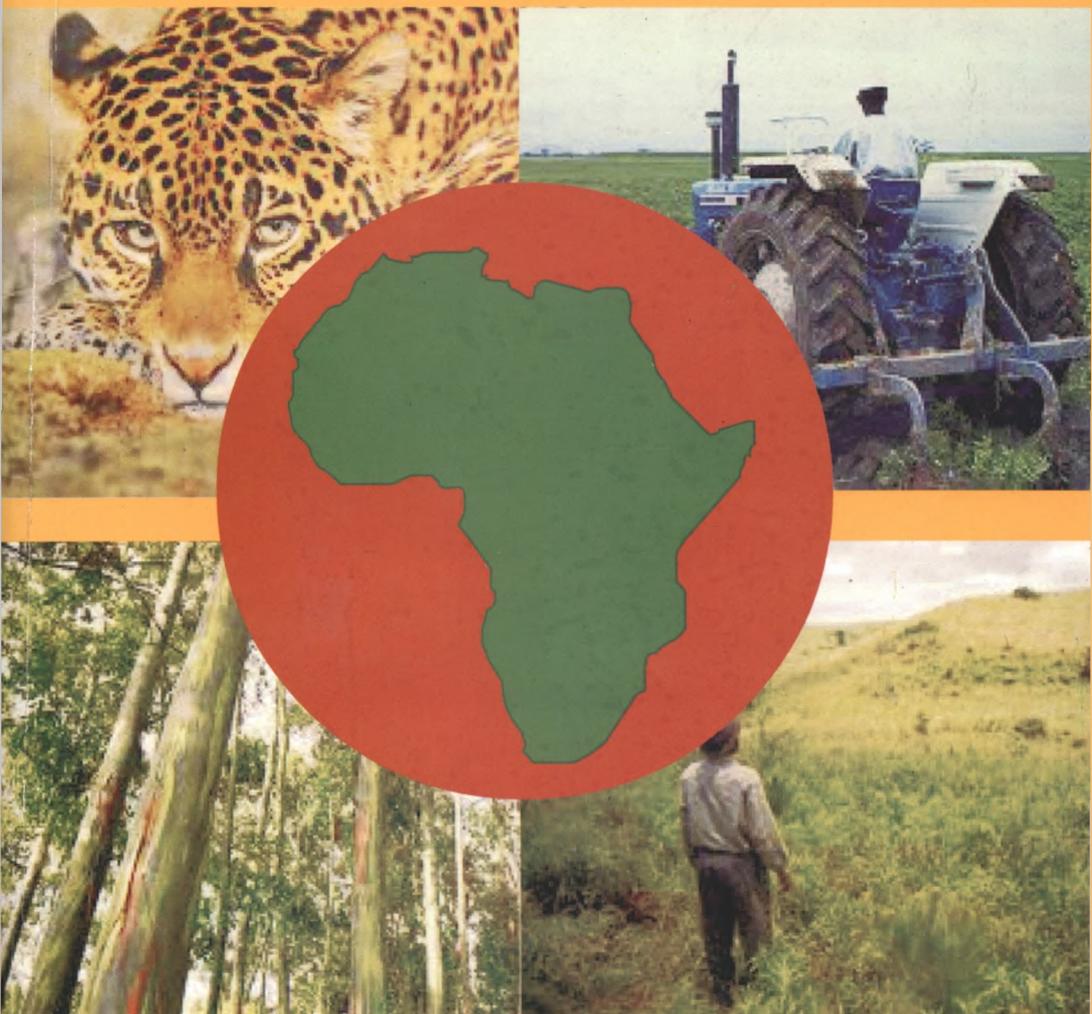


Land: An Empowerment Asset for Africa

The Human Factor Perspective



Edited by
Claude G. Mararike

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Chapter One

Land and the Human Factor: Access, Control, Ownership and Utilisation

Claude G. Mararike

Introduction

This chapter explores two themes which are central to this book. The first theme is on why land must be regarded as an empowering asset for Africa. The second theme deals with why the human factor (HF) is recommended as the best approach to be used in order to achieve total empowerment in Africa.

We note earlier calls by Mararike, (1998:87), that

development in Africa should only take place in the context of Africa's own organisations and institutions... The main component of all organizations and institutions are people. Africa must, therefore, first develop the HF content of people in all organizations and institutions before she can put in operation her development machinery.

We note too that there are chapters in this volume which address the centrality of land and how Africa was disempowered (Chapters Two and Three). We do not, therefore, address these issues in this chapter. Rather, we explain four concerns with regards to land: Access, Control, Ownership and Utilisation. We link these concerns to the application of the HF approach.

Access to Land and Land-based Resources

The term "access" may mean the right or privilege to approach, reach, enter or make use of something. Right or privilege may refer to an abstract idea of that which is *due to a person*. People are endowed by their Creator with certain *inalienable* rights; a right being something which somebody cannot give to another. It is something which nobody can take away from another. Access to land, for example, is a God-given right. People of all nations have access to their God-given land. Land is their *entitlement*. It ought to be their *inheritance* (Sen, 1981). They walk on it, build houses on it and are buried in the land. They may use the land to produce a wide

range of products. In fact, it is unthinkable for people to survive without having access to land.

There are, however, instances in the lives of a people when they may be prohibited and denied access to some land which they may want to use for their survival. Colonial history is full of such prohibitions (Mararike, 2001; 2003; Nkrumah, 2000; Chigwedere, 2001; Van Onselen, 1976; Bakare, 1993). There are also trends in contemporary history which continue to show that people are denied access to land. We shall address these trends later.

Authority to grant people access to land may be vested in various sources. In Zimbabwe, for instance, there were, and still are, pieces of legislation which deal with how land was supposed to be accessed (Land Apportionment Act, 1930; Husbandry Act, 1951; Native Act, 1929; Native Passes Consolidation Ordinance, 1913; Native Pass laws, 1895).

Ownership and Control of Land

Ownership of property, as explained in Western discourse, may be private, collective or common. The property may be of objects, land, intellectual or people. Determining ownership in Western law involves determining who has certain rights and duties over the property. These rights and duties, sometimes referred to as a “bundle of rights”, can be separated and held by different parties. To acquire property, one can purchase it with money, trade it for any other property, receive it as a gift, *inherit it*, earn it by doing work or make it.

Ownership may be regarded as the basis for many other concepts that form the foundations of ancient and modern societies such as money, trade, debt, private/public property. Ownership is the key building block in the development of the capitalist socio-economic system. In European thinking, one of the sacred laws of justice was to guard a person’s property and possessions (Macfie and Raphael, 1982).

This chapter refers to three types of ownership models. State ownership: assets that a state has jurisdiction over in terms of use. Land may be one such asset. Personal ownership: assets belonging to an individual. These might have been acquired through one or a combination of inheritance, trade or one’s labour. Collective ownership: assets that belong to a collective body of people who control their use. Land may be one such asset. The concern here is on land ownership and control. Most struggles and disputes the world over have been, and still are, over the ownership and control of land and land-based resources.

State Ownership and Control of Assets

Governments the world over are expected to perform three functions: Management of the economy, provision of social services and maintenance of law and order. We focus on management of the economy only. The view that land is the country's economy and the economy is land is taken. How has land been managed over the years? Our response leaves out the pre-colonial period because it is explained elsewhere in this volume. We instead refer to the colonial period, using Zimbabwe as a point of departure.

In the words of Nkrumah (1975 [2000:9]), "Rhodesia (now Zimbabwe) came into existence by trickery and force of arms." The British South Africa Company (BSAC), conquered the people of Matebeleland and Mashonaland and then started the process of colonising the country.

In 1888, Lobengula, then King of the Ndebele, is reported to have signed away all the mineral rights in his kingdom to Cecil John Rhodes's company for a mere 100 British pounds a month. In October of the following year, a royal charter (Rudd Concession) was granted to the BSAC. The charter gave the BSAC access to land and land-based resources. This meant that the BSAC had control and ownership of "all mineral rights" in return for guarantees of "protection" and "security" of King Lobengula and his people (Nkrumah, 2000; Chigwedere, 2001; Gann, 1965). King Lobengula, however, later disputed the contents and purpose of the document he was purported to have signed. Part of the document, popularly known as the Rudd Concession, reads:

...I, Lobengula, King of Matebeleland and Mashonaland and other adjoining territories, in the exercise of my sovereign powers, and in the presence and with the consent of my Council of Indunas, do hereby grant and assign into the said guarantees, their heirs, representatives, and assigns, jointly and severally, the complete and exclusive charge over all metals and minerals situated and contained in my kingdoms, principalities and dominions, together with full power to do all things that they may deem necessary to win and procure the same and to hold, collect, and enjoy the profits and revenues, if any, desirable from the said metals and minerals..." (Chigwedere, 2001: 4).

King Lobengula's letter of repudiation sent to Queen Victoria, dated April 23rd 1889, was as follows:

Sometime ago, a party of men came into my country, the principal one appearing to be a man named Rudd. They asked me for a place to dig for gold and said they would give me certain things for the right to do so. I told them to bring what they would give and I would then show them what I would give.

A document was written and presented to me for signature. I asked what it contained and was told that in it were my words and the words of those men. I put my hand to it.

About three months afterwards, I heard from other sources that I had given away by that document the right to all the minerals in my country. I called a meeting of my Indunas and also of the white men and demanded a copy of the document. It was proved to me that I had signed away the mineral rights of my whole country to Rudd and his friends.

I have since had a meeting of my Indunas, and they will not recognize the paper as it contains neither my words nor the words of those who got it. After the meeting, I demanded that the original document be returned to me. It has not come; yet it is two months since they promised to bring it back soon.

The men of the party who were in my country at the time were told to remain until the document was brought back. One of them, Macqurie, has now left without my knowledge and against my orders.

I write to you that you may know the truth about this thing, and may not be deceived. With renewed and cordial greetings, his

LoBengula X

It should be noted that King Lobengula did not speak in English. What he said in Ndebele was interpreted by Reverend Charles Helm, a white missionary who was an interested party. His knowledge of Zulu or Ndebele must be doubted.

What gave the white men access to land and land-based resources was trickery. What gave the white men ownership and control of the land was cheating and lying. What gave the white men utilisation of Zimbabwe's assets was trickery.

The questions we ask are: Has this trickery ended? Was it only King Lobengula who fell victim to the white men's trickery? Has the white men's trickery changed?

Let us refer first to the Government of Zimbabwe's deals with Zimplats in an attempt to answer the questions raised above. We will also refer to several other cases in Africa later.

Government of Zimbabwe and Zimplats

Zimplats Holdings Limited was an 87% subsidiary of South Africa-based Impala Platinum. It was registered in Guensey, United Kingdom, with a primary listing on the Australian Stock Exchange (ASX). Zimplats wholly

owned and operated Zimbabwe Platinum Mines Limited, Zimbabwe's largest producer of platinum. It owned a resource base of 222 oz. 4E on the Great Dyke and 76 000 hectares containing about 80% of Zimbabwe's known platinum reserves, the second largest in the world.

In 2000, the Government of Zimbabwe entered into an agreement with Zimbabwe Platinum Mines Limited, before it restructured to Zimplats. The Government of Zimbabwe later realised that the 2000 deal was a bad one because Zimplats' "forefathers" were suspected of plundering Zimbabwe's platinum resources while it reported questionable tax-assessed losses, and fabricating a write-off in order to "sell" shares to each other at a residual value of just one United States dollar (Mugowo, 2013).

With nearly all Zimbabwe's platinum resources on the Great Dyke under Zimplats' armpits, there was hardly any ground left for other players with an interest in platinum mining. On realising the gravity of its own mistake, Government, through a Cabinet policy, adopted in March 2006, initiated a platinum resource rationalisation to release excess ground for new entrants who had been elbowed out by Zimplats. On March 15, 2006, President Robert Mugabe held a meeting with Keith Rumble, Chief Executive Officer of Zimplats. The President advised him that the ownership structure of Zimbabwe's platinum industry would have to change in line with new Government policy.

In February 2013, the Ministry of Mines and Mining Development announced a repossession of about 28 000 hectares of Zimplats with immediate effect using the "use it or lose it" policy. The policy provided for a reclamation and reallocation of claims undeveloped for more than 10 years.

In 2012, the Government approved the indigenization structure, setting aside the 15% empowerment conditionality provided for in the 2000 agreement in favour of a new three-tier pyramid system suggested as follows:

- 10% for a community share ownership scheme;
- 10% for employee share ownership scheme; and
- 31% for the National Indigenisation and Economic Empowerment Fund.

By 2014, the suggested scheme was still not fully operational. Zimplats was still not prepared to accept dilution of earlier agreements. It was still showing a determination to hold off indigenisation through unmerited claims and conditionalities. The question is: Since Zimplats did not fulfill

its empowerment obligations for which it got huge tracts of land (76 000 hectares) under the 2000 agreement, should the Government of Zimbabwe not reclaim all the land?

The Government/Zimplats bad deal is one of many such in the country and, possibly, elsewhere in Africa. African Governments, it seems, have not learned from King Lobengula's incident, the trickery of the white men. We now refer to recent developments of land and land-based resources grab in Africa by many international organisations.

Who are the so-called Investors?

According to Agazit Abate (2011), while media focus has been on the role of India and China in land deals in some parts of Africa, the Oakland Institute's investigation reveals that Western firms, banks and individuals have played major roles in land grabs in Africa. So-called investment funds with ties to major banks such as Goldman Sachs and JP Morgan, have been identified. Firms such as the London-based Emergent and universities such as Harvard, Spelman and Vanderbilt, have been involved in activities which attracted speculators.

In South Sudan, several Texas-based interests have been associated with a 600 000 hectare deal which involved Kinyeti Development LLC, an Austin, Texas-based business organisation whose holding company was managed by Howard Eugene Douglas, a United States Ambassador at Large and Coordinator for Refugee Affairs. A key player in the largest land deal in Tanzania was Iowa agribusiness entrepreneur and Republican Party stalwart, Bruce Rasletter.

In Mali, the United States used subsidiaries registered in other countries such as Petrotech-ffn Agro Mali. It was a subsidiary of Petrotech-ffn USA. Other European countries were also involved, often with support given by their governments and embassies in African countries. For instance, Swedish and German firms have interests in the production of biofuels in Tanzania. Addax Bioenergy from Switzerland and Quifel International Holdings from Portugal were major "investors" in Sierra Leone. Sierra Leone Agriculture was actually a subsidiary of the UK-based Caparo Renewable Agriculture Development Ltd, associated with Tony Blair's African Governance Initiative, which he uses as a decoy!

In Ethiopia, an estimated 438 000 hectares of land have been leased in the vicinity of the Gambela National Park. While the park boundaries were not as yet set, land that the local population considers a part of the park, has been cleared by large-scale "investors", including Karuta and Saudi Star. Land grab by foreign so-called investors put these countries

on a path that will lead to increased food insecurity, environmental degradation, increased reliance on aid and the marginalisation of farming communities.

In Mozambique, most of the so-called investments were involved in the timber industry and agrofuels rather than food crops. Food crops represented only 32 000 hectares of the 433 000 hectares that were approved for agricultural purposes between 2007 and 2009. In Ethiopia, much of the large-scale land deals have focused on food production for foreign markets. Land grab throughout Ethiopia has led to the clearing of communal lands and plots used for shifting cultivation as well as forests, the communities primary source of sustenance, along with their buffer systems. Clearing of these lands will also affect fish habitats and other wildlife hunted in times of food scarcity. There will also be loss and degradation of grazing lands.

Most of these deals come with huge tax breaks and other investment incentives. For instance, Sierra Leone allows 100% foreign ownership of most deals. There are no restrictions of foreign exchange. There is full repatriation of profits, dividends and royalties and no limits on expatriate employees.

While land grab deals were going on behind closed doors, communities were resisting. The 2008 food uprisings and revolts against land grabs in Madagascar and Guinea, show that communities were standing up in defence of their inheritance – the land.

Land and the Human Factor Implication

The main claim of the Human Factor approach is that no nation or country can sustain its development activities without people who are patriotic, reliable, committed and disciplined. Above all, these people must believe strongly in the ideals of their societies, affirm and practise them. But what evidence do we have to support the claim that the HF approach is the best one?

Ofori-Amoah (1998:35-40) provides a framework to assess the validity of a new perspective such as the HF. He suggests two ways. The first is the comparative test. In this test, "the central assertions of a new development perspective are examined... against those of existing or previous perspectives within the context of the problem being addressed" (*ibid*:35). If the new perspective shows that it is the most convincing, it will then be reasonable to accept it as the most valid.

The emphasis of the HF approach is on the quality of people involved in an activity, their commitment to the ideals of their society, their remaining

in position and following a set agenda. What is also assessed is the effort, energy, consistency and persistence which they put in to achieve their goals. It may not matter whether we agree or disagree with their vision and mission statement. For example, Europeans who colonised parts of Africa believed strongly in the ideals of their societies and remained in their position to achieve their goals. Cecil John Rhodes and his company, for example, had a dream to fulfill. He used people like Rudd and Charles Helm to achieve it; whether or not it meant using trickery and deception or other means which we may consider to have been unorthodox.

Those who spread Christianity also believed strongly in the ideals of organisations which spearheaded the Christian movement. In fact, the essence of the HF approach is to have people with the HF content trained to carry out to the end the ideals of an organisation or society. We have, throughout history, many examples of individuals who achieved what they had set out to do because of their HF competences. They had readiness, preparedness, ability, willingness, awareness and capacity to act and react to both internal and external stimuli.

The comparative test method may have some merits in that the assessor can compare two or more perspectives and point out to one that works better. In the case of those who colonised Africa, they compared their own perspectives with those of Africa and were therefore, able to condemn the African worldview as “barbaric”. But this approach was based on a false and untrue start. Its applicability was doubtful and suffered from what Ofori-Amoah calls “saturation hypothesis syndrome” (1996: 3-4; 1996:33). He says:

To be successful, the development directions must have a true life premise... This premise provides hope, motivation and conviction that the direction will achieve something better than the previous one... However, if the premise itself is in error, then all the hopes and expectations will not only enslave people, but will also de-stabilize the very foundation of the existing ... programme...

We have already noted that the basic premise of the HF perspective is that *development begins and ends with people*. More importantly, it is not the quantity of people that matters, but the quality they possess in terms of their personality characteristics (*unhu*). These characteristics make societies remain functional over time. Using the diagnostic test, the HF approach does not have doubtful applicability because it is culture specific. It stays away from calling for austerity measures and other measures that may bring hardships to the people. Neither does it talk about issues that are foreign to Africa. The HF perspective focuses on preparing the human

being, first and foremost, and equipping the person with values that are culture specific. These values are rooted in African systems and are, therefore, not alien.

The Saturation Hypothesis Syndrome

The saturation hypothesis syndrome, according to Ofori-Amoah, (1998:35-36) is the syndrome that causes academics to conceive problems of Africa in terms of what is currently considered to be most important issues in so-called developed countries. The real impact of the saturation hypothesis syndrome then is that it causes research to focus on problems that are peripheral to what really needs to be addressed within the African context. Africa then copies what Europe suggests. But as is common, problems do not leave a vacuum. If one problem is solved, another one will emerge; but if the solution will have been copied from Europe, people will then go back to Europe to look for a solution to deal with the new problem. The process may be repeated until Africa learns or fails to learn how to solve her own problems.

With regards to access, control, ownership of land and its utilisation, answers must be sourced from Africa. Land is an asset that does not belong to individuals. It is an asset which should not be sold because it is an inheritance (*nhaka*). Ancestors of a particular society have a say on how land should be used. The unborn members of a society are entitled to land as their inheritance. Animals, birds, trees, grass, in fact, all living things, have a share and say on how land must be utilised. What the African people should understand are the founding principles of their ancestors; particularly the teaching that when you handle things given by strangers, you must first rub your hands with protective medicine. Another teaching which is part of Africa's philosophy is that "*Badza guru huwana murimi*", "*ukapa simbe (nyope) inovata naro*" (If you give a good, big hoe to a lazy person, he/she will not be able to make good use of it).

The HF approach does not emphasize the tool to be used, but the *user* of the tool. Tools on their own do not work. Money on its own does not guarantee the success of any project. Rather, the availability of people who remain *in position*, guided by rules, regulations, procedures and policies, guarantee the success of projects.

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The main message contained in this book, *Land: An Empowerment Asset for Africa: The Human Factor Perspective*, is that access to, control, ownership and utilization of land and land-based resources are key to Africa's total empowerment. But land and land-based resources on their own will not empower African people. What is required is that the people themselves must utilize these resources to their own benefit. Empowerment will not be faxed or e-mailed from somewhere else.

What Africa needs are not just people with their skills and high qualifications, but people who believe strongly in the ideals of Africa, affirm and practise them at all times.

The book makes a contribution to the Human Factor Perspective whose main claim is that development is people-centred and such a development approach must produce significant improvement in the livelihoods of the people of Africa.

The book's readership is diverse. The purpose is to make it of special appeal to students, lecturers, researchers and policy-makers.

ABOUT THE EDITOR

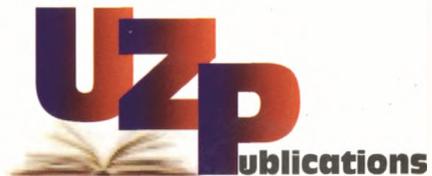
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