



# THE POLITICS OF LAND REFORM IN SOUTHERN AFRICA<sup>1</sup>

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## 1. Introduction

Southern Africa today presents a wide spectrum of land policies, embracing a variety of forms of redistribution and tenure reform initiatives, utilising methods that range from consensual, market-based approaches to forcible confiscation. Having remained marginal to political debates in most countries of the region for much of the 1980s and 1990s, land and land reform are back on the policy agenda to an extent unknown since the liberation struggles of the 1960s and early 1970s. Recent events in Zimbabwe, in particular, have had strong resonance for political parties and landless people in those countries – most notably South Africa and Namibia – where severe racial inequalities in land holding persist, and struggles over land have become central to external perceptions of the region. Critical questions, therefore, are whether the Zimbabwean case is exceptional or an indication of tensions throughout the region, and whether the heightened political importance of land in the region is a product of changes in the regional or global economy, or a culmination of long-running processes at a more local level.

While conditions vary considerably from country to country, a number of broad themes can be identified that provide a common context for the politics of land across the region. First is the shared history of colonialism, and with it the dispossession and impoverishment of rural people, which shapes both patterns of landholding and discourses around the value of different types of land use. Second is the growing impact of neoliberal globalisation, in terms of both direct influences on agriculture and rural economies generally and on the policies being promoted by national governments and international agencies. Of particular importance here are the deregulation of markets, the withdrawal of state support to agricultural producers and the reliance on the private sector as the principal agent of development. Third is the ongoing impoverishment of the mass of the rural population and the extreme precariousness of rural livelihoods. High rates of unemployment, poor returns to small-scale agriculture, lack of access to social services such as health and education, recurring drought and a rampant (and largely unaddressed) HIV/AIDS pandemic serve to erode existing livelihood activities and perpetuate relative and absolute poverty in rural areas. Last is the re-emergence of the

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rural poor as political actors, to varying degrees throughout the region. Mobilisation around the *Campanha Terra* in Mozambique in 1996-97, the occupation of commercial farms by war veterans and others in Zimbabwe, and growing militancy by the Landless People's Movement, among others, in South Africa since 2000, suggest that an important new phase in the politics of land in Southern Africa has begun (see also *SLSA Research Papers* 2, 3, 9, 11 and 12).

## 2. Mozambique

Clearly, the experience of countries in this study has differed greatly, and has shifted over time. From one perspective, Mozambique would appear to be the exception, in that, unlike Zimbabwe and South Africa, settler colonialism was effectively destroyed in the transition to democracy and independence. However, the policies adopted by the FRELIMO regime did not bring a return of land to 'peasants', but rather the perpetuation of a dualistic agriculture, dominated by state farms and collectives. The so-called 'family sector' remained marginalised and often actively discriminated against. Only after nearly two decades of bitter civil war, and the official abandonment of socialism, did the state begin to reverse the historic discrimination against the peasantry (Bowen 2000).

With the transition from a socialist to a market-based economy, discourses on land in Mozambique have centred around two, closely related, issues: how to encourage (private) investment into rural areas, and thus more productive use of land and natural resources; and how to protect the rights of customary occupiers on communal land (Hanlon 2002). These twin concerns represent two sides of a fundamental, and deeply historical, duality in the theory and practice of development in Mozambique, which have persisted in one form or another through the periods of settler colonialism, state socialism and market capitalism (see Lahiff and Scoones 2000). Mozambique's Land Law of 1997 was aimed at both protecting these customary rights of existing occupiers on communal land, *and* clarifying, and strengthening, the rights of private companies and individuals wishing to acquire access to land and natural resources for commercial purposes (Tanner 2002; *SLSA Research Papers* 11 and 12).

With this law Mozambique has gone considerably further than other counties in the region to extend legal protection to the rights of communal land users by creating mechanisms whereby communities can delimit and register their communal land rights, while existing use rights are recognised in law without the need for formal titling or registration. In Zambézia province, a total of 37 community delimitations<sup>2</sup> have been completed (or are close to completion) since the regulations governing the process came into force in January 2000, at an average size of 27,000 hectares per delimitation (Norfolk 2002: 1). Most community delimitations have followed the boundaries of the *regedorias* (the area under a *regulo*, or traditional chief) as defined during the colonial era. Many of these delimited community lands include substantial areas that have previously been allocated (by the state) to private applicants (individuals or companies), but the registration system appears capable of accommodating this degree of complexity (*SLSA Research Paper* 11: 24).

However, this process has not fundamentally changed the highly unequal and dualistic nature of property relations in the country and, equally important, has not delivered significant

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<sup>2</sup> Zambézia accounts for approximately one-third of all such delimitation in the country.

material benefits to the rural population. Other concurrent government policies – notably the privatisation of former state enterprises and the granting of concessions to commercial operators - continue to place much of the best land, and natural resources, in the hands of elite groups, both national and foreign, albeit now within a framework of market capitalism.

Official attention to date has largely focussed on the potential of the Land Law to promote private ('external') investment, rather than on the development of the small-holder (peasant) sector. As Norfolk, Nhantumbo and Pereira (*SLSA Research Paper* 11: 8) point out, this is reflected in the position of key developmental initiatives such as the agricultural sector investment programme (PROAGRI) and the Poverty Reduction Strategy and Plan (PARPA):

The PROAGRI and the PARPA both tend to stress the neoliberal elements of the development approach in rural areas (those of maximising foreign exchange earnings, encouraging public-private partnerships, economic growth, the creation of rural employment opportunities and other aspects of 'trickle down'). Very little attention in either of these policy instruments is paid to the issue of tenure reform at community level and the emphasis has been strongly upon the need to streamline access for the private sector uptake of land rights in the rural areas. To the extent that this represents a strategy for growth, it would appear that the poor majority have little of a role to play and the potential of the Land Law has not been fully appreciated.

In Zambézia, there have been 139 registered consultations with communities regarding private applications for land, of which 100 have subsequently been approved (*SLSA Research Paper* 11: 25). While private applicants are generally following the necessary procedures in terms of consulting the communities concerned, this is not translating into significant material benefits for community members. In the majority of cases analysed, private applicants undertook to provide employment for local people, but in only one out of 48 cases was any firm agreement reached around the exact number of jobs or the levels of remuneration to be provided. In other cases, applicants agreed to make agricultural produce or livestock available for locals to purchase, or to provide other services such as shops, milling or ploughing (all on a commercial basis). In only 5% of cases did the applicants agree to provide some form of direct compensation to existing land rights holders.

In the prevailing conditions of deep rural poverty and underdevelopment, many peasant communities appear to be willing (or feel they have little alternative) to sign over substantial areas of their communal lands in exchange for vague promises of access to employment or commercial services. It is impossible to say what the opportunity cost to the community may be, now or in the future, in terms of foregoing the use of their land. It is equally impossible to say whether communities are getting a good deal, and what the 'real' (market) value of their land might be. What can be said is that under conditions of relative abundance of land, desperate needs for income and services among rural communities, little effective competition between private applicants, and minimal advice or support to communities from state or other bodies, the effective value of a legal right in land is exceedingly low, and the tenure reform process may contribute little to the alleviation of rural poverty.

The struggle for land and rural livelihoods that has characterised rural Mozambique for the past century has not abated, but has rather entered a new (neoliberal) phase. Mozambique is now witnessing a partial retreat from the achievements of the 1997 Land Law and Land Campaign. Evidence for this can be found in the minimal resources allocated by the state to the implementation of the Law, and foot-dragging by key state agencies; a lack of enthusiasm

among NGOs to implement the provisions of the Law; and a renewed effort by private capital, with close allies in cabinet, to renegotiate the terms of the 1997 consensus (under the banner of 'privatisation'). In this respect, the Mozambican 'land question' continues to be shaped by a history of dispossession, exclusion and exploitation, and so shares much with neighbouring Zimbabwe and South Africa.

### 3. Zimbabwe

From another perspective, Zimbabwe is widely seen as the exceptional case in southern Africa: the country that has succeeded in putting radical land reform back on the political agenda, an anachronistic revival of 'socialist' interventionism amidst the triumph of laissez-faire capitalism. And yet, few can be surprised the land question in Zimbabwe has come to the fore. Radical redistribution of land has remained a staple of the Zimbabwe political discourse since long before independence (Palmer 1977; Moyo 1995). Emerging evidence from the first decade of resettlement demonstrates that not only is land reform possible, but that it can deliver significant material benefits too (Kinsey 1999). The unfolding economic crisis in Zimbabwe, fuelled by drought and spectacular mismanagement by government and international institutions alike, has contributed to a collapse of livelihood opportunities and growing desperation on the part of large sections of both the urban and rural populations.

The slide from economic crisis to economic meltdown in the late 1990s, and the manifest inability of the government to cope, has been accompanied by an equally profound crisis of political legitimacy (Sachikonye 2002). In the face of mass popular dissatisfaction, the ZANU(PF) regime has degenerated into increasing violence and authoritarianism. In this context of heightened social conflict, political tension and economic desperation, the gross inequality in landholding by a small racial minority could not be expected to be sustained. While much attention has focussed on the role of the state in orchestrating the (sometimes) violent seizure of white-owned farms, recent research from throughout the country highlights the enormous (but clearly not unanimous) popular pressure for redistribution of land, from a wide range of social groups (Alexander and McGregor 2001; Moyo 2001; *SLSA Research Paper 3*). Of these, the most conspicuous has been the so-called war veterans, a varied grouping that has succeeded in capturing the symbolic apparatus of the liberation struggle – embracing extreme nationalism, militarism and the return of land to the dispossessed – and helped create the conditions for a dramatic departure from the constitutionally-based resettlement policies of the past. It is no coincidence, of course, that this swerve to the 'left' (or new nationalist fundamentalism) took place in the face of the most concerted challenge since independence from the 'right', in the form of the loose alliance that makes up the Movement for Democratic Change (MDC).<sup>3</sup>

While the seizure of (mostly) white-owned farms, and the accompanying violence, undoubtedly marks a new phase in Zimbabwean affairs, it does not necessarily imply a total break with the dominant neoliberal orthodoxy. Zimbabwe is clearly (intentionally or otherwise) disarticulating itself from the international political and economic system in certain key respects – particularly in terms of inward investment, convertibility of the

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<sup>3</sup> The political signifiers of 'left' and 'right' are no longer a particularly useful nor conspicuous feature of political discourse in Zimbabwe. ZANU(PF), however, has consistently attempted to portray the MDC as representative of the Rhodesian old-guard and their British (colonial) allies, and itself as the guardian of the revolution. The cross-class support enjoyed by the MDC, contrasting with the increasing authoritarianism, appetite for self-enrichment and anti-worker stance of ZANU(PF) would suggest an alternative reading.

currency, access to donor funding and isolation of the regime. But many aspects of the capitalist economy remain more or less intact. Thus, while certain property rights are being overthrown, this does not amount to the abolition of private property. Land that is being redistributed under the 'fast track' reforms is effectively being granted under the highly-individualised (and relatively secure) model used for redistribution since 1980.<sup>4</sup> Moreover, the recent move to larger individual holdings (A2 model), coupled with the reallocation of entire farms to members of the ruling elite, appears to signal a consolidation of private property, albeit in new hands, in what is likely to be a more widely distributed (and thus potentially more sustainable) system of private property.<sup>5</sup>

Similarly, the mode of production on resettled land under the fast track scheme does not appear to differ greatly from that in older, resettlement areas and, especially at the larger end of the scale, would appear to signal the emergence of a new class of (African) capitalist farmers. Thus, despite the radical nature of land redistribution in Zimbabwe, with its evident rejection of market mechanisms, there is little sign of a whole-scale rejection of the system of private property or of the capitalist mode of production and, perhaps most strikingly, no suggestion of an alternative (be it nationalisation, collectivisation or African socialism) to the dominant neoliberal orthodoxy.

Nevertheless, recent events in Zimbabwe are having profound effects on the wider social, economic and political order. A major question, therefore, is whether the current redistribution of property rights can, in the longer term, provide the foundation for a new social and economic order in the countryside, or will it become a casualty of the further political and economic upheavals that surely await in the not-too-distant future.

Events in Zimbabwe have put land reform back on the political agenda in a most dramatic way, and have brought about a radical redistribution of assets. Occurring as they do in the midst of major political and economic turmoil, it is very difficult to predict the long-term outcome. Indeed, it is not at all certain that the changes in land-holding will outlast the current regime, or even that the regime will continue to support the occupations once it believes its grip on power has been adequately strengthened. Nonetheless, a number of broad patterns can be identified which are likely to have deep and lasting consequences.

Firstly, the previously-unthinkable scenario of a forcible seizure of privately-owned (and some state-owned) land 'from below', with full backing from the state, has occurred. This poses a fundamental challenge to how land reform is perceived, both in Zimbabwe and throughout southern Africa. While some would argue that it has set back the cause of land reform, the message that alternatives to market-based approaches to land *do* exist has not been lost on landless people (and others) in the region. The ramifications of such militancy are already clearly evident in South Africa and, to a lesser extent, Namibia.

Secondly, there have been a variety of winners and losers in the struggle for land. White landowners are the most widely-mentioned losers, but they are greatly outnumbered by the tens of thousands (possibly hundreds of thousands), of farm workers that have lost their jobs and often their homes (Rutherford 2001). While some farmworkers have been incorporated into the new settlements (not always voluntarily), many more have to face an uncertain future

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<sup>4</sup> Model A resettlement – individual (permit) rights to residential and arable land, with shared access to communal grazing - constitutes over 90% of all resettlement prior to 1999.

<sup>5</sup> Chaumba, Scoones and Wolmer (2003) highlight additional, technical, continuities, between fast track and earlier forms of resettlement, stretching back to the pre-independence era (*SLSA Research Paper 2*).

in the communal areas and townships. The rise of authoritarianism has strengthened the hand of hard-line elements within ZANU(PF), in alliance with the war veterans, and sidelined (or subverted) other institutions such as rural district councils. Traditional leaders, too, have been rehabilitated in the communal areas, particularly with regard to land administration, but appear to be playing a largely symbolic role in the new resettlement areas (*SLSA Research Paper 3*).

Thirdly, on the critical question of land rights, especially the rights of the poor, the latest, and most substantial, round of redistribution has proceeded with little or no reference to formal rights. Land continues to be allocated by state or party officials, in one guise or another, in a broadly similar manner to that applied in resettlement areas since 1980. During this latest period of major social upheaval, the scramble for access to land has clearly taken precedence over discussions of long-term tenure security. The future land rights of the new wave of settlers will depend greatly on future developments in the wider political sphere. Given the absence of a clear discourse around formalisation of land rights, and lack of progress with tenure reform since independence, it seems unlikely that land rights – as distinct from land access – will emerge as a key issue in the near future.

#### **4. South Africa**

Given the multiple problems being experienced with land reform in Mozambique and Zimbabwe, considerable hopes are riding on the outcome of the land reform programme being implemented in South Africa. The land reform programme adopted since 1994 by the African National Congress is, from some perspectives, much more ambitious and wide-ranging than policies being pursued elsewhere in the region, aiming as it does to redistribute a substantial proportion of agricultural land to emerging black farmers, to restore land rights lost under previous regimes and to secure the tenure rights of occupants of both communal and privately-owned land. This seemingly-radical agenda, however, is being implemented within what is by far the most advanced capitalist economy in Africa, with the most firmly entrenched system of private property, presided over by a government that has distinguished itself of late as the leading proponent of neoliberalism on the continent. South Africa is a crucial test of the market-based (or market-assisted) land reform policies being advocated by multilateral bodies such as the World Bank, the Food and Agricultural Organisations (FAO) of the World Bank, and various western governments, and early indications here and elsewhere are that it is not being particularly successful (Riedinger, Yang and Brook 2001; El-Ghonemy 2001; Bernstein 2002).

At the heart of the South African dilemma is a broad-based consensus between the main political parties and the representatives of private capital to preserve the fundamental structure of the capitalist economy, albeit with the addition of new black faces among managers and owners (Bond 2000). In the agricultural sector, this means preserving what is widely seen as a highly efficient commercial agriculture sector, based on large-scale, capital-intensive production, with high export potential. This is reflected in the prominence given to abstract conceptualisations of markets throughout land reform policy – land for the landless will be supplied by ‘the market’, beneficiaries will be selected (largely) on their ability to produce for ‘the market’, support services for resettled farmers will be accessed through ‘the market’. The slow pace of land redistribution to date can not be explained solely in terms of market failure – indeed, land markets in South Africa are considered to function relatively efficiently (Aliber and Mokoena 2002), and markets for both agricultural inputs and outputs

have lost much of the monopolisation and regulation that characterised them in the recent past. Equally important has been the very limited funding and other support provided by the state, and the absence (until very recently) of an effective rural social movement pushing the pace of reform.

After land redistribution (including ‘restitution’ of historical land claims), the biggest challenge facing land reform in South Africa is reform of the system of communal tenure prevailing in the former ‘homelands’. Communal (or customary, or traditional) land tenure poses particular challenges to the neoliberal position. As in Mozambique, the communal areas tend to be seen by policy-makers as having little potential for self-generated growth. Any contribution they might make to the national economy is assumed to be in the form of large-scale commercial enterprises (in sectors such as tourism and natural resource extraction, as well as agriculture), driven by external investment. Although the communal areas are generally seen as economically marginal, they are also seen as politically unpredictable, and the ANC has shown considerable caution in dealing with traditional leaders. Wariness of a political backlash led by the chiefs has been a key factor behind the failure to implement reforms of communal tenure to date, and behind the very limited perspective of the recent Communal Land Rights Bill, which proposes a model of land titling that is likely to undermine existing (non-market) systems of collective land management.<sup>6</sup>

Nine years into the transition to democracy in South Africa, land reform policy and the institutions associated with it continue to evolve and to address previously neglected areas. Considerable progress has been made in the settlement of urban restitution claims, the redistribution of some former white-owned commercial farms and the formulation of Integrated Development Plans for some rural areas. Both the Department of Land Affairs (DLA) and the Regional Land Claims Commissions have shown themselves to be increasingly effective actors, developing close working relationships with a range of governmental and non-governmental agencies. Civil society structures, too, have shown themselves willing and able to challenge government policy and demand the type of services that best suit their needs. Nonetheless, major issues remain to be addressed, including the needs of people living in the ‘deep rural’ areas of the former homelands, and particularly the reform of communal tenure.

While claiming to address livelihoods, poverty alleviation and development of rural areas, the South African land reform programme has struggled to achieve these objectives, for various reasons. Particular programme areas, such as restitution, redistribution and tenure reform, have been developed and implemented largely in isolation from each other and have been poorly integrated into broader processes of rural development. This lack of integration can in turn be related to the lack of a comprehensive rural development strategy at either provincial or national levels.

Complex governmental structures present a major challenge to land reform policy, in terms of policy design, inter-institutional cooperation and accountability. The key institutions associated with land reform in the provinces are branches of a national government department and, as such, are not directly accountable to any institution within their areas of operation. Major policy changes emanate largely from the centre, although provincial-level structures can at times influence national policy. While national government occasionally engages in public consultation around policy development, no effective mechanisms exist,

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<sup>6</sup> ‘Row erupts over land law’ *Mail & Guardian* 2 August 2002.

either through the political system or otherwise, to make land reform institutions accountable to their primary constituency, the rural poor and landless, or to give this constituency a meaningful voice within the policy-making process. This has contributed to a growing sense of frustration among many would-be beneficiaries of land reform and the recent emergence of the militant Landless People's Movement. Major work remains to be done if sustainable livelihoods approaches are to be integrated into South African land reform, and rural development policy more generally, and to create a decentralised institutional framework that is accountable to local people and responsive to their needs.

The particular version of 'demand-led' redistribution pursued by DLA to date has not only failed to meet its political targets, it has also failed to provide land on the necessary scale and in the areas where it is most needed. On the basis of the budgets provided for land reform, and performance to date, it can be safely concluded that the effective aim of government is a modest transfer of agricultural land – probably no more than 4% in the 15 years from 1994 – limited to areas voluntarily released by existing landowners and favouring a small minority of the rural black population, selected on the basis of their skills, material resources and entrepreneurial attitude. Such an approach is, however, unlikely to meet the needs of the great mass of the rural poor, particularly marginalized groups such as women, youth, the unemployed, the disabled and households affected by HIV/AIDS.

Overall, it may be said that that, despite some successes, the South African land reform programme has not lived up to its promise to transform land-holding, combat poverty and revitalise the rural economy. The policies adopted by government have left the structure of the rural economy largely intact and, in the case of liberalisation of agricultural markets and cuts in agricultural support services, have contributed to a climate that is hostile to emerging, resource-poor farmers. If land reform is to meet its wider objectives, new ways will have to be found to transfer land on a substantial scale, and to provide the necessary support services to a much wider class of land owners.

## **5. Conclusion: the prospects for pro-poor land reform in southern Africa**

This paper has reviewed some of the main trends around land and land policy in southern Africa, with particular reference to Mozambique, Zimbabwe and South Africa. Here, the emerging lessons, and the prospects the livelihoods of the rural poor, are considered under two key headings: redistribution and land rights.

### ***Redistribution***

The classic model of land reform – land to the tiller – has always been problematic in Africa. On the one hand, large numbers of people have been dispossessed and removed from their land, to return in some case as wage labourers. On the other hand, large numbers of 'peasant' producers have managed to retain some access to land, typically poorer quality land in economically marginal areas. Thus, the demand for redistribution of land from elite groups (including colonial-era settlers and the state) to the landless and near-landless – what Bernstein (1996: 41) calls 'land to the former tiller' – remains a central demand of the rural poor, but one that has received very limited support from governments and, of late, has been enmeshed in 'market-based' approaches that have yielded very limited results.

Mozambique is currently experiencing redistribution 'from above', as those (allegedly) with the means to bring land and natural resources into (market-oriented) productive use are given favourable access. Far from being empty or unused, such land, forests and wildlife are typically an integral part of local economies. What 'downward' redistribution of assets has taken place informally over the past thirty years, due mainly to the collapse or abandonment of state or settler enterprises, is rapidly being reversed, not through 'the market', but through coercive measures on the part of returning owners, new entrepreneurs and the state. In the face of determined efforts to concentrate key assets in the hands of a narrow elite, the recognition of informal and customary rights under new legislation may be of very limited value.

In South Africa, where a text-book example of World Bank-inspired redistribution forms the centrepiece of land reform policy, the severe limitations of the market-based approach are plainly evident. This, perhaps ironically, has less to do with failures of 'the market' or of current land owners to part with their property, than the very limited assistance made available by the state to the landless and the refusal to proactively engage in the land market in order to secure outcomes favourable to the mass of the rural poor. Thus, market-based redistribution becomes piecemeal redistribution, securing benefits for a lucky few, but leaving the fundamental structures of the agrarian economy, and the problems of mass rural poverty and landlessness, largely intact.

The redistribution of land currently underway in Zimbabwe holds important lessons for the region, and for South Africa in particular. The racial maldistribution of land in Zimbabwe at independence was considerably less severe than it is in South Africa today. On top of this, the scale of redistribution since independence is virtually unprecedented on the continent. And yet, under conditions of deep political and economic crisis, an even greater redistribution of land has taken place, as the state and elements of the (predominantly) rural poor form new alliances against (supposedly) common enemies. It is impossible to know the full social and economic consequences of this redistribution, either for the country as a whole or for those directly affected, or whether it is sustainable. The long-term outcome will, however, have major repercussions on debates around the means and ends of redistribution more generally.

Overall, the evidence of the last ten years suggests that there is little principled commitment to a fundamental redistribution of land and other natural resources to the rural poor in southern Africa. The predominant role of the state in Mozambique, and the free market in South Africa, means that redistribution 'upwards', to existing landholders or to those with sufficient capital to invest in production for the market, is likely to outweigh any 'downward' redistribution achieved through official land reform policy. In Zimbabwe, where more moderate attempts at redistribution over twenty years have proved inadequate, a form of redistribution more radical, more violent and, potentially, more destructive than most would have considered possible is now underway, the true costs and benefits of which will take years to be known. The lesson of Zimbabwe is surely that the ways in which land can be redistributed are numerous, and that conspicuous inequality in asset ownership provides an irresistible target in times of stress. Rural people themselves have shown a lack of patience with so-called land reforms that leave the structures of inequality largely unchanged. Policy-makers would be well advised to find means of redistribution that go beyond the very limited approaches dominant in the region today.

### ***Land Rights***

In common with much of the rest of the world, land policy in southern Africa, with the notable exception of Zimbabwe, over the past decade has focused more on land rights than land access (or redistribution). This betrays a fundamental scepticism at the heart of policy around the

benefits (economic, social, political) of redistributing assets *to the poor* (as opposed to a new or established middle class or corporations). This can, in turn, be related to the evident lack of influence of the poor (and especially the rural poor) on the political process (South Africa and Mozambique being prime examples).

The discourse of land rights, by its nature, relates almost entirely to situations where *de facto* rights, particularly customary rights, are well-established and face little or no contestation. This is the main thrust of land reform throughout most of the region - effectively the only component of policy in Mozambique, and by far the most important (in terms of numbers of people and area of land potentially affected) in South Africa. As discussed above, the benefits of such reforms in terms of improved livelihoods of the rural poor have yet to be demonstrated on a substantial scale. While 'communal' areas throughout the region suffer from a range of deeply entrenched problems - including shortages of 'external' and 'internal' investment, limited (or no) markets in land, and lack of access to credit - there is little evidence to suggest that these issues will be resolved through the 'institutional fix' of tenure reform (Bernstein 2002: 451).

Rather, there are strong grounds to believe that attention to land rights in the absence of land redistribution or wider, pro-poor agrarian reforms, are favoured by policy-makers because they 'fit' with a particular (neoliberal) view of development (or post-development) - that is, they are driven largely by ideology (from above) rather than popular demand (from below). Legal recognition of customary rights comes at relatively little cost to the state, or to private capital. While ostensibly protecting the rights of rural poor, such reforms also serve to bring the poor - and the land resources under their control - into the ambit of the market system, unlocking opportunities for accumulation from below (within communities) *and* from above (by external investors). Indeed, it may well be argued that the interests best served by the formalisation of customary land rights in Mozambique and (as proposed) in South Africa will be 'external' investors, who can now enter into legally-binding contracts with clearly identified parties.

The ambiguity surrounding the current emphasis on formal, legal (as opposed to economic) rights can also be seen in areas outside the reform of customary rights, particularly in South Africa. Thus, the restitution programme is widely lauded as a success, even though, in the majority of claims settled, no land has actually been restored. In a number of other cases, the restoration of 'land rights' has fallen short of the granting full use and access rights to claimants. Again, the implications of this emphasis on the formal rights of ownership, as opposed to rights of use and access, are still far from clear. However, some indications are available from the redistribution programme, the one area of South Africa's land reform programme expressly intended to provide land for productive purposes. Imposition of Communal Property Associations, and other collective models of ownership and share-equity schemes, demonstrates a narrow focus on formal rights of ownership, rather than broader issues of securing economic opportunities for those previously denied them. A worrying failure rate amongst such projects - including in some case actual loss of the land so recently gained - once again highlights the limited value to be gained from formal ownership (and, of course, the inherent risk in commercial enterprises). The current emphasis on rights as a contribution to the economic uplifting of the rural poor therefore may well be over-stated.

Further limitations to the rights-based approach can be seen in areas where rights are contested by powerful actors. Examples can be found on commercial farms in South Africa, and on former state enterprises and cooperatives in Mozambique, where legislation designed to protect the rights of occupiers has proved inadequate in the face of determined action by private landowners and commercial interests, often with close connections to the state. It is perhaps significant that

rights have not emerged as a prominent discourse in Zimbabwe, either regarding the communal areas, the older resettlement areas or the new fast track resettlement.

All of this suggests that enhanced land rights are more likely to be tolerated and enforced where they serve rather than challenge the interests of other, more powerful actors or the dominant ideology of the market. In this sense, an exclusively rights-based approach to land reform (especially where this is focussed narrowly on rights of ownership or occupation) poses very little threat to the dominant economic structures and does not adequately address the fundamental causes of rural poverty and inequality.

In conclusion, the politics of land in southern Africa has entered a new and dramatic phase. Rural livelihoods are under severe stress and the neoliberal policies favoured by most governments in the region are failing to bring about fundamental change in the structure of poverty and inequality. Signs of a new mood among the rural poor in South Africa, inspired by events in Zimbabwe, suggest that the current orthodoxy of neoliberal globalisation is likely to face considerable challenges 'from below' in the not-too-distant future.

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