



Symposium on Land Redistribution in Southern Africa 6-7 November 2002, Pretoria, SA

From: Paul van der Molen, Chair and Christiaan Lemmen,
Vice-Chair Administration, FIG Commission 7

At the XXIIth FIG Congress, held in Washington DC in April 2002, the FIG Commission 7, 'Cadastre and Land Management', made a commitment to convene regional meetings concentrating on issues within the region. The first regional meeting was organised in Pretoria (Tshwane), South Africa. A two day symposium on the 'how to do question' of land redistribution in Southern Africa was attended by about eighty top experts in this area. It was agreed that a professional approach could avoid chaos, but sufficient professionals with technical skills must be available.

Operational and technical aspects

The symposium was organised at the Burgers Park Hotel in Pretoria (Tshwane), between 6th and 7th November 2002. The target group for this symposium were land managers, land surveyors and related professions. The aim was to focus on the operational and technical aspects of the land redistribution process. This question had earlier been raised on other occasions, including the FIG Washington congress and at the World Bank Workshop on Land Issues in Kampala (April/May, 2002). The symposium in Pretoria was supported by the FAO and contributions were made by representatives of the World Bank, FAO, and many senior academics, bureaucrats and practitioners.

Professional Contributions

Papers were presented by regional experts from South Africa, Zimbabwe, Namibia, Mozambique and Malawi. These papers covered issues on land policy and land reform (and consensus and controversy related to this), reviewing conventional land administration approaches and proposing new alternatives, the quest for institutional harmony to deliver Zimbabwe's land reform programme, capacity building in land management, customary tenure land in South Africa, land tenure in Zimbabwe, technology as a problem in South African land reform, the potential of land readjustment technique in Africa, the impact of new legislation in Mozambique, land reform in Malawi, the role of land taxes in redistribution in Namibia, survey methods and data management for the demarcation of informal rights in South Africa, land reform and distribution in Namibia and Zimbabwe, land redistribution in practice and cadastral reform in Zimbabwe. Land reform and land redistribution is absolutely not an issue confined to Southern Africa. The governments of central and eastern Europe have had to

manage this problem over the past thirteen years and in most countries of this region the process is ongoing. Experiences and solutions were therefore presented from this region. In many countries in western Europe, land reallocation, acquisition and readjustments are integrated within a legal framework leading to planning and further development. Again, lessons can be learnt here. The same may be said for experiences presented from Bolivia and Brazil.

Warnings

On the other side, there were warnings against attempting too closely to follow the land readjustment approaches of the developed world. This is because of their underlying legacy systems, such as accuracy, a lack of ambiguity, high costs and behaviour focused on the individual. Local land records should be created that are accessible and in a format easily understood by all stakeholders. Where possible, the system should also be modernised by turning it into an easily accessible digital system with information that can be easily disseminated. Transparency has to be improved so that all stakeholders understand what is involved in the technical processes being used. Non-conventional technical tools should be introduced, including an SDI with cadastral and other data as foundation data.

Zimbabwe

The main idea, and one that has won widespread support for the land reform in Zimbabwe - even from Britain, the former colonial master - is that there should be equal access to ownership of land by all Zimbabweans (social justice). Access to good agricultural land for all Zimbabweans, leading to economic empowerment of the majority, is a fundamental right enshrined in the constitution. The widely accepted - even on the part of the privileged commercial farmers - policy of 'one man, one farm' is easily recognised in principle but difficult in reality. This would lead to a generally increased availability to all Zimbabweans of cheap food and hence better living conditions. The key to successful attainment of this policy is availability of an up-to-date Land Information System (LIS) that could be used to verify and confirm multiple ownership in real-time and to assess production potential for each farm holding. A realistic production potential, coupled with good administrative structures, would form the basis of an effective land tax system that could be used to fund the system. Planning takes place in a perfect environment; the real world contains problems of deceit, corruption and upwards political self-propulsion. These can be mitigated by an efficient information system.

Three major stages that are necessary in the land distribution process are policy formulation (political), implementation (technical) and acceptability of results (social and cultural). From a technical viewpoint, any successful redistribution process that encourages transparency, economic sense and speed of execution should be based on an up-to-date information system. Processes like parcel subdivision have to be changed and improved because of the very bad performance of the existing approach.

Alternatives in Approach

The land survey profession is trying to make an appropriate contribution to the land redistribution process; appropriate services have to be offered. Of course, the professional surveyors involved are very much aware of common property issues and the value of land

reform in relation to economic growth. But policies should be practical enough to implement. That's why land surveyors should exercise more influence on politicians. At the moment, policy inflexibility is experienced as an obstacle. Professional issues should be taken over by politicians. Proper institutional conditions and public administrations have to be established. The bureaucratic procedures for land redistribution are far from optimal and should be changed. Unused land - which has to be identified - should be expropriated; this allows small farmers to farm. The public and private sector should co-operate to make available spatial information on land. This allows for the introduction of land tax as a policy instrument and for advanced support in the redistribution process. A menu of options has to be developed and solutions should not neglect customary law. Simple registration forms have to be introduced. Restrictions for subdivision should be abolished; in general, cadastral reform is relevant and process modelling could be used to contribute to better performance. Community zones may be established on commercial farms. The importance of small farms for the economy should be recognised. Vouchers could be introduced as a means for land restitution.

Professional Co-operation

Professionals should co-operate better with one another: a strategic framework for the profession should be developed. Spatial Data Infrastructures could help in a better use of spatial data; data can thus be shared by different users. Aerial photographs may be used as a registration option. Monumentation may be used as a compensation for poor surveys. But in principle the quality of (aerial) surveys should be good enough to reconstruct boundary vertices. In this case monumentation might even be avoided, except in the case of neighbours preferring themselves to place monuments.

Capacity Building

An enhanced range of skills and resources will be required for land development. Of course, sufficient professionals with technical skills are needed. These need also to have other appropriate skills such as, for example, participatory rather than conventional planning skills. There is a need for sufficient managers/leaders with expertise in dispute resolution and conflict management. Managers should be able to do their political sums correctly. In Namibia, land management capacity building for land redistribution is embarked upon by the land management department of the Polytechnic of Namibia.

Final remarks

Going on reactions received up till now, it may be concluded that this symposium was both relevant and successful. A comprehensive set of papers, slides and other documentation on the subject is available for publication. This publication, sponsored by FAO, ITC, Kadaster and FIG, is currently in preparation. A printed version of the proceedings is expected to be available in February 2003.

Further reading

The following papers were presented at the symposium and are published at www.oicrf.org. The complete set of papers will be available here in February 2003.

- Brink, Rogier van den, 'Land policy and land reform in sub-Saharan Africa: consensus, confusion and controversy' (preliminary draft)

- Fourie, Clarissa, 'Reviewing conventional land administration approaches and proposing new alternatives: peri-urban customary tenure and land readjustment'
- Goodwin, Dave, 'Looking back, looking forward on land tenure in Zimbabwe'
- Muzondo, Ivan Ferayi, 'Global rhetoric and local realities: Zimbabwean land reform'
- Oskó, András, 'Land restitution and compensation procedures in central eastern Europe'
- Uisso, Vence, 'Land management capacity building for land redistribution in southern Africa'