

Raising a red flag on the privatisation of communal land

During an online workshop hosted by the Institute for Poverty, Land and Agrarian Studies (Plaas), participants discussed rapid and 'silent' privatisation of customary land under the theme women's land tenure security and livelihoods in Southern Africa.

Civil society participants from Mozambique, South Africa, Zambia, and Zimbabwe were part of a multi-country study to explore emerging trends around land grabbing by traditional leaders for private use.



sandro mattei via [Unsplash](#)

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The workshop is part of a three-year project funded by the Austrian Development Agency (ADA), the operational unit of Austrian Development Cooperation, which aims to secure women's land rights and livelihoods by changes in land tenure policies and practices.

Among the civil society organisations participating in the event were the Zambia Land Alliance, Livaningo from Mozambique, the Platform for Youth and Community Development Trust from Zimbabwe and the Nkuzi Development Association from South Africa.

Refiloe Joala, researcher at Plaas, said: "Beyond the large-scale land grabs that have been documented across the region, the engagement aimed to explore less visible processes of change underway. These processes involve multiple forms of formalising customary land rights and the conversion of customary land to leasehold or state land in the interest of investments in tourism and infrastructure development by public and private actors; while disregarding poor and vulnerable people's informal and customary land rights."

Evidence from civil society partners found that rural women are the most affected by these trends, and the dispossession is being driven by mining, tourism or agribusiness expansion in some areas, and in others by the growth of local elites or the urbanisation of rural areas.

Identifying challenges

Participants at the engagement explained that the biggest challenge is that traditional councils comprising of chiefs and traditional leaders, municipal leaders and other state organs are taking unilateral decisions relating to the use of communal

land. The state is turning a blind eye to this as it benefits them – especially where mining is concerned.

A case in point in South Africa is in Limpopo province, where communities are being forcefully removed from communal land as a result of the introduction of mining operations and privatisation of communal land. The dispossessed communities often struggle to make a living in the relocated areas where the prospects for earning a living are very bleak.

Four hundred families have been forcefully moved from orchards in Limpopo since 2004 and they have been forced to set up new homes in nearby towns, where they have to look for jobs. In some instances, people are being pushed to move into government-subsidised RDP housing with no title deeds.

For example, agriculture land is being converted into residential developments and upmarket suburbs are being set up across Limpopo. Grazing land is being used for brick laying and construction projects and access to graves is restricted because of the commercialisation of communal land.

Participants noted that while community members are compensated, compensation does not take into consideration that people's livelihoods were dependent on the land. This is leading to an increase in unemployment, especially among women and youth, who are largely dependent on land for farming and self-sustenance.

This is a trend across all provinces in South Africa. However, this has unfolded in a greater form in Limpopo, and the participants are concerned that such phenomenon has not entered the wider policy debate.

Tackling food insecurity

Nkuzi Development Association cautions that there is a real threat of food security and an increase in environmental pollution remains among the biggest challenges, given the increase of urbanisation of agricultural land and dispossession of farming communities.

In Zimbabwe, chiefs are forcefully grabbing agricultural and communal land for commercial purposes, while in Zambia, the conversion of customary land to state land has resulted in the loss of access to residential and agricultural land.

Joala summarised the situation as: "There is an assault on the land rights of ordinary South Africans underway. Poor rural communities are threatened by powerful political and economic forces. Women are the most liable to be dispossessed."

"There is a gender-driven agenda within the framework of the changing tenure system. Women's land rights are being exploited, and we don't have enough defensive mechanisms to defend gender land rights. There is a clear alienation of women driving the agenda for dispossession of land."

"What we are seeing unfolding is very worrying as these practices are entrenching gender inequality and land alienation," said Joala.

Land rights

Dr Phyllan Zamchiya of Plaas, who leads the research, observed that attention to particular big "land grabs" obscures much more pervasive changes that are converting customary land rights into private rights. What is becoming increasingly evident is that it is not only large-scale land deals that are driving dispossession, but also processes of formalisation and privatisation, including efforts to create local land markets, and transferable land titles.

Formalisation typically focuses on conferring exclusive individual rights on men and leads to concentration in landholdings – whereas customary tenure provides a social safety net for community members.

Across the board, speakers acknowledged that although the form of the land grabs varies, the outcomes are the same – people are being displaced for self-serving interests of community leaders and their cronies.

Participants argued that the formalisation of customary land rights will lead to efficient uses of land and better management of natural resources. While this poses a solution, others are of the view that formalisation could lead to more insecure land tenure for the poor. Despite the contradictions and legal debates, the reality characterising the environment is that the prevailing land governance frameworks subject women to discrimination in land ownership, use and access.

According to Plaas, there are policies in place in Mozambique and South Africa which purport to protect community and informal land rights yet are inadequate. In Zambia, a land policy process has been drawn out over more than two decades. And in Zimbabwe, people who got land through the fast-track land reform now face eviction in places.

Overall, the studies suggest that policies and laws are inadequate, and that the problems extend beyond implementation. Rather, the model of securing rights through formalisation serves to exacerbate inequality and landlessness. In the context of deepening inequality and economic crises, including in the current Covid-19 pandemic, the loss of land becomes an ever more urgent issue to tackle.

The participants agreed that there is a need to investigate changes to customary land practices currently unfolding, to contest laws and policies that and to advance efforts to create awareness of the rights of communities relating to the laws on communal land and their application. Litigation may be pursued where necessary to challenge privatisation of community and customary lands.

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