection on the genesis of the Second Chimurenga in Zimbabwe', *Global Journal of human social science* 13 (2013) 27-36, 28.

<sup>486</sup> Martin, 'The rule of law in Zimbabwe', 70.

<sup>487</sup> The history described here is merely a reflection of the main political changes that are of relevance to this study. In order to gain a better understanding of the full and much more protracted processes during this period of time, see e.g. Raftopoulos and Mlambo, *Becoming Zimbabwe* or A.S. Mlambo, *A history of Zimbabwe* (New York 2014).

<sup>488</sup> [http://www.zimembassy.se/land\\_reform\\_document.html](http://www.zimembassy.se/land_reform_document.html) accessed 1-6-2016.

<sup>489</sup> Tavuyanago, 'The 'Crocodile Gang' operation', 28.

<sup>490</sup> Martin, 'The rule of law in Zimbabwe', 70.

<sup>491</sup> Tavuyanago, 'The 'Crocodile Gang' operation', 28.

war against Smith's regime<sup>492</sup>: a struggle for liberation and land redistribution that would last until 1979.<sup>493</sup> "*Mwana wevhu/umntwana womhlabati* (child of the soil)" became the nationalists' rallying call.<sup>494</sup>

After the outbreak of the Chimurenga, or 'Rhodesian Bush War', the UDI-government was faced with overcrowding and landlessness in the reserves, an increasing amount of land disputes and mounting guerrilla-activities throughout the country.<sup>495</sup> The 1960's were also characterised by a strong population increase in various areas. In 1962, the Gokwe district had a population of 60.320, but by 1969 this had risen to 130.400: an increase of about 55 per cent. This gives a population density of 4.19 in 1962, and 9.07 in 1969. This trend continued to increase, resulting in a population density of 16.59 persons per square kilometre in 1982.<sup>496</sup> This sharp population increase in the rural reserve areas shaped the politics in land: not only in Gokwe, but in the country as a whole.

### 5.1.5 The colonial government's last acts

In 1967 the Tribal Trust Land Act (TTLA) was introduced. The act vested the occupation and use of land in the reserves (tribal areas) in 'tribal' land authorities. The chief and/or headman of the area were given more authority and were allowed to rule according to 'tribal custom'. Chiefs' authority was further increased with limited criminal jurisdiction and punitive powers. Most of all, the TTLA established the chief's authority over land, for one through the installation of Tribal Land Authorities, which were entitled to determine the use of land in the African areas.<sup>497</sup> Although traditional leaders retrieved forms of jurisdiction from the government, Nyambara asserts the transference of jurisdiction to allocate land was mostly a mechanism to shift responsibility for land shortage in rural areas from the state to traditional authorities. The power of 'communal' land tenure was stressed in order to pass the blame and avert the African nationalists.<sup>498</sup> This did work to a certain extent: chiefs were often viewed as "collaborators" by guerrilla fighters and their sympathisers. In all, the overhauling of judicial powers over land to the chiefs and headman eventually contributed to the general breakdown of traditional leadership structures.<sup>499</sup>

The ambiguous situation created room for different groups to assert their interests: the absence of formal law allowed people to enlarge their land allocations. Both legal and

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<sup>492</sup> Martin, 'The rule of law in Zimbabwe', 71.

<sup>493</sup> The exact beginning and ending of this struggle are difficult to dub. Different sources recognise different events as starting points, varying from the murder of Petrus Oberholzer by ZANU militants (11 November 1965), the Battle of Sinoia (28 April 1966), to the UDI (11 November 1965). The end of the war is generally said to be 12 December 1979, when the Lancaster House Agreement was signed. See e.g. A. Binda, *The Saints: the Rhodesian light infantry* (Johannesburg 2008) 7; E.M. Sibanda, *The Zimbabwean African People's Union 1961-87: A political history of insurgency in Southern Rhodesia* (Trenton 2005) 104.

<sup>494</sup> [http://www.zimembassy.se/land\\_reform\\_document.html](http://www.zimembassy.se/land_reform_document.html) accessed 1-6-2016.

<sup>495</sup> P.S. Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state: The power of 'communal' land tenure and the politics of land acquisition in Gokwe, Zimbabwe, 1963-1979', *Journal of Southern African Studies* 27 (2001) 771-91, 774.

<sup>496</sup> *Ibid.*, 774-5.

<sup>497</sup> B.M. Mupfuvi, 'Land to the people: peasants and nationalism in the development of land ownership structure in Zimbabwe from pre-colonialism to the Unilateral Declaration of Independence (UDI) period', PhD dissertation University of Salford (2014) 178.

<sup>498</sup> *Ibid.*, 178; Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state', 772.

<sup>499</sup> Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state, 787.



customary paradigms were manipulated, and people manoeuvred them in order to acquire land.<sup>500</sup> R.L.C. Cuncliff explains the situation at hand in Mashonaland in a letter to the Deputy Secretary for Development:

One of the concerns is that a tribesman should not be permitted to hold land under two different authorities, i.e., in terms of rights under the African Land Husbandry Act and also other land by authority of the Tribal Land Authority. This is likely to cause chaos but can be controlled by the Tribal Authorities themselves refusing to allow any African Land Husbandry holder to have more land than he is entitled to under his African Land Husbandry rights, unless the holder renounces his African Land Husbandry Act rights.<sup>501</sup>

What was most manipulated was the idea of 'communal' or 'traditional' land tenure system. Historians suggest the notion of 'traditional' land tenure was mostly a colonial construction aimed to reinforce the chiefs' powers and lay a basis for indirect rule and control of land through the imagined jurisdiction of the chiefs.<sup>502</sup> The construction and enforcement of the 'communal' are said to have 'frozen' dynamic systems of fluid, contested and varying rights of land access and ownership.<sup>503</sup> The interplay between the 'invention of tradition' and the legal realms gave rise to a very complex system to guard a highly contested right, namely that to land. It is not surprising therefore tensions between different groups exerting different rights within legal frameworks only increased in this period.

From 1963 to 1969 'land-grabbing'<sup>504</sup> became more widespread and uncontrolled. Eventually, the government passed the Land Tenure Act in 1969, which attempted to end the ambiguity and reinstated the division between African and European land, as previously devised by the NLHA. Zvobgo summarises its implications:

Section 11 for example stated that if an African was occupying land in the European Area, the owner or person occupying or in control of such land or his agent was deemed to have permitted it unless the contrary was proved. Section 16 of the Act permitted an African to occupy urban land or residential accommodation in the European Area only for employment purposes. Under Section 17 the owner or controller of urban land in the European Area who wished to permit an African to occupy it, was required to apply in writing for an authorisation permit. Under Section 24, the African Area was defined as an area in which the interests of the Africans were paramount, and the restrictions on

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<sup>500</sup> Mupfuvi, 'Land to the people', 178-9.

<sup>501</sup> Agricultural Production in Tribal Areas, *Extension Policy, Vol. 1* (1964-65) cited in Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state', 783-4.

<sup>502</sup> Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state', 772; A. Cheater, 'The ideology of 'communal' land tenure: Mythogenesis enacted?', *Africa* 60 (1990) 188-206.

<sup>503</sup> Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state', 772-3; T. Ranger, 'The Invention of Tradition in Colonial Africa', in R.R. Grinker, S.C. Lubkemann and C.B. Steiner (eds.), *Perspectives on Africa. A reader in culture, history and representation. Second edition* (Oxford 2010) 450-89.

<sup>504</sup> Land-grabbing is a contested term that changes its meaning depending on the its historical context. The Food and Agriculture Organization of the United Nations (FAO) recognises it can have multiple dimension: a) large-scale land acquisition; b) involvement of foreign governments; and c) negative impact on food security of the host country. <http://www.fao.org/docrep/011/ak241e/ak241e00.htm> accessed 15-6-2016.

Europeans owning, leasing or occupying land mirrored those applicable to Africans in the European Area.<sup>505</sup>

Land segregation was reinforced, and again, people were forcefully moved into the territories that were now known as Tribal Trust Lands.<sup>506</sup> Under this Act, the land was divided 50:50 between whites (including Asians, or Coloureds, or people of mixed parentage) and blacks, although the latter comprised 95 per cent of the total population.<sup>507</sup> Nonetheless, Prime Minister Smith insisted: "Different racial groups should be kept separate in the interest of peace and harmony"<sup>508</sup>.

Yet peace and harmony seemed a long way away, and land rights remained the most contested issue in the liberation struggle. The land issue was central to any initiatives aimed at resolving the crisis: it was the major stumbling block in pre-independence talks to negotiate peace, such as those held in Geneva (1976) and Malta (1978).<sup>509</sup> The social, economic and political relevance of land cannot be overemphasised: studies conducted in 1975 revealed that 40 per cent of rural men in the south east of the country aged between 16 and 30 were landless, even though land was the major source of livelihood.<sup>510</sup> It were these grievances that pitted 'haves' and 'have-nots' against one another, and formed the basis of a protracted struggle for land throughout the course of history in Zimbabwe.

After 1975, the war was becoming more and more difficult for Smith's armed forces.<sup>511</sup> In 1976, the ZANU and ZAPU had initiated a collaboration that intensified the militant struggle, which in turn gave birth to the Patriotic Front (PF). The urgency for a solution to the war was imminent and Smith desperately sought to resolve it internally. In 1979 a referendum asked the Europeans to approve a new constitution, which led to the installation of an African Prime Minister (Abel Muzorewa), the creation of a country called Zimbabwe-Rhodesia.<sup>512</sup> And a last act, the TTLA instated the chief as the sole 'tribal authority' to 'occupy or use the land for agricultural or residential purposes'<sup>513</sup>. Even though it instituted significant judicial say into land allocation and acquisition, it did little to ward off the on-going Chimurenga, which had spread throughout the territory. Under pressure from the UK, parties (the loosely aligned ZAPU and ZANU under the PF and Smith-Muzorewa) convened at the 1979 Lancaster House

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<sup>505</sup> C.J.M Zvobgo, 'Church and state in Rhodesia: From the Unilateral Declaration of Independence to the Pearce Commission, 1965-72', *Journal of African Studies* 31 (2005) 381-402, 387.

<sup>506</sup> Nyambara, 'Immigrants, 'traditional' leaders and the Rhodesian state', 774; M. Nyandoro, 'Zimbabwe's land struggles and land rights in historical perspective: The case of Gowe-Sanyati irrigation (1950-2000)', *Historia* 57 (2012) 298-349, 308.

<sup>507</sup> L.M. Zinyama, 'Post-independence land resettlement in Zimbabwe', *Geography: Journal of the Geographical Association* 67 (1982) 149-52, 149.

<sup>508</sup> Mupfuvi, 'Land to the people', 178.

<sup>509</sup> [http://www.zimembassy.se/land\\_reform\\_document.html](http://www.zimembassy.se/land_reform_document.html)

<sup>510</sup> C. Mushimbo, Land reform in post-independence Zimbabwe: a case of Britain's neo-colonial intransigence?, MA thesis Bowling Green State University (2005) 82.

<sup>511</sup> Martin, 'The rule of law in Zimbabwe', 245.

<sup>512</sup> Ibid., 245-6.

<sup>513</sup> Cheater, 'The ideology of 'communal' land tenure', 201.

Conference.<sup>514</sup> A ceasefire was signed and on the 17 January 1980, settler rule came to an end.<sup>515</sup>

### 5.1.6 Subconclusion

Ever since the Pioneer Column of European adventurers crossed the Limpopo River in 1890 the disposition of land between Europeans and Africans in Zimbabwe has been a matter of unremitting controversy.<sup>516</sup> Throughout the period from the First World War to the mid-fifties, “extreme settlerist land appropriation”<sup>517</sup> policies were focused on the achievement of possessory segregation between whites and other races, a progressive squeeze on African cultivators in white areas, and an attempt to canalise the pressure on scarce land resources in African areas by creating areas of individual African tenure.<sup>518</sup> A clearly demarcated class structure crystallised after the depression of the 1930’s<sup>519</sup>, with land as its primary segregating force. Land registration was suspended in the Native Land Husbandry Act in 1951, but by then the market as a means of land transfer had irreversibly been imported into the African reserves.<sup>520</sup> The NLHA was an example of the remedial power of legislative and administrative action imposed from above. The Act had little understanding of the human factors involved, and the complex problems of social and economic adjustments the implementation of the Act required.<sup>521</sup> Economic behaviour, for example by expanding land allocations, intensifying agriculture to adhere to ecological circumstances, or accept strong individual rights that are inheritable and ensure long-term access to plots of land, was constrained by colonial politics. After implementation of the NLHA, a constant negotiation between land scarcity and a political response to mitigate its effects took place. This led to reactionary land legislation during the 1960’s and 70s. Throughout the colonial history, Africans were assigned to live in respectively Native Reserves, African Reserves and Tribal Trust Lands<sup>522</sup>, where they were subjected to insecurity of tenure and the least attractive soils for agriculture. Futility to negotiate with the colonial government led to a wave of African nationalism, the creation of ZANU, ZAPU, PF and a decade-long violent struggle for redistribution of land in Zimbabwe – also referred to as the Third Chimurenga.<sup>523</sup>

## 5.2. Land rights in postcolonial Zimbabwe, 1980-2013

After 1980, land reform was shaped by the Lancaster House Agreement. This meant that from 1980 to 1996, a period that has become known as the Zimbabwean state’s *Land Reform and*

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<sup>514</sup> A. Novak, ‘Face-saving maneuvers and strong third-party mediation: The Lancaster House Conference on Zimbabwe-Rhodesia’, *International negotiation* 14 (2009) 149-74, 150-1.

<sup>515</sup> Martin, ‘The rule of law in Zimbabwe’ 246. For a more detailed reproduction of events, see e.g. Novak, ‘Face-saving maneuvers and strong third-party mediation’, 149-74.

<sup>516</sup> Floyd, ‘Land apportionment in Southern Rhodesia’, 566.

<sup>517</sup> Moyo, ‘The land question in southern Africa: a comparative review’, 62.

<sup>518</sup> Mosley, *The settler economies*, 29.

<sup>519</sup> Arrighi, ‘The political economy of Rhodesia’, 35.

<sup>520</sup> Mosley, *The settler economies*, 28.

<sup>521</sup> Holleman, *Chief, council, and commissioner*, 66, cited in Machingaidze, ‘Agrarian change from above’, 585.

<sup>522</sup> D. Pankhurst and S. Jacobs, ‘Land tenure, gender relations and agriculture production: the case of Zimbabwe’s peasantry’, in: J. Davison (ed.), *Agriculture, Women and Land* (Boulder 1988) 198-216, 204.

<sup>523</sup> B. Ikubolajeh Logan, ‘Land reform, ideology and urban food security: Zimbabwe’s Third Chimurenga’, *Tijdschrift voor Economische en Sociale Geografie* 98 (2007) 202-24.

*Resettlement Programme Phase I*<sup>524</sup>, policy was focused on redressing past grievances over land alienation and promoting equity and property rights.<sup>525</sup> Land redistribution had been a major obstacle during the negotiations in London, and eventually the British government assured, together with the United States, it would finance a post-independence land redistribution programme.<sup>526</sup> By means of the economic policy statement “Growth with Equity” which stipulated that “land is common heritage and no one should enjoy absolute ownership of it”<sup>527</sup> the first ten years of independence were dominated by macroeconomic growth<sup>528</sup> and rural development<sup>529</sup> policies, which overshadowed structural land reform.

### 5.2.1 New nation, new land rights?

One of the key aspects to achieve an egalitarian society was the redistribution of white-owned farming land to black farmers.<sup>530</sup> Yet the Lancaster House Constitution was heavily influenced by the British delegation during negotiations, and was designed to perpetuate British control of land in Zimbabwe. Hence, it did little to tackle the key issue of land ownership, which was still predominantly white. Moreover, although absolute white settler rule had come to an end, 20 per cent of seats in the House of Assembly were still allocated to 4 per cent of the European population. The ‘Property Rights Guarantee’ the new Constitution put forward was reminiscent of the one in the 1930 Land Apportionment Act: it stipulated a period of 10 years wherein no amendments could be made to, amongst others, property (i.e. land). This meant land could not be compulsorily acquired by the state. Anyone whose property the government wanted to acquire was granted access to the High Court, where the state would have to justify its reasons for acquisition – which would always be met with “full compensation... in a currency of his choice”<sup>531</sup>: an extremely costly process for a newly established nation-state. Another condition the Lancaster agreement introduced was the ‘willing seller, willing buyer’ clause, meaning there would be no expropriation of land by owners who wished to keep their farms.<sup>532</sup>

The context of this situation was a territory with clusters of overpopulated land versus large vacant plots of (fertile) land; either uncultivated but owned by large corporations, or a result of an outflow of settlers who had feared repercussions after independence.<sup>533</sup> In other words, the dual land regime virtually remained intact. According to the 1981 Communal Land Act, the former European Areas were renamed Large Scale Commercial Areas and were held as private property. The pre-1980 Reserves or Tribal Trust Lands became known as

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<sup>524</sup> S. Moyo, K. Helliker and T. Murisa (eds.), *Contested Terrain. Land reform and civil society in contemporary Zimbabwe* (Pietermaritzburg 2008) 11. The Lancaster Agreement itself would expire in April 1990, see R. Palmer, ‘Land reform in Zimbabwe 1980-1990’, *African Affairs* 89 (1990) 163-81, 166.

<sup>525</sup> Moyo et al., *Contested terrain*, 15.

<sup>526</sup> Zinyama, ‘Post-independent land resettlement in Zimbabwe’, 150.

<sup>527</sup> *Ibid.*, 150.

<sup>528</sup> S. Moyo, *Land reform under structural adjustment in Zimbabwe. Land use change in the Mashonaland Province* (Stockholm 2000) 14-16.

<sup>529</sup> B. Mbiba, ‘Communal land rights in Zimbabwe as state sanction and social control: A narrative’, *Africa: Journal of the International African Institute* 71 (2001) 426-48, 431.

<sup>530</sup> Zinyama, ‘Post-independent land resettlement in Zimbabwe’, 150.

<sup>531</sup> Martin, ‘The rule of law in Zimbabwe’, 247-8.

<sup>532</sup> Palmer, ‘Land reform in Zimbabwe 1980-1990’, 166; Zinyama, ‘Post-independence land resettlement in Zimbabwe’, 150.

<sup>533</sup> Palmer, ‘Land reform in Zimbabwe 1980-1990’, 169-70.

Communal Areas, where a system of communal tenure prevailed.<sup>534</sup> Because the Lancaster House Constitution constrained significant redistribution of land, land reform during the 1980s was confined to the issue of resettling black families and/or agricultural cooperatives onto land willingly sold by whites.<sup>535</sup> The government set itself the ambitious target of resettling a total of 162.000 households by 1984 yet, five years later by the end of 1989, only a total of 52.000 households had been resettled: just over 32 per cent of the aspired amount.<sup>536</sup>

During this same period two interrelated trends took place. First, the position of commercial farmers was strengthened. Second, peasant production was severely dismantled. In order to flee the war people had flocked into towns, forcefully leaving cultivated plots unattended.<sup>537</sup> Moreover, international sanctions against the UDI-government reduced incentives to produce export crops like tobacco and caused commercial farmers to concentrate on the domestic market. This meant an incursion into a market that was previously controlled by black peasants: maize.<sup>538</sup> At the beginning of the 80s, white commercial farmers produced 90 per cent of the country's food requirements, while peasant production had been deregulated and hampered by war, previous tenure restrictions and trade embargoes. Nonetheless, the 'post-white-settler colonial state' did give way to an aspiring black elite to share power with the established government.<sup>539</sup> Through political strongholds, a ruling black elite was able to acquire a significant number of farms.<sup>540</sup> According to Palmer, well over a million hectares fell into the hands of "senior members of the government"<sup>541</sup>.

The first ten years of independence were guided by a mitigated yet progressively egalitarian constitution, which opened up land markets and abolished the physical separation of races. But politically reconciliation consisted "not between the races, but with capital"<sup>542</sup>, giving way to the emergence of a ruling black elite. At the same time, privately-owned farms continued to dominate the land market and the government lacked the jurisdiction to acquire uncultivated yet fertile land for resettlement and redistribution purposes. A white minority of some 6000 farmers still held 39 per cent (15.5 million hectares) of the prime farmland, while one million black households were consigned to 41.4 per cent (16.4 million hectares) of marginal land.<sup>543</sup>

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<sup>534</sup> M.J. Spierenburg, *Strangers, spirits and land reforms: conflicts about land in Dande, Northern Zimbabwe* (Leiden 2004) 2-3.

<sup>535</sup> Palmer, 'Land reform in Zimbabwe 1980-1990', 167.

<sup>536</sup> *Ibid.*, 169.

<sup>537</sup> L. Zinyama and R. Whitlow, 'Changing patterns of population distribution in Zimbabwe', *GeoJournal* 13 (1986) 365-84, 379.

<sup>538</sup> Palmer, 'Land reform in Zimbabwe 1980-1990', 167.

<sup>539</sup> Moyo and Yeros, 'Land occupations and land reform in Zimbabwe', 173.

<sup>540</sup> The integration of a black elite into a capitalist class created new alliances and antagonisms: between the aspiring black bourgeoisie and white capital, but also within these groups themselves. Race *and* ethnicity were instrumentalised to either extract concessions, or monopolise (access to) markets. This culminated in an outbreak of violence between ZANU-PF and former PF-ZAPU guerrillas in Matabeleland from 1983-7. See more in Moyo and Yeros, 'Land occupations and land reform in Zimbabwe', 174 and A. Sibanda, 'The political situation', in: C. Stoneman (ed.), *Zimbabwe's prospects: Issues of race, class, state and capital in Southern Africa* (London 1988) 266-7.

<sup>541</sup> Palmer, 'Land reform in Zimbabwe 1980-1990', 170.

<sup>542</sup> Moyo and Yeros, 'Land occupations and land reform in Zimbabwe', 173.

<sup>543</sup> *Ibid.* 173-4.

### 5.2.2 From liberation to liberalisation

The expiration of the Lancaster House agreement<sup>544</sup>, intensifying cooperation with the World Bank and IMF, the end of the Cold War and the subsequent (global) collapse economic statism catalysed the launch of the Economic Structural Adjustment Programme (ESAP) in Zimbabwe in 1990.<sup>545</sup> Apart from the uniform programme of cuts in public spending, currency devaluation, liberalisation of prices, interest rates and trade, it meant the costs of production for petty-commodity producers rose, eroding farm incomes and making it very hard for smallholders to integrate into the liberalised market.<sup>546</sup> The deepening economic crisis pitted three main parties against each other in the land reform process after 1990. On the one hand there were the commercial farmers, whose property rights were safely guarded by Britain and the Supreme Court. On the other hand were landless peasants, including an assertive group of 'war veterans', who challenged these rights "in favour of historical justice". The government of Zimbabwe was in the middle.<sup>547</sup>

The 'willing seller, willing buyer' model was upheld and land remained a crucial issue to Zimbabweans and was duly used for election purposes in 1989. From 1990 onwards, the Zimbabwean government aspired to buy specific blocks of land to accommodate planned resettlement. The government felt the 'willing seller, willing buyer' principle had adequately protected white farmers' interests and had caused a skyrocketing of prices,<sup>548</sup> which made structural acquisition of land for the government impossible. Land redistribution seemed to have come to a halt.<sup>549</sup> As a result, land invasion by squatters intensified. This process had several drivers: a) escalating poverty and landlessness as a result of ongoing erosion of the economic basis of smallholders and the peasantry b) grievances over historical experiences during colonialism and c) despair in the Zimbabwean government, which was heavily influenced by British interests and a black elite unwilling to cut its new ties with capital, was not able to change the situation. The latter group did have a valid point, as studies point out the slow pace with which land reform had previously been executed: at the Administrative Court's rate of one appeal per day, the redistribution of 4000 farms would take at least another 30 years.

Still, patterns of population density made resettlement vital for economic recovery. Huisman & de Winther researched settler and squatter households in the Insiza District<sup>550</sup> between 1982-92, and found population density vary greatly between the different communal, resettlement and commercial land categories found in the district (see table 6). In the large-scale commercial farming areas the average figure amounts to 3,2 persons per square kilometre, in the resettlement areas it is 5.5; whereas the communal areas show an average density of 36,1 (with large variations, from 32,9 to 113,1). For the small-scale commercial farming areas a figure of 15,5 is reported.<sup>551</sup>

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<sup>544</sup> Palmer, 'Land reform in Zimbabwe 1980-1990', 166.

<sup>545</sup> Moyo and Yeros, 'Land occupations and land reform in Zimbabwe', 176.

<sup>546</sup> Ibid., 177.

<sup>547</sup> Mushimbo, Land reform in post-independence Zimbabwe, 99.

<sup>548</sup> Palmer, 'Land reform in Zimbabwe 1980-1990', 177.

<sup>549</sup> Mushimbo, 'Land reform in post-independence Zimbabwe', 94.

<sup>550</sup> The research area is situated 100 kilometres southeast of Bulawayo. See Huisman and de Winther, 4.

<sup>551</sup> H. Huisman and L. de Winther, 'Squatters and settlers in conflict? Land use rights and economic strategies of farming households in Zimbabwe', *Geographical Studies of Development and Resource Use* 3 (1998) 1-44, 5-7.

Table 6. Area and population size per land category in the Insiza District (absolute and in %) <sup>552</sup>

Land category	Surface area (km <sup>2</sup> )	Population number	Population density
Communal area	1.143 (14%)	41.294 (55%)	36,12
Resettlement area	1.263 (15%)	7.007 (9%)	5,55
Large scale commercial farming area	5.310 (65%)	19.281 (25%)	3,63
Small scale commercial farming area	531 (6%)	8.214 (11%)	15,47
<b>Total</b>	<b>8.247 (100%)</b>	<b>75.796 (100%)</b>	<b>15,18</b>

This population disbalance was compromised by the Land Acquisition Act (LAA) in 1992. The Act provided that:

- (i) Land, including utilized land, buildings and improvements to land, will be capable of being acquired for settlement, land reorganization, environmental conservation, utilization of natural resources, and the relocation of persons. Previously, only underutilized land could be acquired compulsorily for resettlement. Now any property could be compulsorily acquired for any purpose that the State requires.
- (ii) The compensation payable for compulsory acquisition will have to be “fair” and be paid “within a reasonable time.” Previously it had to be “adequate” and “paid promptly.”
- (iii) Parliament be allowed to specify the principles on which the amount of compensation for acquisition of land is to be assessed, to fix the amount of compensation in accordance with such principles, and to fix the period within which compensation is to be paid. <sup>553</sup>

The LAA was a compromise because it allowed the government to compulsorily acquire land, but still offered compensation. It was also a compromise between the market and the state. Moyo and Yeros observe that after the adoption of the LAA “...the market method would continue to prevail in the political process, as structural adjustment submerged the land question resolutely, but the two methods (state and market) would enter a period of open competition” <sup>554</sup>. The new policy enabled an increase of land acquisition by the black capitalist class yet overall land reform remained slow. The combination of the increased interest in land purchases, or “indigenisation of the land question” <sup>555</sup>, and the effects of the ESAP-programme the demand for land increased in both rural and urban areas. <sup>556</sup> As private and public jobs were shed due to liberalisation and budgetary cuts and real wages were reduced the demand for land and its natural resources led to new squatting trends in the 1990s. So-called national, provincial, and district squatter control committees were installed in 1992 and granted “the

<sup>552</sup> Ibid., 5.

<sup>553</sup> Commercial farmers’ Union Paper, 6, cited in Mushimbo, ‘Land reform in post-independence Zimbabwe’, 100.

<sup>554</sup> Moyo and Yeros, ‘Land occupations and land reform in Zimbabwe’, 185.

<sup>555</sup> Ibid., 185.

<sup>556</sup> Moyo, ‘The political economy of land acquisition and redistribution in Zimbabwe, 1990-1999’, *Journal of African Studies* 26 (2000) 5-28, 11.

land authority or owner” the jurisdiction to evict. Yeros observes describes this trend as follows:

In effect, this meant that the national land problem would be ‘parochialised’ on communal land and ‘privatised’ on commercial farms. And on this basis, mass evictions were repeatedly implemented under structural adjustment, in some cases involving hundreds of squatter families at a time, in a manner reminiscent of the methods of the white-settler colonial state.<sup>557</sup>

Severe droughts between 1990 and 1995 deepened poverty, and the economic problems increased the pressure for resettlement and forced both communal and commercial farmers to change strategies.<sup>558</sup> Communal farmers were found on commercial land where farmers had shifted to intensive agriculture, and land previously used for extensive cropping or grazing was left unused. At the same time, communal lands were becoming more ‘privatised’ through the penetration of commercial farmers operating under contract farming schemes. Hence, land reform was on-going, but often took place outside the official policy process by farmers who adjusted their strategies to the economic possibilities and restraints at hand.<sup>559</sup> A high population growth rate 2,2 per cent annually also had considerable impact on socio-economic conditions in the resettlement areas. Since the arable land base of these areas could be legally expanded nor subdivided, an increasing number of the new generation are forced to stay with their parents’ household, or have to opt for forms of squatting to provide an economic basis for their young households. In addition, due to the persistent lack of access to arable and grazing land elsewhere, other households have decided to move to resettlement areas and to illegally occupy land in an attempt to carve out a living.<sup>560</sup> As pressure on the land base progressed and competition between better-off farmers increases, both farmers and squatters were increasingly forced to further diversify their economic activities to increase the household cash-income, create employment, and increase food stocks.<sup>561</sup>

### 5.2.3 Amending the past, fast-tracking land reform

Even though there were signs of grassroots land reform, the state became pivotal in allocating land from 1997 onwards. Through mobilisation of grievances held by war veterans, urban-based trade union movements and large-scale commercial farmers the government was pulled into opposite directions.<sup>562</sup> The government’s previous inability to tackle the problems head-on was severely criticised by all parties, and the legitimacy of the ruling ZANU-PF as the “guardian of the nation” was challenged.<sup>563</sup> Notably the war veterans, who had never been

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<sup>557</sup> P. Yeros, ‘The political economy of civilisation: Peasant-workers in Zimbabwe and the Neo-colonial world’, PhD thesis, University of London (2000), cited in Moyo and Yeros, ‘Land occupations and land reform in Zimbabwe’, 186.

<sup>558</sup> I. Scoones, N. Marongwe, B. Mavedzenge, J. Mahenehene, F. Murumbarimba and C. Sukume, *Zimbabwe’s land reform. Myths & realities* (Oxford 2010) 19.

<sup>559</sup> *Ibid.*, 19.

<sup>560</sup> H. Huisman & L. de Winther, ‘Squatters and settlers in conflict? Land use and economic strategies of farming households in Zimbabwe’, *Geographical Studies of Development and Resource Use*, Utrecht University, 1998.

<sup>561</sup> Huisman & de Winther, 2.

<sup>562</sup> Scoones et al., *Zimbabwe’s land reform*, 20; Mushimbo, ‘Land reform in post-independence Zimbabwe’, 92.

<sup>563</sup> Moyo and Yeros, ‘Land occupations and land reform in Zimbabwe’, 186.



accommodated in the post-independent state and many of whom were living in poverty, favoured revolutionary land reform and were able to influence the ruling party.<sup>564</sup> In 1997, under the powers of the Land Act, the government announced 1.471 white-owned farms were to be acquired on a “compulsory and urgent” basis.<sup>565</sup> When the government’s action radius was limited through international pressure, “dissident local ruling party politicians, traditional leaders, displaced workers, and the war veterans” took it into their own hands to occupy high-profile plots of land.<sup>566</sup> Again, the government was walking a tightrope: this time between the international donors such as the World Bank and the British government, and its peasantry, who had been waiting for proper resettlement and land redistribution ever since Lancaster in 1979.

Throughout 1998-2000 farms continued to be invaded. The Land Reform and Resettlement Programme – Phase II was implemented, which meant five broad objectives were to be met: increasing tenure security to land users; promoting investment in land through the development of a (financial) infrastructure; enhancing environmental sustainability; retaining the core of large-scale commercial agricultural producers; and transferring 60 per cent of land from the commercial sector to the African population.<sup>567</sup> These goals were set to be reached during a phase of “inception” (1998-2000) and “expansion”(2001-2006). But during a 1998 donor conference, the government was unable to reach a coherent solution with international donors (especially the UK). The Zimbabwean government’s rationale, under increasing pressure to finally “get on” with land expropriation<sup>568</sup>, was that earlier land reform policies were restrained by factors beyond its control, and the popular expressions of land hunger spreading throughout the country had to be supported and “programmatised”. By 2000, white farmers and landowners still owned more than 20 per cent of the country’s fertile land.<sup>569</sup> With or without support from the internal community, something had to change, and land was the fulcrum of change. In that light, the government launched the Fast Track Land Resettlement Programme (FTLRP) in 2000. The FTLRP set out to accelerate all aspects of land reform, including the identification of 5 million hectares that were to be compulsorily acquired in order to satisfy the needs for resettlement.<sup>570</sup> The first phase of FTLRP was characterised by major and ‘illegal’ occupation of land by squatters, smallholders, and others fleeing the detrimental living circumstances of the reserves, and the designation of more than 3.000 farms for expropriation.<sup>571</sup> This ‘revolutionary phase’ lasted until June 2001, when during the second phase the government embarked on a period of ‘rationalisation of land reform’, when two land audits and a ‘correction’ exercise were held.<sup>572</sup> The broader political and

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<sup>564</sup> Moyo et al., *Contested terrain*, 17.

<sup>565</sup> Scoones et al., *Zimbabwe’s land reform*, 20 ; Moyo et al., *Contested terrain*, 17. For a more in-depth analysis of the government’s decision, see Moyo and Yeros, ‘Land occupations and land reform in Zimbabwe’, 186-7.

<sup>566</sup> Moyo en Yeros, ‘Land occupations and land reform in Zimbabwe’, 187.

<sup>567</sup> Ikubolajeh Logan, ‘Land reform, ideology and urban food security,’ 207.

<sup>568</sup> S. Moyo, ‘Land reform and redistribution in Zimbabwe since 1980’, in: S. Moyo, *Land and agrarian reform in Zimbabwe. Beyond white-settler capitalism* (Dakar 2013) 29-78, 35.

<sup>569</sup> R. Pilosof, ‘Possibilities and constraints of market-led land reforms in Southern Africa: An analysis of transfers of farmland in postcolonial Zimbabwe, 1980-2000’, *Journal of Agrarian Change* 16 (2016) 32-49, 33.

<sup>570</sup> Ikubolajeh Logan, ‘Land reform, ideology and urban food security’, 207.

<sup>571</sup> Moyo, ‘Land reform and redistribution in Zimbabwe since 1980’, 35.

<sup>572</sup> *Ibid.*, 36.

economic context in which these developments in land reform played out became increasingly dramatic. The spectrum became increasingly polarised between those who welcomed a reversal of a dual land system and those who condemned it.<sup>573</sup> The dominant ZANU-PF suffered losses during elections to the Movement for Democratic Change (MDC), and the political spectrum not only became increasingly polarised, but increasingly violent. The war between factions looking to gain access to the political sphere of influence or maintain the status quo was played out on the countryside, enhanced by a severe economic crisis.<sup>574</sup> Unemployed and landless youth found war veterans and thugs who either shared or exploited their grievances and more and more farms were alienated. Violence as a means to this end was not eschewed. Since 2000, 7 million hectares have been taken over through the FTLRP.<sup>575</sup> By 2009, 6.571 farms had been identified by the government for seizure. In the same year, only 400 white-owned commercial farms remained in Zimbabwe.<sup>576</sup>

As Ikubolajeh Logan notes, land reform transitioned from the economic into the political domain. The FTLRP marks the final transition in the evolution of Zimbabwe's land reform. Its radical, transformative agenda located land reform at the heart of the national political discourse, "repackaged and resold as the core of Zimbabwean nationalism".<sup>577</sup> In September 2008, the ZANU-PF and the Movement for Democratic Change (MDC) signed a power-sharing agreement. The agreement highlighted land was the most important issue and addressed the continued inequities of land distribution and low agricultural productivity. The parties agreed that the process of land confiscation as conducted in the FTLRP would continue, compensation for taken land should primarily come from its former colonial regime, the United Kingdom, and further redistributive land reforms are necessary.<sup>578</sup> It provides a right to property and recognises customary law. By now, a heterodox and complex field of land rights had evolved, with a transference of customary tenure in the communal areas to local government authorities, back to a traditional authority regime after 1998. Currently, three different tenure types exist: freehold ownership; rights of occupancy to land in communal areas; and 99-year leaseholds to land granted by the government by means of various redistribution schemes.<sup>579</sup> The latter either apply to A1 or A2 land – A1 is located in or around villages and consists of parcels up to 5 hectares. A2 comes in parcels from 2 to 2000 hectares, is intended for commercial farming and is only granted to individuals who can

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<sup>573</sup> It goes without saying that this debate was more intricate than this simplified contradiction. For an elaborate representation that does justice to its complexities, see e.g. M. Mamdani, *Lessons of Zimbabwe* (London 2008) 17–21; L. Cliffe, J. Alexander, B. Cousins & R. Gaidzanwa, 'An overview of Fast Track Land Reform in Zimbabwe: editorial introduction', *The Journal of Peasant Studies* 38 (2011) 907–38; Moyo, 'Land reform and redistribution in Zimbabwe since 1980', 29–71 and Zvobgo, *A History of Zimbabwe*, 306–58.

<sup>574</sup> By 2004, Zimbabwe's suffered a deep economic crisis. 80 per cent of the population were living below the national poverty line, and only 6 per cent held jobs in the formal sector. Debate continues as to whether the economic meltdown was caused by the shape and direction of land reform or vice versa; and how, if at all, these processes interrelate. See Cliffe et al., 'An overview of Fast Track Land Reform in Zimbabwe', 907.

<sup>575</sup> Scoones et al., *Zimbabwe's land reform*, 3.

<sup>576</sup> [http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Zimbabwe\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Zimbabwe_Profile.pdf), 5.

<sup>577</sup> Ikubolajeh Logan, 'Land reform, ideology and urban food security', 207.

<sup>578</sup> USAID, Land tenure profile Zimbabwe, 1.

<sup>579</sup> *Ibid.*, 6.

demonstrate proper skills and resources.<sup>580</sup> Land in communal areas is vested in the President; occupancy and use are administered through Rural District Councils, who, in turn, communicate with chiefs.

Land rights in Zimbabwe are insecure. Commercial farmers continue to fear spontaneous occupation, and many who have obtained land after independence have done so hastily and often outside the realm of legal process. Since land is so intertwined with Zimbabwe's political as well as economic status, all groups are vulnerable to fickleness by the government or the (international) economy, as it can have a profound effect on the source that sustains their livelihoods: the land.

### 5.3 Subconclusion

Lancaster was a product of a compromise between coloniser and colonised: a legal framework which restricted the reformation of existing institutions and perpetuated existing (colonial) property rights, in exchange for independence. During the 80's reform was focused on macroeconomic repair and largely left the land question alone. When the Lancaster Constitution expired in 1990, the introduction of ESAP severely hampered the process of land redistribution, while a (further) liberalisation of policies and integration of Zimbabwe into the global economy widened class relations, now not only between black and white, but between those who had access to capital and those who did not. Especially to the latter, the most important factor endowment continued to be land. The nineties were a period of ambiguity and new contradictions in land policy in Zimbabwe.<sup>581</sup> Market and state were to cooperate, but rarely found a middle ground. The question of land hovered in between: politics and economy both attempted to contain the question of land reform, with the result that neither was truly able to grasp it.

Yet market led-agrarian reforms have been largely disappointing<sup>582</sup>, and the desire for land became further enhanced. Commercial farmers were focused on export and capital accumulation, while smallholders were becoming simultaneously more dependent on land (because of rising unemployment) whilst also increasingly landless (because of rising prices and protected property rights of large-scale farms). Squatting became a pressing problem. Combined with droughts, it fuelled the mobilisation of radical land reclamation movements, who were waiting for their government to take action. Post-independence land reform intended to redress colonial land dispossession and the related politics of racial domination. By broadening access to land and promoting smallholder productivity, reform sought to eliminate agrarian inequalities that were promoted by minority-rule.<sup>583</sup> But policies, such as the FTLRP, were contested, fickle and sometimes even violent. The Zimbabwean state was paralysed, this time not only by international stakeholders or the global economy, but also by internal power struggles, with an increased role for ethnic competition over resources. Political interests became intertwined with the land question, making it an extremely complicated arena where land rights continue to be insecure.

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<sup>580</sup> Moyo, 'Land reform and redistribution in Zimbabwe since 1980', 72. Economic crisis and political contestation over land have made the distinction between these two often less clear than stipulated by law.

<sup>581</sup> Moyo and Yeros, 'Land occupations and land reform in Zimbabwe', 177.

<sup>582</sup> Pilosof, 'Possibilities and constraints of market-led land reforms in Southern Africa', 32.

<sup>583</sup> Moyo, 'Land reform and redistribution in Zimbabwe since 1980', 30.

## 6. CONCLUSION

This thesis set out to verify the hypothesis that an area with a dense population will develop a system of land rights with stronger, more individual rights to land than an area with a sparse population. This has been done by comparing sparsely, densely and moderately populated territories with a similar colonial history throughout the course of the institutionalisation of formal land rights. It aims to reassess the hypothetical relationship between people and land in Sub-Saharan Africa, an area that has mostly featured as a side-track in global economic historiography. Malawi, Zambia and Zimbabwe have proven to be telling cases, providing insight into the question whether, in these cases, the density of population matters to the construction of property rights to land. In this final chapter, the findings from the previous chapters will be compared, similarities and differences will be noted, and an explanation for their roots is proposed.

### 6.1 Comparing the cases: connections and distinctions

In order to answer the thesis question how population density affected land rights in Zambia, Malawi and Zimbabwe, their resemblances and divergences in development over time and under different population pressures must be noted. In this section, the case studies will be connected and deductions will be made from the insights that were presented in the previous chapters, ordered by relevant topic.

#### **Land, labour and power**

For all three countries, control over land meant political power; whereas landlessness equalled powerlessness. All three nations were (the one to a lesser extent than the other) economically dependent upon agriculture, which made the growth of the agricultural sector, and hence control over its key resource, vital.

In Zambia two factors restricted agricultural growth throughout the period studied: the sparseness of population and the scarcity of fertile land. The land rights system, which ensured private ownership of land, was created by (and for) the European and inevitably led to a highly unequal, clearly separated land rights system which gave the small European minority access to the most fertile land, while the overwhelming majority of the black African population were excluded from the right to own land. However the widely dispersed population made resistance ineffective. From the time of the arrival of the settlers the sparseness of the population had another noteworthy effect on colonial land policy: the necessity to compel people to engage in wage labour. This predicament, experienced as such by the settlers and colonialist, was solved through the artificial creation of land scarcity through the installation of Reserves and the monetisation of the economy, enforced through taxation.

This process was most vigorously deployed in Zimbabwe, where the African population was neither dense nor sparse, and they could therefore exercise considerable resistance to resettlement and extraction policies. They did resist (from the beginning onwards; illustrated by the First Chimurenga) and means were introduced whereby the population was subdued both spatially (through designated land) and judicially (through a division between

European/private and African/customary legal systems).<sup>584</sup>

In Malawi, the population density had a different effect on policies regarding land and labour. Malawi's dependency on export crops made labour of crucial importance to planters. Since Malawians were not willing to tie themselves to labour and were not as easily displaced as their Zambian and Zimbabwean counterparts, a different system arose: they were coerced into labour and tenancy relations through the manipulation of the native system of thangata. The development of Reserves in Malawi was not at all as pervasive as in Zambia and Zimbabwe and population was tied to labour through tenancy relations whereby people resided on or near the plantation.

From the beginning of colonial times onwards and as a direct result of population density Malawi developed its labour market differently from Zambia and Zimbabwe: rather than through the creation Reserves, labour was ensured through the manipulation of thangata. Nonetheless, all systems in all three countries served a similar purpose. From the beginning of colonialism, the ties Africans had with their land were broken. This was most directly implemented through thangata in Malawi, and least aggressively in Zambia, where people's dependency on land did not pose a direct threat to the expansion of the colonial economy. In Malawi, colonial administrators and plantation-holders successfully marginalised traditional leaders and smallholders through the system of marketable labour (first thangata and later share-cropping and tenancy), breaking all relations people had with the land by making them dependent on labour to subsist. In Zimbabwe, the NLHA significantly contributed to the detachment of people from their land forcing them to rely on labour. Overcrowding on Reserve land led to severe and irreversible ecological degradation, further undermining the relationship the people held with the land. Ecological collapse led to further dependency on the labour market and hence increased colonial grip over the population. Breaking peoples' relationship with land meant breaking their ability to resist colonial rule: an assertion that is illustrated by the colonial administrations constant battle between dissociating people from the land, while also trying to maintain a lucrative economy – a dilemma which had already proven fatal to the BSAC. The different systems, although all supplying labour, also served different economies: a settler economy in Zimbabwe, a plantation economy in Malawi and an extractive mining economy in Zambia.

### Race, class and dual tenure systems

From the very beginning of colonial rule in all three countries, British law was guiding, and race was instrumental in the allocation of land. In Zambia, freehold tenure was easily available for European settlers: land was ample, and a European system of freehold tenure easily imported. The availability of land was used to attract more farmers and enhance the budding agricultural sector. Yet, from the very beginning, it was hard for Africans to acquire land due to a dual system of ownership, which refracted patterns of ownership, with a clear demarcation on European and African lines. The dual system, with a division between individual (European) versus communal (African) tenure at its core, was further solidified through the installation of Native Reserves in 1928 and Native Trust Land in 1947. The emphasis the colonial government

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<sup>584</sup> The emphasis on the differences between these systems by the colonial governments (in all countries), which were often based on (conscious or not) misconceptions, is explored under the topic of Traditional Authority.

placed on 'protecting' indigenous systems of communal rights contributed to the legal separation of races, and thereby promoted a continuation of the European stronghold on land. This appropriation was implemented mostly in Zimbabwe, which, for its fertile land and averagely dense population, appeared an agricultural paradise for the settler population. Land appropriation here was extensive and had become fully integrated in law by the mid-fifties. The legal tenure separation that accompanied the physical separation of land was present in all three territories, regardless of population density and it continued to determine land rights after independence. In post-independence Zimbabwe, reform was most severely obstructed due to the continued British interference and the Lancaster House agreement. Also at this time, structural adjustment and a privileged group of Africans, who had been able to associate themselves with the capitalist class of owners, hampered post-independent land reform and redistribution. This group had been able to work their way up the ladder by closely aligning themselves with colonial/settler-state decision makers (stimulated by the colonial governments) and had little incentives to climb back down again, illustrated by, for example, Banda's personal relations with large-scale maize producers.<sup>585</sup> The formation and empowerment of this new class of entrepreneurs was comparable in the three countries, and hence, the density of population had little effect on its construction. Rather, it was a political effect of a colonial government seeking support for maintaining a divisive land policy.

Settler economies were buttressed by control over territory. The growth of the colonial state in all three territories went hand in hand with restrictions on freehold tenure, and an attempted move towards leasehold - a legal way to retain control over land. This is exemplified in the paternalistic policies during the fifties, whereby control over land was only granted to Africans after a probationary period during which they were to demonstrate their 'farming skills', for example stipulated in the 1956 Zambian Agricultural Lands Bill. Note that even if this period was bridged, only leaseholds were granted. Yet leasehold was more laborious to administer, something that was not possible especially in Zambia with its wide spread population and the lean colonial administration. A move to leasehold was attempted by installing Trust Land from 1947 onwards, whereupon leaseholds could be granted to European farmers. Yet the strong grip European farmers already had on their land, combined with a) the absence of an administration that could accommodate the distribution of long-term leasehold and b) a financial credit market favouring individual, freehold tenure, ensured European farmers continued to hold freehold title, and the African population continued to be deprived of any legal title whatsoever.

In none of the countries studied did post-independent land policy (1995 Land Act in Zambia, 1965 New Land Bill in Malawi, 1981 Communal Land Act in Zimbabwe) break the dual system. Resettlement schemes were implemented in all three countries to counter landlessness and overpopulation. In Malawi, nationalism and economic socialism dictated post-colonial land tenure policy, and during the early years of the Kaunda regime in Zambia, all Crown lands were renamed State lands.<sup>586</sup> Both these processes gave the state far-reaching instruments to control land: freehold became leasehold, and land lost its intrinsic value. It is interesting to note in this study that the most sparsely populated country, Zambia, has enjoyed the least

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<sup>585</sup> W. Moseley, Paradoxical constraints to agricultural intensification in Malawi: The interplay between labor, land and policy, The University of Georgia Department of Geography Discussion paper series (2000) 14.

<sup>586</sup> Brown, 'Contestation, confusion and corruption', 83.

extent of privatised rights and has mostly enjoyed a continuation of land rights systems that were already in place before colonial interference. This was mostly due to the inequality on the land market. Even though socialist land reform of the seventies was repealed in the mid-nineties, reinstating private property rights, it changed little for the 93 per cent of the population living under customary tenure. Zambia's economy is very lopsided, with 80 per cent of the rural population making a living through subsistence farming on customary land. Its 1.1 million small-scale farm households cultivate on average just one hectare each. Only about 2000 large-scale farmers cultivate 20 hectares or more.<sup>587</sup>

Moreover, in all countries, class became equivalent with land ownership. A small elite emerged backed by the legal prerogative to own land, while the majority of population was excluded from the land market, severely impeding their ability to participate in the formal economy. Class relations were further widened by the structural adjustment programmes that were implemented in all countries in the wake of independence, since the government's authority to tackle colonial inequities was minimised, while the market (which was severely influenced by a colonial legacy of preconditions and incentives favouring a ruling class) did little to solve landlessness and structural poverty as land prices rose.

### Land markets

In Malawi, population density ensured that land had always been a valuable commodity. Before the first Europeans arrived, rules and regulations guiding the ownership, inheritance and occupancy of land were already in place. In the middle and south of the country, matrilineal allocation generally meant smaller plot-sizes but equitable distribution, while in the north of the country patrilineal inheritance ensured more long-term rights to land. Processes of monetisation and the introduction of land markets has severely influenced these systems during colonialism, only to be further expanded upon after independence. By then, traditional systems were further eroded as land markets invigorated, and, justifying the demise of TA's, the idea that communal land rights were unfit to stimulate agricultural growth remained unchallenged.

The antithesis between customary and private systems is explicitly present in all cases. It is a contradiction that was effectively manipulated by the colonial government to enlarge rather than reduce differences between both systems, and therefore between race and class. It disregarded land rights as the 'bundle of sticks' it represents<sup>588</sup>, and the fact land itself as incapable of ownership, whereby only interests in land can be owned. In densely populated areas, ownership is often layered and complex, whereby the chiefs, family-members and TA's or senior chiefs all have a say in the sale or division of a field. Ownership is fractured and mostly determined by inheritance, resembling peasant economies in Europe. Access to land influences all and is therefore an event that involves the entire community. Land ownership, in this sense, is fluid, renegotiable. This fluid relationship between the individual, the community, and the rights it generates was never acknowledged by the colonial administrations. Rather, the pre-colonial set of informal rules and regulations determining access to resources was, with all its ambiguities, incorporated into the colonial framework. It has continuously been

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<sup>587</sup> USAID land tenure report Zambia, 1.

<sup>588</sup> In this analogy, land ownership is compared to a bundle of sticks, whereby not all are of the same length or thickness. All the sticks (i.e. the entire bundle) can be owned by one person or separate sticks can be owned by separate persons. The owner can also be a group of persons such as a family, a clan, a village, etc.

emphasised as the answer to contestations over resources, and became a terrain where conflicting interests by communities, families, individuals, was played out. The struggle for land impacted traditional structures of authority in all countries - a discrepancy that was continued during postcolonial times.

Land markets, in the cases studied, have always emphasised private property rights as the only means to secure land rights, thereby overlooking the safety nets built into systems of communal ownership. In Malawi population density had ensured there was always a demand for land by the population, something that was remarkably different in Zimbabwe and Zambia. In Zambia, labour constraints were a constant problem for the expansion of the agricultural sector, and during colonialism the pressing demand for labour induced repressive measures to manipulate the labour market through interventions on the land market.<sup>589</sup> This meant that where there was no intrinsic market for land, like in the Zambian but also in the Zimbabwean case, an artificial scarcity was created by the colonial government. In Zambia, market based land redistribution became the dominant approach to land reform from the 1980's onwards.<sup>590</sup> Even though control over land was centralised in 1975, allocation of land rights continued to be carried out by chiefs and headman. Access to rural land continued to be linked to the negotiation of settlement rights and village allegiances.<sup>591</sup> Pre-colonial systems of tenure remained more in Zambia than Malawi or Zimbabwe.

### Civil society

The demand for comprehensive redistribution of land was crucial to African resistance movement in Zambia, Zimbabwe and Malawi alike. Economic decline sparked the rise of African resistance movements, for one illustrated by the post-copper decline in copper prices in Zambia. In Zimbabwe, the creation of Native Purchase Areas were an example of reactionary policy aiming to accommodate African grievances, and to a certain extent led to a new class of "reserve entrepreneurs" who in turn became economically empowered and actively involved in shaping resistance, for example through the ANC and the NDP. Population density seems crucial here: it was the number of Africans posing a threat to the government in Zimbabwe, which eventually led to the publication of two controversial and ominous reports by 1960, warning for the effects of on-going marginalisation of Africans. In Malawi, the efforts to accommodate African interests were greater than in either Zambia or Zimbabwe. Even during colonialism, hardship was faced by the government through the population's leverage in demanding more representation and most of all, more land, culminating in the 1953 Tennen uprising. The already tentative move towards granting more grip on land was legally enshrined in the 1962 Private Estates Bill, giving Malawians the most agency over land of all three cases studies. Hence, Malawi has seen a strong opposition from civil society, rooted in the leverage the population had over the government determining land allocation and its administration; Zambia knew relatively little land disputes, but a severely unequal land market, and Zimbabwe experienced both an unequal land market where a small elite monopolised private ownership of land, while also displaying land disputes as a result of the dual system installed.

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<sup>589</sup> Frankema, 'The colonial roots of land inequality', 445.

<sup>590</sup> Brown, 'Contestation, confusion and corruption', 79.

<sup>591</sup> Berry, *No condition is permanent*, 129.



### 6.1.2 Connecting the dots

In all, there are both similarities as well as differences in the system of land rights to be noted between the three countries, which, at a certain point in history, have been governed by the same coloniser. Land was a prime factor in all three countries, shaping class interaction, land markets and resistance movements, which, in turn, affected land rights. Population proves to be a factor of influence, since relative density of population from the very beginning affected the way the settler population appropriated land. Settler economies were buttressed by control over territory. Answering the thesis question: population density, thus, did influence land rights to a certain extent, mostly in the realm of civil society, and the intention and direction of colonial policies and their legacy. The pre-colonial fluid borders and a system of land rights whereby ownership was determined by an individual's adherence to a community were impacted by a colonial entity aiming for economic profits with as little investment as possible. This desire had disastrous effects on the populations of Zambia, Zimbabwe and Malawi; albeit in different ways. The sparse population density in Zambia enabled the colonial government to displace populations with ease and compel them to work as labourers in mining and agriculture. Land rights were undeniably influenced, and were for a period of time in the hands of the postcolonial state altogether. But the impact of the land rights system was smallest in Zambia, as the colonial economy and its dual system caused a severely unequal economy, deriving its roots from private versus customary land ownership. A small elite developed with secured access to the most fertile plots, while the overwhelming majority of the population continued to live in a subsistence economy, making a living of small plots under the guidance of TA's.

Malawi's dense population influenced land rights differently. The population was forced to grant labour, yet retained a considerable grip on their land. Their numbers were harder to contain which posed a greater threat to the colonial government. Whereby, in this thesis, the discrepancy between little agency over land rights by the Zambians contrasted with the considerable leverage Malawians held on their land, partly affirms the hypothesis whereby denser population leads to more secure land rights: although a move to fully private, individual land rights failed to occur, Malawians did influence their land rights systems to a greater degree than their Zambian counterparts.

Zimbabwe's land history poses interesting insights as well. The combination of both dynamics above, namely a government attempting to retain the population and a strong demand from the population for more rights

## 6.2 General conclusions

The securitisation and privatisation of property rights is not a natural occurrence.<sup>592</sup> The chapters in this study have shown an intricate relationship between population, its relative density, land, and the influences of colonialism. The previous section (6.1) has highlighted the differences as well as similarities between Zambia, Zimbabwe and Malawi, providing insight into the effect of population density on the development of land rights. It has concluded that population is of influence to the development of land rights in these particular contexts, outlined and described by the various themes it has affected. In this final analytical section, building on the findings described and analysed in the consecutive chapters of this study,

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<sup>592</sup> For more, see R. Levine, 'Law, endowments and property rights', *Journal of Economic Perspectives* 19 (2005) 61-88, 61.

general conclusions are presented following from the aforementioned results, together with a concise contextualisation.

*The colonial state imposed political constraints on economic behaviour, curbing the development of land rights*

Politics and economy are intrinsically linked in the context of these three countries. Zinyama and Whitlow over Zimbabwe argue “In numerical terms, geographical distribution, rate of growth and environmental impact, the African population exerts the greatest influence on present and future development prospects in the country”. Although small in numerical terms, Europeans exercised political and economic control of the system of land rights from the time of colonisation to the attainment of independence by the African majority. This control was complete in Zambia and Zimbabwe, and more comprised in Malawi. An exceptional legacy of the colonial period is the division of land on racial lines, a policy commencing in 1894 in Zimbabwe and culminating in the Land Tenure Act of 1970. Zinyama and Whitlow argue over Zimbabwe: “The apportionment of land, by determining where each racial group could reside and on what terms, is the greatest single factor that has influenced the distribution of population in the country”<sup>593</sup>.

Colonial policies, most notably in Malawi, encouraged the removal of labour from the subsistence economy, and thereby interfered with the ‘normal process’ of intensification, as described by Boserup. Extensive agricultural practices continued because labour was continuously removed from the local economy, creating patterns of dependency. Further distortion of a ‘natural’ development as a result of population pressures on land was sculpted through land apartheid. In other words, population density is not a dominating factor when there is a politically and economically level playing field, yet in a severely skewed society where economic and political power is held by a minority, population forces are absorbed and curbed – with more success in a less than a more densely populated area.

*Individual land title is not always the most optimal way to access land in an economy with limited access to credit and no marketing infrastructure*

Individual title is not necessarily a guarantee for agricultural development in an economy where there is limited access to credit and no marketing infrastructure. Individual ownership is therefore not the most optimal way to access land. Malawians may not have chosen for individual rights of ownership of land if they had been given the option to do so; they have always had agency in the history of their land division. An explanation for their reluctance to adopt private land rights (in line with the European development, great security, negotiability, a more robust land market) is that a simple conversion of titles cannot bring about agricultural development; land reform must be accompanied by the availability of credit and improved

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<sup>593</sup> Zinyama and Whitlow, ‘Changing patterns of population distribution in Zimbabwe’, 365.

marketing infrastructures.<sup>594</sup> Moreover, there must be sufficient heterogeneity such that at single market price where there are both willing sellers and willing buyers.<sup>595</sup>

### 6.3 Suggestions for further research

Relationships between population and land are of crucial importance to Africa. Understanding them continues to present a major intellectual challenge. This study has found that looking at population density renders rewarding conclusions: it is a factor that has contributed to the current shape and direction of land policy, and all the other aspects of society and economy that are, in turn, affected by it. This study could not fathom all those aspects, their nuances and interactions, and therefore, some of them will be shortly explored in this section with the intention to possibly inspire more research and a deeper understanding of the relationship between land ownership and population density.

First of all, this thesis focused on the qualitative aspects of land division in three former British colonies and the question: how population density affected laws regarding land and how this was answered by looking directly at how these laws came into being. Insight into that process was provided by archival sources - the subject would however benefit from a quantitative approach. A regression analysis could be made with data on population density and cadastral data on plot sizes or data on agricultural production, such as profits or investments. Does population density affect the size and profitability of farms in these regions? This could contribute to a better understanding of land use, land markets, land security and patterns of inheritance, thereby adding to the debate on people and land.

Secondly, the colonial state and its legacy have been mentioned as a decisive actor in shaping socio-economic conditions for growth: not only in this thesis, but by studies throughout this field of research.<sup>596</sup> The idea that African states somehow structurally impede growth is epitomised in the concept of 'failed states'; and apart from the fact that European colonial forces practically drew the African borders and hence imposed stringent exogenous determinants on present-day African states, the nature of the 'African state' entity has been described as highly predatory.<sup>597</sup> The colonial state engaged in rent seeking and the redistribution of resources from the rural poor to the urban elites.<sup>598</sup> Yet, the colonial entities that came to govern African states were often ruled by economic efficiency as well. Hence, it is the question whether the gatekeeper state is a cause or a result of economic circumstances in the colonies. As a multitude of studies show, there is no unequivocal interpretation of the form and demeanour of the European state in Africa. Whether the shape and conduct of the colonial state were a result of 'ground' factors such as demographics and geography, or whether the colonial state in turn was able to curb such endowments according to its liking remains to be answered.

Thirdly, insights can be generated by looking at the interaction between civil society

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<sup>594</sup> Ng'ong'ola, 'The design and implementation of customary land reforms', 131.

<sup>595</sup> F.J. Zimmerman and M.R. Carter, 'Asset smoothing, consumption smoothing and the reproduction of inequality under risk and subsistence constraints', *Journal of Development Economics* 71 (2003) 233-60, 243.

<sup>596</sup> E.g. explored in G.N. Price, 'Economic growth in a cross-section of Nonindustrial countries: Does colonial heritage matter for Africa?', *Review of Development Economics* 7 (2003) 478-95.

<sup>597</sup> E. Frankema, 'Colonial taxation and government spending in British Africa, 1880-1940: Maximizing revenue or minimizing effort?', *Explorations in Economic History* 48 (2011) 136-49, 136.

<sup>598</sup> Frankema, 'The colonial roots of land inequality', 420.

movement and the change of land policy. To ask whether population density matters for land rights or any other social construction, is implicitly a question whether people can organise themselves when policies or institutions do not work in their favour. How do groups who win, and those who lose, interact, in the realm of population density and land rights? In the cases studied in this thesis, there was noticeably more resistance to marginalising land policy in densely populated areas (Malawi) than in an area with few people per square kilometre (Zambia). Hence, how did social mobilisation shape state action towards accommodating demand concerning land?

Lastly, more understanding into the workings of private property in developing economies is relevant and valuable. While World Bank and IMF programmes (as described in this thesis as well) have mostly focused on privatisation and the promotion of secure rights to land, or other property such as real estate, recent studies have criticised this approach, outlining the poverty trap. How come a move towards individual tenure did not bring progress, as has been proven by the effects of various moves towards individual tenure in Zimbabwe and Malawi? It suggests that a lack of individual tenure could be a blessing in disguise, since a rural landless class has been established as a result of the vigour of a land market hailing private ownership.

# BIBLIOGRAPHY

## Primary sources

### Cabinet Papers (CAB)

CAB 24/160. Report of the Judicial Committee of the Privy Council as to the ownership of unalienated lands in Southern Rhodesia (1918), via <http://filestore.nationalarchives.gov.uk/pdfs/small/cab-24-160-CP-201.pdf>.

### The National Archives (TNA), Public Records Office (PRO), Kew, London, United Kingdom Colonial Office (CO)

CO 105/596: European land tenure in Northern Rhodesia.

CO 323/854/41. Nyasaland Protectorate Blue Book report: Original Correspondence from Governor Smith Despatch no. 164 (25 April 1921).

CO 417. High Commission for South Africa: Original Correspondence.

CO 417/321. Original Correspondence: Despatches Bechaunaland Prot. and Rhodesia (1902).

CO 417/500. Original correspondence: Rhodesia Census Office (13 September 1911).

CO 452/23-42. Blue Books of Statistics. Nyasaland Miscellanea. 1921-1939.

CO 525/160. Original Correspondence: Despatch to Governor Sir Harold Kittermaster (27 April 1936).

CO 525/184/10. Nyasaland Protectorate (Native Trust land) (Amendment) Order in Council (1940).

CO 603. Southern Rhodesia Sessional Papers: Report of the Director of Agriculture for the Year Ended (31 December 1910).

CO 603/6 Council Papers: Report of the Department of Agriculture (1905).

CO 795/101/4: Land policy: British South Africa Company's divisible land revenue; question of allocations to Native Reserves Fund.

CO 795/101/14. Original Correspondence: Justice of the Peace Amendment Ordinance (1937).

CO 955/50. European land tenure in Africa.

CO 105/596: European land tenure in Northern Rhodesia.

CO 1015/11: Annual reports of the Agricultural Department of Northern Rhodesia.

CO 1015/597: European land tenure in Northern Rhodesia.

CO 1015/910: Agricultural land legislation in Northern Rhodesia.

CO 1015/1433: Legislation on use land for agriculture in Northern Rhodesia.

CO 1018/49: Lord Hailey: papers.

CO 1047/802, 'Northern Rhodesia'. Subtitled 'European settlement' (1927).

### **TNA PRO Dominions Office (DO)**

DO 35/354/3. Original Correspondence: Southern Rhodesia Land Apportionment Act.

DO 35/354/3. Report of the Select Committee on Resettlement of Natives.

DO 35/1169. Report of the commission to enquire into the conditions prevailing, etc., in the pasturage of the colony. Southern Rhodesia (1943).

Do 35/1169. Natural Resources Board Memorandum on the Conservation of Natural Resources on the Land Occupied by Natives.

DO 123. Sessional Papers: Federation of Rhodesia and Nyasaland.

DO 154/37. Land apportionment legislation for Southern Rhodesia: Land other than Native Reserves.

DO 154/37. Native Land Husbandry Act.

### **TNA PRO Foreign Office (FO)**

FO 881/5847X. Africa: Drafter Charter British South Africa Company. Charter of incorporation of the British South Africa Company, article 3. (29 October 1889).

### **TNA PRO Home Office (HO)**

HO 45/10438/B7326. Charters: British South Africa Company.

## Secondary sources

- Adams, M., S. Sibanda and S. Turner, 'Land tenure reform and rural livelihoods in Southern Africa', *Natural resource perspectives* 39 (1999) 1-15.
- Arntzen J. W., L.D. Ngcongco and S. D. Turner (eds.), *Land policy and agriculture in Eastern and Southern Africa* (New York 1986).
- Arrighi, G., 'The political economy of Rhodesia', *New Left Review* 39 (1966) 35-65.
- Binda, A., *The Saints: the Rhodesian light infantry* (Johannesburg 2008).
- Austin, G., 'Resources, techniques, and strategies south of the Sahara: Revising the factor endowments perspective on African economic development, 1500-2000', *The Economic History Review* 61 (2008) 587-624.
- Banda, C.T.A., 'Institutional, administrative, and management aspects of land tenure in Zambia', in: J. W. Arntzen, Ngcongco, & S. D. Turner (eds.), *Land policy and agriculture in Eastern and Southern Africa* (New York 1986) 77-81.
- Bavel, B.J.P. van, 'People and land: rural population and poverty structures in the Low Countries, c. 1300-c. 1600', *Continuity and Change* 17 (2002) 9-37.
- Berry, S., 'Debating the land question in Africa', *Comparative Studies in Society and History* 44 (2002) 638-68.
- Berry, S., *No condition is permanent. The social dynamics of agrarian change in sub-Saharan Africa* (Madison 1993).
- Black, C., *The lands and peoples of Rhodesia and Nyasaland* (London 1961).
- Boeder, R.B., *Silent majority: A history of the Lomwe in Malawi* (Pretoria 1984).
- Boserup, E., *The conditions of agricultural growth. The economics of agrarian change under population pressure* (New Brunswick 1965).
- Brenner, R., 'Agrarian class structure and economic development in pre-industrial Europe', *Past and Present* 70 (1976) 30-75.
- Brenner, R., 'The agrarian roots of European capitalism', *Past and Present* 97 (1982) 16-113.
- Brown, T., 'Contestation, confusion and corruption: Market-based land reform in Zambia', in: S. Evers, M. Spierenburg and H. Wels, *Competing jurisdictions: settling land claims in Africa* (Leiden 2005).
- Bruce, J. and S.E. Migot-Adholla (eds.) *Searching for land tenure security in Africa* (Dubuque 1994).

- Bruce, J.W. and P.P. Dorner, 'Agricultural land tenure in Zambia: perspectives, problems and opportunities', Research paper for the Land Tenure Center, University of Wisconsin, September 1982.
- Butler, L.J., 'Britain, the United States, and the demise of the Central African Federation, 1959-63', *The Journal of Imperial and Commonwealth History* 28 (2000) 131-51.
- Cairncross, B., 'Who's who in mineral names: Two South Africans, Hans Merensky and Cecil John Rhodes', *Rocks & minerals* 77 (2002) 48-53.
- Casely Hayford, J.E., *The truth about the West African land question* (New York 1971).
- Chamunorwa Mutambirwa, J.A., *The rise of settler power in Southern Rhodesia (Zimbabwe, 1898-1923)* (New Jersey 1980).
- Chan, S. and R. Primorac (eds.), *Zimbabwe in crisis: The international response and the space of silence* (New York 2007).
- Cheater, A., 'The ideology of 'communal' land tenure: Mythogenesis enacted?', *Africa* 60 (1990) 188-206.
- Chenoweth, F., J. Knowles and G. Ngenda, 'Settlement programs', in: M. Roth and S.G. Smith (eds.), *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995) 173-98.
- Chigwedere, A. S., *From Mutapa to Rhodes: 1000 to 1890 A.D.* (London 1980).
- Chinigò, D., 'Re-peasantization and land reclamation movements in Malawi', *African Affairs* 115 (2016) 97-118.
- Chinigò, D. 'Rural Radicalism and the Historical Land Conflict in the Malawian Tea Economy', *Journal of Southern African Studies* 42 (2016) 283-97.
- Clifford, N.R., 'Settlement in Northern Rhodesia', *Geographical Review* 21 (1931) 559-73.
- Colson, E., *The social consequences of resettlement: the impact of the Kariba resettlement upon the Gwembe Tonga* (Manchester 1971).
- Cordell, D.D. and J.W. Gregory, *African population and capitalism: historical perspectives* (Boulder 1987).
- Davison, J. (ed.), *Agriculture, Women and Land* (Boulder 1988).
- Dawson, S., 'The First Chimurenga: 1896-1897 uprising in Matabeleland and Mashonaland and continued conflicts in academia', *Constellations* 2 (2011) 144-53.
- Deininger, K. and G.Feder, 'Land registration, governance, and development: Evidence and implications for policy', *The World Bank Research Observer* 24 (2009) 233-66.
- Engel, J.R. and J.G. Engel (eds.), *Ethics of environment and development: global challenge, international response* (Tucson 1990).



- Engerman, S.L. and K.L. Sokoloff, 'Factor endowments, institutions, and differential paths of growth among new world economies', in: S.H. Haber, *How Latin America fell behind. Essays on the economic history of Brazil and Mexico, 1800-1914* (Stanford 1997) 260-306.
- Evers, S., M. Spierenburg and H. Wels, *Competing jurisdictions: settling land claims in Africa* (Leiden 2005).
- Feder, G. and D. Feeny, 'Land tenure and property rights: Theory and implications for development theory', *The World Bank Economic Review* 5 (1991) 135-53.
- Fitzmaurice, S., 'Ideology, race and place in historical constructions of belonging: the case of Zimbabwe', *English language and linguistics* 19 (2015) 327-54.
- Floyd, B.N., 'Land apportionment in Southern Rhodesia', *Geographical review* 52 (1962) 566-82.
- Frankema, E., 'The colonial roots of land inequality: geography, factor endowments, or institutions?', *Economic History Review* 63 (2010) 418-51.
- Frankema, E., 'Colonial taxation and government spending in British Africa, 1880-1940: Maximizing revenue or minimizing effort?', *Explorations in Economic History* 48 (2011) 136-49.
- Frederiksen, T., 'Authorizing the "Natives": governmentality, dispossession, and the contradictions of rule in colonial Zambia', *Annals of the Association of American Geographers* 104 (2014) 1273-90.
- Galbraith, J.S, *Crown and Charter. The early years of the British South Africa Company* (London 1974).
- Gann, L.H., *The birth of a plural society: the development of Northern Rhodesia under the British South Africa Company, 1894-1914* (Manchester 1958).
- Gann, L.H., *A history of Southern Rhodesia: early days to 1934* (London 1965).
- Gann, L.H., *A history of Northern Rhodesia: early days to 1953* (London 1969).
- Gibbs, P., *A flag for the Matabele: a story of empire-building in Africa* (London 1955).
- Gordon, D., *Nachichuti's gift. Economy, society, and environment in Central Africa* (London 2006).
- Green, E., 'The political demography of conflict in modern Africa', *Civil Wars* 14 (2012) 477-98.
- Gregory, J.W. and E. Mandala, 'Dimensions of conflict: emigrant labor from colonial Malawi and Zambia, 1900-1945', in: D.D. Cordell and J.W. Gregory, *African population and capitalism: historical perspectives* (Boulder 1987) 221-40.

- Grinker, R.R., S.C. Lubkemann and C.B. Steiner (eds.), *Perspectives on Africa. A reader in culture, history and representation. Second edition* (Oxford 2010).
- Gross, F., *Rhodes of Africa* (New York 1957).
- Guyer, J.I., *Money matters: instability, values and social payments in the modern history of West African communities* (Chicago 1995).
- Guyer, J.I., 'Wealth in people, wealth in things – Introduction', *Journal of African History* 36 (1995) 83-90.
- Haber, S.H., *How Latin America fell behind. Essays on the economic history of Brazil and Mexico, 1800-1914* (Stanford 1997).
- Hailey, W.M., *An African survey: a study of problems arising in Africa south of the Sahara* (London 1956).
- Hatcher, J. and M. Bailey, *Modeling the Middle Ages. The history and theory of England's economic development* (Oxford 2001).
- Herbst, J., *States and power in Africa. Comparative lessons in authority and control* (Princeton 2000).
- Holleman, J.F., *Chief, council and commissioner: some problems of government in Rhodesia* (Assen 1969).
- Holleman, J.F., *Shona customary law. With reference to kinship, marriage, the family and the estates* (London 1952).
- Huisman, H. and L. de Winther, 'Squatters and settlers in conflict? Land use rights and economic strategies of farming households in Zimbabwe', *Geographical Studies of Development and Resource Use* 3 (1998) 1-44.
- Hyam, R., 'The geopolitical origins of the Central African Federation: Britain, Rhodesia and South Africa, 1948-1953', *The Historical Journal* 30 (1987) 142-72.
- Ikubolajeh Logan, B., 'Land reform, ideology and urban food security: Zimbabwe's Third Chimurenga', *Tijdschrift voor Economische en Sociale Geografie* 98 (2007) 202-24.
- Indakwa, J., *Expansion of British rule in the interior of Central Africa: 1890-1924. A study of British Imperial expansion into Zambia, Zimbabwe and Malawi* (Washington 1977).
- Johnston, H. H., *British Central Africa* (London 1898).
- Kandaŵire, J.A.K., 'Thangata in pre-colonial and colonial systems of land tenure in Southern Malawi with special reference to Chingale', *Journal of the International African Institute* 47 (1977) 185-91.
- Kanyongolo, F.E., 'Land Occupations in Malawi: Challenging the Neoliberal Order', in S. Moyo and P. Yeros (eds.) *Reclaiming the Land* (New York 2005) 118-41.

- Kishindo, P., 'Dynamics of land tenure: A village case study', In: T. Takame, *Current issues of rural development in Malawi* (Chiba 2006).
- Kuczynski, R.R., *Demographic survey of the British Colonial Empire: Vol II* (London 1948).
- Levine, R., 'Law, endowments and property rights', *Journal of Economic Perspectives* 19 (2005) 61-88.
- Lewis, W.A., *Report on industrialisation and the Gold Coast* (Accra 1953)
- Lumumba-Kasongo, T. (ed.), *Land reforms and natural resource conflicts in Africa. New development paradigms in the era of global liberalization* (New York 2016).
- Machingaidze, V.E., 'Agrarian change from above: The Southern Rhodesia Native Land Husbandry Act and African response', *The International Journal of African Historical Studies* 24 (1991) 557-88.
- Makings, S.M., 'Agricultural change in Northern Rhodesia/Zambia: 1945-1965', *Food Research Institute Studies* (1966) 195-247.
- Malambo, A.H., 'Land administration in Zambia since 1991: History, opportunity and challenges', *Global advanced research journal of history, political science and international relations* 2 (2013) 53-66.
- Malinowski, B., *The dynamic of culture change. An inquiry into race relations in Africa* (London 1945).
- Mamdani, M., 'Beyond settler and native as political identities: Overcoming the political legacy of colonialism', *Comparative Studies in Society and History* 43 (2001) 651-64.
- Martin, R., 'The rule of law in Zimbabwe', in: S. Chan and R. Primorac (eds.), *Zimbabwe in crisis: The international response and the space of silence* (New York 2007) 65-79.
- Marx, K., *Capital: A critique of political economy vol. I* (Moscow 2015 [1867]).
- Matchaya, G., 'Land ownership security in Malawi', *African Journal of Agricultural Research* 4 (2009) 1-13.
- Mbiba, B., 'Communal land rights in Zimbabwe as state sanction and social control: A narrative', *Africa: Journal of the International African Institute* 71 (2001) 426-48.
- McLoughlin, P.F.M., 'Land Reorganization in Malawi, 1950-60: Its pertinence to current development', in: S. P. Schatz (ed.), *South of the Sahara: Development in African economies* (Philadelphia 1972).
- Migot-Adholla, S.E., F. Place and W. Olusch-Kosura, 'Security of tenure and land productivity in Kenya', in: J. Bruce and S.E. Migot-Adholla (eds.) *Searching for land tenure security in Africa* (Dubuque 1994) 119-40.
- Mitchell, J.C., *The Yao village: A study in the social structure of a Nyasaland tribe* (Manchester 1966) .

- Mkandawire, T. and N. Boureane (eds.), *The state, food and agriculture in Africa* (Dakar 1986).
- Mlambo, A.S., *A history of Zimbabwe* (New York 2014).
- Mlambo, A.S., 'Building a white man's country: Aspects of white immigration into Rhodesia up to World War II', *Zambezia* 15 (1998) 123-46.
- Momba, J.C., 'The state, rural class formation and peasant political participation in Zambia: The case of the Southern province,' *African Affairs* 88 (1989) 331-57.
- Mosley, P., *The settler economies. Studies in the economic history of Kenya and Southern Rhodesia 1900-1963* (Cambridge 1983).
- Moyo, S., 'The political economy of land acquisition and redistribution in Zimbabwe, 1990-1999', *Journal of African Studies* 26 (2000) 5-28.
- Moyo, S., 'The land question in southern Africa: a comparative review', in: L. Ntsebeza and R. Hall (eds.), *The land question in South Africa. The challenge of transformation and redistribution* (Cape Town 2007) 60-86.
- Moyo, S., *Land reform under structural adjustment in Zimbabwe. Land use change in the Mashonaland Province* (Stockholm 2000).
- Moyo, S., 'Land reform and redistribution in Zimbabwe since 1980', in: S. Moyo, *Land and agrarian reform in Zimbabwe. Beyond white-settler capitalism* (Dakar 2013) 29-78.
- Moyo, S., *Land and agrarian reform in Zimbabwe. Beyond white-settler capitalism* (Dakar 2013).
- Moyo, S., K. Helliker and T. Murisa (eds.), *Contested Terrain. Land reform and civil society in contemporary Zimbabwe* (Pietermaritzburg 2008).
- Moyo, S. and P. Yeros, 'Land occupations and land reform in Zimbabwe: Towards the national democratic revolution', in: S. Moyo and P. Yeros (eds.), *The resurgence of rural movements in Africa, Asia and Latin America* (London 2005) 165-208.
- Moyo, S. and P. Yeros (eds.) *Reclaiming the Land* (New York 2005).
- Moyo, S. and P. Yeros (eds.), *The resurgence of rural movements in Africa, Asia and Latin America* (London 2005).
- Mtisi, J., M. Nyakudya and T. Barnes, 'War in Rhodesia, 1965-1980', in: B. Raftopoulos and A.S. Mlambo (eds.), *Becoming Zimbabwe. A history from pre-colonial period to 2008* (Harare 2009) 141-66.
- Mujenja, F. and C. Wonani, *Long-term outcomes of agricultural investments: Lessons from Zambia* (London 2012).
- Murphy, P. (ed.) *British Documents on the End of Empire: Central Africa, Part I, Vol. 9.* (London 2005).

- Muzondidya, J., *Walking a tightrope: Towards a social history of the coloured community of Zimbabwe* (Trenton 2005).
- Mvunga, M.P., *Land law and policy in Zambia* (Lusaka 1978).
- Ndlovu-Gatsheni, S.J., 'Mapping cultural and colonial encounters, 1880s-1930s', in: B. Raftopoulos and A.S. Mlambo (eds.), *Becoming Zimbabwe. A history from pre-colonial period to 2008* (Harare 2009) 38- 74.
- Ndlovu-Gatsheni, S.J. and C.K. Tafira, 'The land question in South Africa. History of dispossession, political discourse, and post-apartheid government policy', in: T. Lumumba-Kasongo (ed.), *Land reforms and natural resource conflicts in Africa. New development paradigms in the era of global liberalization* (New York 2016) 121-34.
- Newbury, M.C., 'Ubureetwa and Thangata: Catalysts to peasant political consciousness in Rwanda and Malawi', *Canadian Journal of African Studies* 14 (1980) 97-111.
- Newitt, M.D.D., 'The early history of the Maravi', *The Journal of African History* 23 (1982) 145-62.
- Ng'ombe, A. and R. Keivani, 'Customary land reform to facilitate private investment in Zambia: achievements, potential and limitations', *Urban Forum* 24 (2013) 33-48.
- Ng'ong'ola, C., 'The design and implementation of customary land reforms in Central Malawi', *Journal of African Law* (1982) 115-32.
- North, D.C., *Structure and Change in economic history* (London 1981).
- Nothale, D.W., 'Land tenure systems and agricultural production in Malawi', in: J.W Arntzen, L.D. Ngcongco and S. D. Turner (eds.), *Land policy and agriculture in Eastern and Southern Africa* (New York 1986).
- Novak, A., 'Face-saving maneuvers and strong third-party mediation: The Lancaster House Conference on Zimbabwe-Rhodesia', *International negotiation* 14 (2009) 149-74.
- Ntsebeza, L. and R. Hall (eds.), *The land question in South Africa. The challenge of transformation and redistribution* (Cape Town 2007).
- Nyambara, P.S., 'Immigrants, 'traditional' leaders and the Rhodesian state: The power of 'communal' land tenure and the politics of land acquisition in Gokwe, Zimbabwe, 1963-1979', *Journal of Southern African Studies* 27 (2001) 771-91.
- Nyandoro, M., 'Zimbabwe's land struggles and land rights in historical perspective: The case of Gowe-Sanyati irrigation (1950-2000)', *Historia* 57 (2012) 298-349.
- Omari, C.K., 'Traditional African land ethics', in: J.R. Engel and J.G. Engel (eds.), *Ethics of environment and development: global challenge, international response* (Tucson 1990) 167-75.

- Onselen, C. van, 'Worker consciousness in black miners: Southern Rhodesia, 1900-1920', *The Journal of African History* 14 (1973) 237-55.
- Pachai, B., 'Land policies in Malawi: An examination of the colonial legacy', *The Journal of African History* 14 (1973) 681-98.
- Pachai, B., 'Labour Tenancy and Agrarian Discontent: A Case Study of Nyasaland (Malawi)', Paper delivered to the Centre for African Studies, Dalhousie University (1975).
- Palmer, R., 'Land reform in Zimbabwe 1980-1990', *African Affairs* 89 (1990) 163-81.
- Pankhurst, D. and S. Jacobs, 'Land tenure, gender relations and agriculture production: the case of Zimbabwe's peasantry', in: J. Davison (ed.), *Agriculture, Women and Land* (Boulder 1988) 198-216.
- Phimister, I., 'Rhodes, Rhodesia and the Rand', *Journal of Southern African Studies* 1 (1974) 74-90.
- Phimister, I., 'Rethinking the Reserves: Southern Rhodesia's Land Husbandry Act reviewed', *Journal of Southern African Studies* 19 (1993) 225-39.
- Peters, D.U., 'Land Usage in the Serenje District', *Rhodes Livingstone papers* 19 (London 1950).
- Peters, P.E. and D. Kambewa, 'Whose security? Deepening social conflict over 'customary' land in the shadow of land tenure reform in Malawi', *The Journal of Modern African Studies* 45 (2007) 447-72.
- Peters, P.E., 'Challenges in land tenure and land reform in Africa: anthropological contributions', *World Development* 37 (2009) 1317-25.
- Peters, P.E., "'Our daughters inherit our land, but our sons use their wives' fields": matrilineal-matrilocal land tenure and the New Land Policy in Malawi', *Journal of Eastern African Studies* 4 (2010) 179-99.
- Pilossof, R., 'Possibilities and constraints of market-led land reforms in Southern Africa: An analysis of transfers of farmland in postcolonial Zimbabwe, 1980-2000', *Journal of Agrarian Change* 16 (2016) 32-49.
- Place, F., V.R.N. Chinene, M. Hansungule and F. Maimbo, 'Land tenure and agricultural development in customary areas: results from Eastern and Southern provinces', in: S.G. Smith (ed.), *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995) 149-71.
- Platteau, J.P., 'The evolutionary theory of land rights as applied to sub-Saharan Africa: A critical assessment', *Development and Change* 27 (1996) 29-86.
- Pollak, O.B., 'Black farmers and white politics in Rhodesia', *African Affairs* 74 (1975) 263-77.
- Pollock, N.H., *Nyasaland and Northern Rhodesia – corridor to the North* (Pittsburgh 1971).

- Pomeranz, K., *The Great Divergence: China, Europe and the making of the modern world economy* (Princeton 2000).
- Postan, M. M., *Medieval economy and society: an economic history of Britain in the Middle Ages* (Berkeley 1972).
- Price, G.N., 'Economic growth in a cross-section of Nonindustrial countries: Does colonial heritage matter for Africa?', *Review of Development Economics* 7 (2003) 478-95.
- Raftopoulos, B. and A.S. Mlambo (eds.), *Becoming Zimbabwe. A history from pre-colonial period to 2008* (Harare 2009).
- Ranger, T., 'Nationalist historiography, patriotic history and the history of the nation: the struggle over the past in Zimbabwe', *Journal of Southern African Studies* 30 (2004) 215-34.
- Ranger, T., 'The invention of tradition in colonial Africa', in R.R. Grinker, S.C. Lubkemann and C.B. Steiner (eds.), *Perspectives on Africa. A reader in culture, history and representation. Second edition* (Oxford 2010) 450-89.
- Roberts, A., *A History of Zambia* (New York 1976).
- Roth, M., A.M. Khan and M.C. Zulu, 'Legal framework and administration of land policy in Zambia', in: M. Roth and S.G. Smith (eds.) *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995) 1-46.
- Roth, M., and S.G. Smith (eds.), *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995).
- Schatz, S. P. (ed.), *South of the Sahara: Development in African economies* (Philadelphia 1972).
- Schultz, J., *Land use in Zambia. Part I: The basically traditional land use systems and their regions* (Munich 1976).
- Schutz, B.M., 'European population patterns, cultural persistence, and political change in Rhodesia', *Canadian Journal of African Studies* 7 (1973) 3-25.
- Scoones, I., N. Marongwe, B. Mavedzenge, J. Mahenehene, F. Murumbarimba and C. Sukume, *Zimbabwe's land reform. Myths & realities* (Oxford 2010).
- Shipton, P. and M. Goheen, 'Understanding African land-holding: Power, wealth, and meaning', *Journal of the International African Institute* 62 (1992) 307-25.
- Shutt, A.K., 'Purchase area farmers and the middle class of Southern Rhodesia, c. 1931-1952', *The international journal of African historical studies* 30 (1997) 555-81.
- Sibanda, A., 'The political situation', in: C. Stoneman (ed.), *Zimbabwe's prospects: Issues of race, class, state and capital in Southern Africa* (London 1988) 266-7.
- Sibanda, E.M., *The Zimbabwean African People's Union 1961-87: A political history of insurgency in Southern Rhodesia* (Trenton 2005).

- Silungwe, C.M., Customary land tenure reform and development: a critique of customary land tenure reform in Malawi's National Land Policy, master dissertation Warwick Law School (2005).
- Sitko, N.J. and T.S. Jayne, 'Structural dynamism or elite land capture? A case study of emergent farm growth in Zambia', *Food Policy* 48 (2014) 194-202.
- Sitko, N.J., J. Chamberlin and M. Hichaambwa, 'Does smallholders land titling facilitate agricultural growth? An analysis of the determinants and effects of smallholder land titling in Zambia', *World Development* 64 (2014) 791-802.
- Smith, S.G. (ed.), *Land tenure, land markets, and institutional transformation in Zambia* (Madison 1995).
- Sonius, H.W.J., *Rhodesia. Een dilemma van ras en grond* (Leiden 1966).
- Soto, H. de, *The mystery of capital. Why capitalism triumphs in the West and fails everywhere else* (London 2000).
- Spierenburg, M.J., *Strangers, spirits and land reforms: conflicts about land in Dande, Northern Zimbabwe* (Leiden 2004).
- Stigger, P., 'Volunteers and the profit motive in the Anglo-Ndebele war : 1893', *Rhodesian History* 2 (1971) 11-23.
- Stoneman, C. (ed.), *Zimbabwe's prospects: Issues of race, class, state and capital in Southern Africa* (London 1988).
- Summers, C., *From civilization to segregation: Social ideals and social control in Southern Rhodesia, 1890-1934* (Athens OH, 1994).
- Takame, T., *Current issues of rural development in Malawi* (Chiba 2006) .
- Tavuyanago, B., 'The 'Crocodile Gang' operation: A critical reflection on the genesis of the Second Chimurenga in Zimbabwe', *Global Journal of Human Social Science* 13 (2013) 27-36.
- Vail, L., 'Ecology and history: The example of Eastern Zambia', *Journal of Southern African Studies* 3 (1977) 129-55.
- Weber, M., *From Max Weber: Essays in sociology* (Abingdon 2009 [1946]).
- Wekker, G., *White innocence. Paradoxes of colonialism and race* (Durham 2016).
- Wilson, A.H., 'The Great Dyke of Zimbabwe', *Developments in Petrology* 15 (1996) 365-402.
- Wilson, N.H., 'The Development of Native Reserves', *NADA: The Southern Rhodesia Native Affairs Department Annual* 1 (1923).
- Wood, A.P. and E.C.W. Shula, 'The state and agriculture in Zambia: A review of the evolution and consequences of food and agriculture policies in a mining economy', in: T.



- Mkandawire and N. Boureane (eds.), *The state, food and agriculture in Africa* (Dakar 1986).
- Yorke, E.J., *Britain, Northern Rhodesia and the First World War: Forgotten colonial crisis* (Basingstoke 2015).
- Yudelman, M., *Africans on the land. Economic problems of African agricultural development in Southern, Central and East Africa, with special reference to Southern Rhodesia* (Cambridge MA 1964).
- Zimmerman, F.J. and M.R. Carter, 'Asset smoothing, consumption smoothing and the reproduction of inequality under risk and subsistence constraints', *Journal of Development Economics* 71 (2003) 233-60.
- Zinyama, L.M. and R. Whitlow, 'Changing patterns of population distribution in Zimbabwe', *GeoJournal* 13 (1986) 365-84.
- Zinyama, L.M., 'Post-independence land resettlement in Zimbabwe', *Geography: Journal of the Geographical Association* 67 (1982) 149-52.
- Zvobgo, C.J.M., 'Church and state in Rhodesia: From the Unilateral Declaration of Independence to the Pearce Commission, 1965-72', *Journal of African Studies* 31 (2005) 381-402.
- Zvobgo, C.J.M., *A history of Zimbabwe, 1890-2000 and Postscript, Zimbabwe, 2001-2008* (Newcastle upon Tyne 2009).

## Reports and dissertations

- Adams, M., Land tenure policy and practice in Zambia: issues relating to the development of the agricultural sector, Paper for *Mokoro*, 13 January 2003 accessed via <http://fsg.afre.msu.edu/zambia/resources/Land1.pdf>.
- Anderson, M. and E. Green, Developments under the surface – unintended consequences of settler institutions in Southern Rhodesia, 1896-1962, African economic history working paper series 14 (2013).
- Barclays Bank D.C.O. *Zambia. An economic survey* (Lusaka 1968).
- Food and Agricultural Organization (FAO), 'Zambia: Soaring food prices country action plan', Initiative on Soaring Food Prices (ISFP) 2009 via [http://www.fao.org/fileadmin/user\\_upload/ISFP/Zambia\\_Final\\_Draft.pdf](http://www.fao.org/fileadmin/user_upload/ISFP/Zambia_Final_Draft.pdf)
- Hansungule, M., P. Feeney and R. Palmer, 'Report on land tenure insecurity on the Zambian Copperbelt', Report for Oxfam GB (2004).
- Haraldsdottir, G., 'Cooperation and conflicting interest: an ethnography of fishing and fish trading on the shores of Lake Malawi. PhD dissertation, University of Iowa (2002) 24.
- Holden, S., R. Kaarhus and R. Lunduka, 'Land policy reform: The role of land markets and women's land rights in Malawi', Noragric Report No. 36 (2006).
- Kanduza, A.M., 'Allocation system of land and its guardianship under traditional tenure in Zambia', Paper presented at the Twenty-Eighth Annual meeting of the African Studies Association, New Orleans, United States, 23-26 November 1985.
- Loenen, B. van, Land tenure in Zambia, Paper for the department of Spatial Information Engineering, University of Maine (1999).
- Maravanyika, S. and F.D. Huijzenveld, 'A failed neo-Britain: Demography and the labour question in colonial Zimbabwe c. 1890-1948', via [http://002784d.netsolhost.com/images/AF\\_Maravanyika\\_and\\_Huijzenveld.pdf](http://002784d.netsolhost.com/images/AF_Maravanyika_and_Huijzenveld.pdf)
- Moseley, W., Paradoxical constraints to agricultural intensification in Malawi: The interplay between labor, land and policy, The University of Georgia Department of Geography Discussion paper series (2000), via <http://www.radixonline.org/resources/moseleymalawi.pdf>
- Selby, A., White farmers in Zimbabwe 1890-2005', PhD dissertation University of Oxford (2006).
- Sims, B.M., 'Conflict in perpetuity? Examining Zimbabwe's protracted social conflict through the lens of land reform', PhD dissertation University of Stellenbosch (2015).
- Mbalanje, A.T.B., 'Land law and land policy in Malawi', Report for the Food and Agricultural Organization of the United Nations (1986).

- Mupfuvi, B.M., Land to the people: peasants and nationalism in the development of land ownership structure in Zimbabwe from pre-colonialism to the Unilateral Declaration of Independence (UDI) period, PhD dissertation University of Salford (2014).
- Mushimbo, C., Land reform in post-independence Zimbabwe: a case of Britain's neo-colonial intransigence?, MA thesis Bowling Green State University (2005).
- Odedokun, M.O. and J.I. Round, 'Determinants of income inequality and its effects on economic growth. Evidence from African countries', Discussion paper no. 2001/13 for UNU/WIDER.
- Sipangule, K. Nolte and J. Lay, 'Commercial farms in Zambia and the relationship with smallholders farms', Paper for the 2016 World Bank conference on land and poverty, March 14-18 2016 Washington DC.
- Smette, M.E., 'Land rental markets in Malawi', via [http://iasc2008.glos.ac.uk/conference%20papers/papers/S/Smette\\_1115.pdf](http://iasc2008.glos.ac.uk/conference%20papers/papers/S/Smette_1115.pdf)
- Till, J., 'Scare stories: scarce stories. The ideology of austerity', SCIBE, scarcity + creativity in the built environment working paper nr. 10, (2012).
- Yeros, P., The political economy of civilisation: Peasant-workers in Zimbabwe and the Neo-colonial world, PhD dissertation, University of London (2000).

## Websites

<http://allafrica.com/stories/201606070002.html>

<http://www.britishonlinearchives.co.uk>

<https://www.cia.gov/library/publications/the-world-factbook/geos/mi.html>

<http://data.unicef.org/gen2030/>

<http://data.worldbank.org/indicator/EN.POP.DNST>

[http://esa.un.org/unpd/wpp/Publications/Files/Key\\_Findings\\_WPP\\_2015.pdf](http://esa.un.org/unpd/wpp/Publications/Files/Key_Findings_WPP_2015.pdf)

[https://en.wikipedia.org/wiki/List\\_of\\_sovereign\\_states\\_and\\_dependencies\\_by\\_area](https://en.wikipedia.org/wiki/List_of_sovereign_states_and_dependencies_by_area)

<https://www.cia.gov/library/publications/the-world-factbook/geos/nl.html>

<http://www.fao.org/>

<http://www.gapminder.org/data/>

<http://www.geohive.com/cntry/zambia.aspx>

<http://www.geos.ed.ac.uk/homes/cryan/miombo>

<http://www.herald.co.zw/land-rights-for-zim-women/>

<http://www.maseda.mw/censusinfomw/>

<https://www.newsday.co.zw/2016/06/10/mugabe-threatens-gukurahundi/>

<http://www.oasisglobal.net/soilmine.htm>

<http://ourworldindata.org/data/population-growth-vital-statistics/world-population-growth/>

<http://www.statoids.com/uzm.html>

[http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Zambia\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Zambia_Profile.pdf)

[http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Malawi\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Malawi_Profile.pdf)

[http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Zimbabwe\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Zimbabwe_Profile.pdf)

[http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Zambia\\_Profile.pdf](http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Zambia_Profile.pdf)

[http://www.zimembassy.se/land\\_reform\\_document.html](http://www.zimembassy.se/land_reform_document.html)

### *Images and maps*

<http://www.rhodesia.me.uk/Maps.htm>

[https://en.wikipedia.org/wiki/Petauke\\_District](https://en.wikipedia.org/wiki/Petauke_District)

[https://en.wikipedia.org/wiki/Nyasaland#/media/File:Rhodesia\\_and\\_Nyasaland.png](https://en.wikipedia.org/wiki/Nyasaland#/media/File:Rhodesia_and_Nyasaland.png)

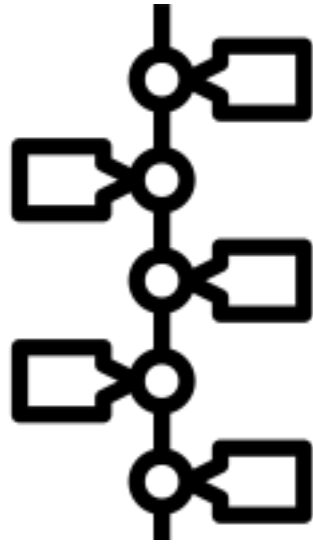
<http://www.worldstatesmen.org/>

<http://www.worldatlas.com/webimage/countrys/africa/>

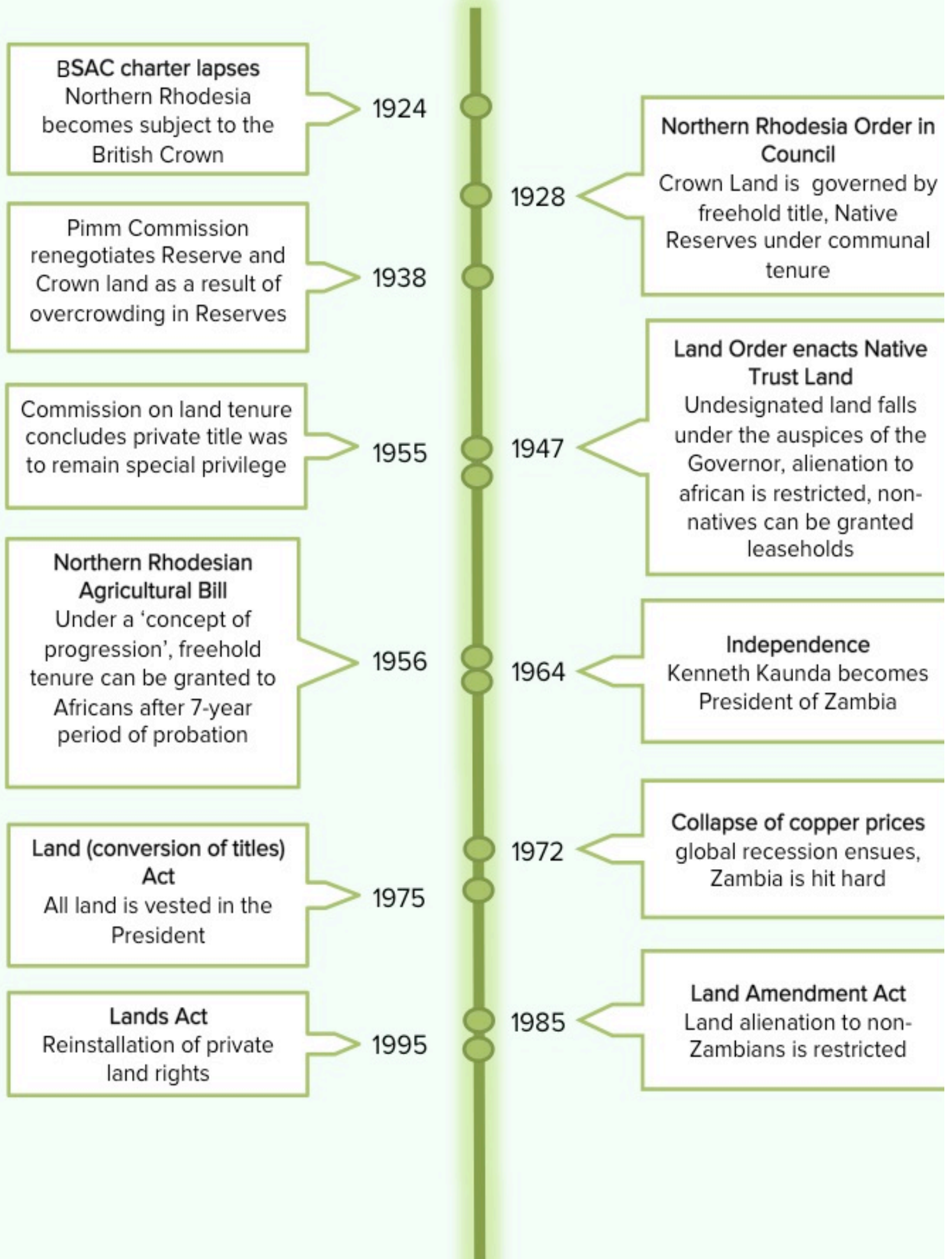
<https://thenounproject.com/>

Image on cover page: <https://nl.pinterest.com/greghealy/humanity/>

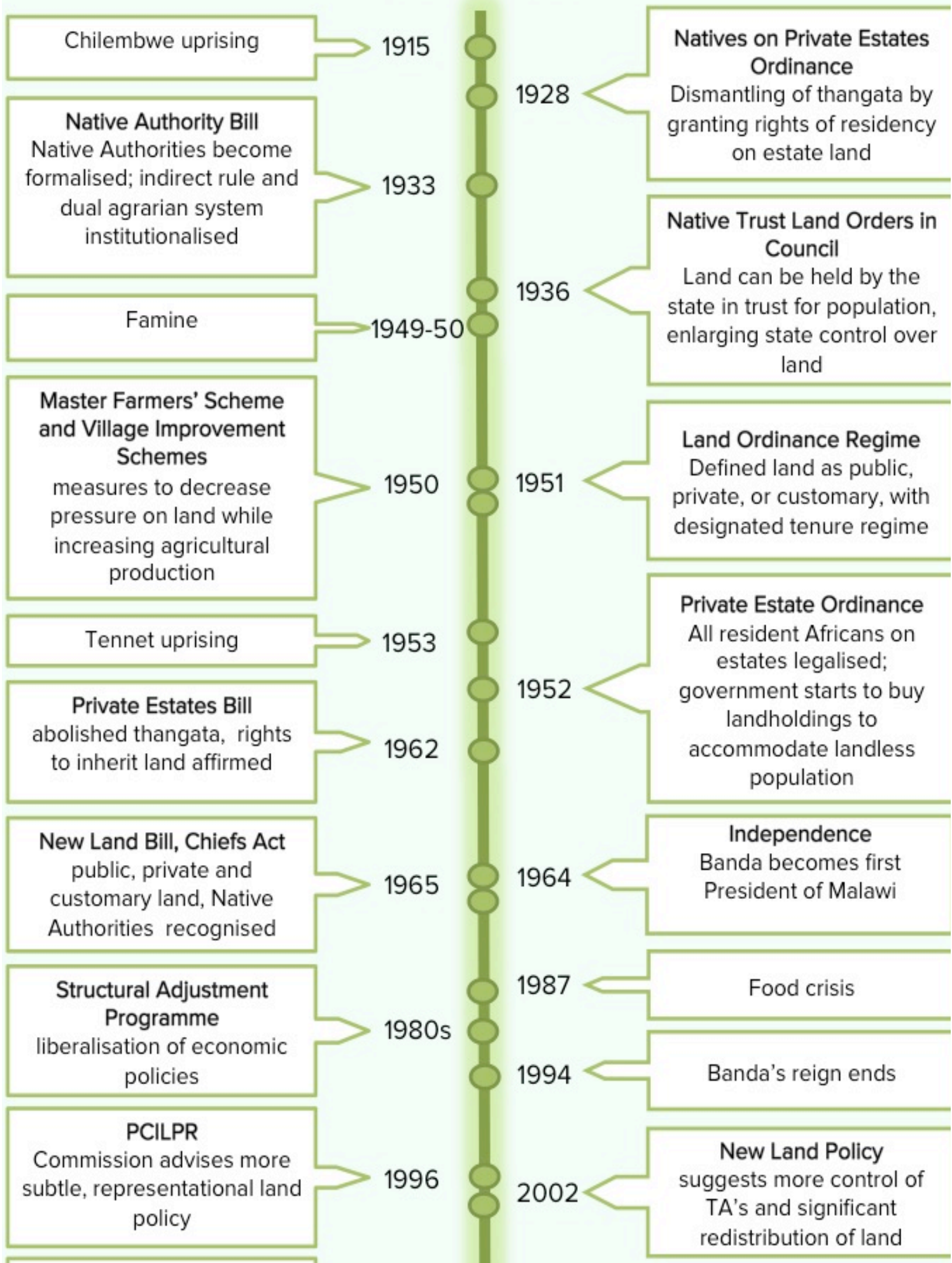
# TIMELINES



# ZAMBIA



# MALAWI





# ZIMBABWE

