



Land Invasions and Land-Grabbing

1. Introduction

Warnings abound that unless something is done to quickly resolve the issues of land ownership and access to both rural and urban land, people will invade and forcibly or violently take over land. Thus no one can ever claim that they were not aware that such issues were bubbling among the landless or the dispossessed. In Namibia, the Affirmative Repositioning (AR) movement has asserted that unless something is done to radically address the need for land among the indigenous people of Namibia, they will invade and take over land. In South Africa similar warnings have been made by various landless people's movements, and by ordinary landless people. To make matters worse, there have been reports in both countries about ordinary individuals, officials, traditional leaders and corporates illegally taking over pieces of land. Indeed, these land-related grievances are not unique to these two Southern African countries; Kenya, for example, has a similar problem. Why, then, are the governments concerned apparently so reluctant to radically reform land ownership patterns?

2. A 20-year Itch

20 years after the 1994 settlement in South Africa, land invasions and threats of land invasions are on the increase. Some political parties, such as the Economic Freedom Fighters (EFF), and various land movements and organisations, such as the Landless People's Movement, Abahlali Basemjondolo, Ses'Khona Peoples Rights Movement, and the Western Cape Anti-Eviction Campaign, have been engaging in and publicly promoting the invasion of land as the solution to landlessness.

20 years after Namibia's 1991 national land reform conference, where 24 'consensus resolutions' were adopted that sought to resolve

land issues amicably, land invasions, threats of land invasions, and accusations that government was not dealing with land reform urgently, have been rising.

Similarly, it was 20 years after Zimbabwe's independence that there was an explosion of radical land reform, farm invasions, land expropriations, and farm occupations. If indeed history is repeating itself, we in South Africa do not seem to be learning much!

3. Namibia and South Africa: A Common Burden

"At independence, 52% of the agricultural farmland was in the hands of the white commercial farmer community, who made up 6% of the Namibian population. The remaining 94% of the population had to put up with owning only 48% of the agricultural land".¹ As in South Africa under Apartheid, Namibia had a policy of separate development, instituted by the colonising white South African state. This meant that Namibia's 'homeland' areas suffered similar issues of high population density due to limited land availability, distorted land ownership patterns, lack of development, and high poverty levels.

As with South Africa and Zimbabwe, where independence or freedom was achieved through negotiations rather than outright military victory, concessions were made in Namibia regarding land ownership, leading to the situation where those who had owned land before independence would continue to own it, while previously disadvantaged Namibians who needed land would supposedly be provided with it by the state.

The challenge has been, in Namibia as in South Africa, colonial and apartheid land ownership patterns have not changed very much, and there is growing restlessness about land reform. To make

matters worse, the Zimbabwean land invasions supported by President Robert Mugabe have popularised the idea of forcibly and even violently reclaiming land as a viable and attractive option, especially for the many who reject what they perceive to be their own governments' reluctance to upset the *status quo* that favours commercial farming and international investment considerations.

4. The Natives are Restless!

To be fair to the politicians, many of them do recognise the urgent need to engage the question of land reform. In Namibia on the 10th of July 2015, the government announced plans to implement the recommendations of the Special Cabinet Committee on Land and Related Matters², which contain 89 resolutions on land and related matters. These resolutions deal with questions of the limitation of land ownership by foreigners, the revision of various laws regarding commercial and farming land, a Consumer Protection Act to regulate the rental property market, among others.

In South Africa the government has proposed that farm employees will be given 50% ownership of the farms where they work, that there will be limits to the sizes of farms, and that there will be restrictions on foreign ownership of land, something that Namibia proposed right at the start of independence in 1990.

But if the various governments are doing something about the land question, then why are citizens still talking of, and engaging in, land invasions and occupations?

Speaking at a CPLO roundtable on land invasions recently,³ Job Amupanda, one of the leaders and co-founders of Namibia's Affirmative Repositioning (AR) movement, a youth-based radical movement that seeks to help mainly young people find housing and land, spoke passionately about the exploitation of tenants, and the terrible indignities people have to face sleeping in one room with their parents or children, and often having to engage in sanitary activities in such spaces. He said AR had given the Namibian government until the 31st July 2015 to do something about their land struggles or face mass land invasions.

On the 24th July, AR and the Government came to an agreement that 'Government will start by

servicing erven in Windhoek, Walvis Bay and Oshakati on a pilot project basis.' It was also resolved that 'from July 29 to August 5, 2015, there will be a nationwide clearance of identified urban land.'

AR itself sent out a call to technical professionals and ordinary people to come and start clearing and servicing land for occupation by landless Namibians, beginning the process of seeking to service the 200 000 sites as per the agreement with government.⁴

This extraordinary intervention stands to achieve three important things: Firstly, it offers hope to the landless multitudes who have waited more than 20 years that finally something tangible is happening; secondly it brings the landless into the process of building and providing serviced sites for themselves; finally, it suggests that direct mobilisation of people, and even threats of forcibly taking land, are needed in order to prompt a response from government.

Indeed, in this case, according to AR, the government's response was noteworthy. It did not simply cry 'law and order', but responded to the needs of the people by providing what the people actually wanted; it did not simply promise them something in future, or simply dismiss their demands by claiming to be actually doing something, while in reality leaving people to live daily in squalor and landlessness.

5. Land Occupation as Good News

As the various threats and actual land invasions show, often these events are a very loud and desperate cry by poor and landless people for something to be done about their plight. Often the Courts, especially the Constitutional Court in South Africa, have ruled in favour of landless people and squatters, confirming that there can be no arbitrary evictions, and that even when legal evictions take place, people must be provided with somewhere else to go to. The problem is often, however, that governments fail to take seriously the desperation of people who live in squatter camps, or backyards, overcrowded neighbourhoods, or even on the street. In their desire to follow proper processes, plans, and programmes that take years, and that often get diluted by negotiations with present land owners, they burden poor and landless people with decades of destitution and struggle. Where this happens - where people's right to land is

continually frustrated – invasions and occupations that force governments to respond positively can be seen as good news.

6. Land Grabbing as Bad News

In Kenya, which shares a somewhat similar settler colonial history to South Africa, Namibia, and Zimbabwe, the question of land has taken a slightly different but wholly undesirable trajectory.

Speaking at the CPLO roundtable, Shingai Mutizwa-Mangiza noted how the problem of land in Kenya has been characterised by enormous amounts of corruption and ethnic conflict. The first post-independence Kenyan government failed to deal with land issues and further exacerbated land grievances after independence; due to this, current land conflicts and land invasions often manifest themselves through ethnic and ‘tribal’ tensions.

At the time of independence Kenya, rather than reforming the colonial land policy it inherited, merely sustained the unjust land policies of the British. Some even argue that the elites simply inherited the social and economic characters of the colonizers and created their own political system that helped protect their interests. The post-colonial elites took ownership of much of the most productive land, like their colonial predecessors, while the poor and marginalized held small portions of land. Studies show that 50% of the most productive land is owned by 20% of the population, mostly the elites.⁵ Similar studies indicate that rapid population growth, coupled with rapid urbanization and other factors, intensified the land issues of the country.

Even after adopting a comprehensive national land policy and legislation, tenure insecurity is a major problem. Due to corruption and mismanagement within the National and county governments, overlapping tenure rights are a common phenomenon, and many communities have been forced off of their rightful land. Soon after independence, the first leader of Kenya, Jomo Kenyatta, enacted laws that gave the central government powers to grab land without proper compensation for the evictees. Kenya’s Truth, Justice, and Reconciliation report⁶ indicates that the Kenyatta family and the elite at the time of independence cheaply bought one-sixth of the land formerly owned by Europeans; land that was supposed to be given back to the community.

President Kenyatta also facilitated the illegal acquisition of massive areas of land in the coastal region of the country, creating many squatters in the process.

Separatist movements like the Mombasa Council Republic (MRC), which seeks to create an independent Mombasa, the Sabaot Land Defence Force, and Mungikis, are a few of the violent groups that emerged out of the historical and present day land injustices. Most communities that protested against the land injustices were also subject to physical violence, forced displacement, and many other forms of human right violations.

Land and politics are intertwined. Current land grabbing and historical injustices of land aggravate the situation. Communities that have been forced out of their land have been resettled in areas where they do not have historical land ties or are still awaiting compensation. Moreover, previous resettlement schemes created tensions as they unfairly favoured some ethnic groups over another. For instance, certain communities felt there were other groups that were resettled in their accessorial land, increasing the tension between the communities. The tension between the Kalenjin and the Kikuyus in Kericho is a prime example. In 1985, some Kalenjin leaders asked the Kikuyus and other communities to leave Kericho. The landless were relocated in the Rift Valley and the coast which intensified ethnic tensions. The post-election violence that took place in 2007/2008 shows that the most violent conflict occurred in areas where land is contested.

8. Land-grabs Closer to Home

In South Africa there are already cases of traditional leaders selling off land to developers without the consent of the communities living on the land. There are also stories of traditional leaders who want to convert community trust land into private land owned by the leader.⁷ Such land-grabbing will get worse the more the state fails to effectively provide the multitude of landless people with land or housing. So far, we do not have a serious problem of officials issuing false title deeds to other people’s property and in effect stealing people’s land right from under their noses as is the case in Kenya.

The South African government have even issued advice on how to deal with land invasions⁸, with all the major cities setting up anti-land invasion

units to police and deal with land invasions. But as history has shown, law and order cannot be a substitute for proper policy and just land allocations.

9. Conclusion

Sometimes one cannot help but compare the behaviour of the governments mentioned above with the a Gürbüz Doğan Ekşioğlu merdivenler (ladder) cartoon in which a man is trapped in a pit, with another man reaching down to help him out; there is a ladder just beyond the rim of the pit, but the would-be helper, instead of extending the ladder, chooses to extend a hand, which of course is too short to reach the trapped man. This gives the illusion that the would-be helper is actually trying to be helpful when in fact he is simply giving the trapped man false hope. He may sincerely be trying to help, but he fails to recognise that the poor person in the pit does not need a helping hand, but the actual ladder so that he can climb out of the pit himself.⁹

Whether they like it or not, land is a very expensive, limited resource, and there is no way that any of these governments will ever have enough money to buy all the land needed for land reform. Talking about the issue for years is of no use. Radical action is what is required to empower the landless.

Like service delivery protests, land invasions are generally not a call to lawlessness as the norm, but rather they are often a desperate appeal by the poor and disadvantaged for radical change. If the state ignores this plea, it runs the risk that protests and invasions will become more and more the normal way of satisfying a deeply-felt need.

Again, as the Kenyan experience shows, failure to properly sort out land ownership issues justly and transparently leads to serious problems with corruption, theft, land-grabs, and all kinds of undesirable and unjust forms of land ownership. In turn, this leads to further social strife and violence, and even to calls for secession by people who feel that their traditional lands have been stolen from them. In our own country, the violence around Cato Manor outside Durban should act as warning to all.

The Namibian response – of including people who are calling for land invasions in proposed solutions – is crucial for dealing with the crisis. It is not enough to work out solutions in closed rooms and then expect the landless and the poor simply to accept what they are being offered. Even more, those who do own land must either work together with the state and the landless for land equity or we will end up with widespread invasions, land-grabbing, corruption and theft; and even worse, with a great deal of internecine violence!

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¹ <http://www.peacepalacelibrary.nl/ebooks/files/354172352.pdf>

² <https://www.newera.com.na/2015/07/13/cabinet-report-measures-address-land-question/>

³ In July 2015, in Cape Town, the CPLO hosted a Roundtable discussion on Land Invasions, with Job Amupanda from Affirmative Repositioning, Andile Mngxitama- Land Activist and former MP, and Dr Shingai Mutizwa-Mangiza, Political Scientist where the issues around land and the use of invasions as a tool by landless people was discussed.

⁴ <https://www.newera.com.na/2015/07/27/ar-suspends-land-grab-31-july-govt-service-200000-plots/>

⁵ <https://www.issafrica.org/iss-today/the-role-of-land-issues-in-kenyas-rising-insecurity>

⁶ <https://www.scribd.com/doc/142790251/15/Land-issues-and-Related-Conflicts-in-Post-Independence-Kenya>

⁷ <http://mg.co.za/article/2012-09-05-livelihoods-are-at-stake/>

⁸ <http://www.gov.za/services/place-live/how-respond-land-invasion>

⁹ <http://www.gurbuz-de.com/merdivenler-e.html>