

With a brief introduction Ben Chigara succinctly outlines the varying degrees to which a number of Southern African Development Community (SADC) States are engaged in social-reconstruction programs aimed at correcting the salient economic and social legacy of apartheid rule on their territories. Chigara draws the reader’s attention to the basic conflict which has triggered a fierce binary opposition between the dispossessed land-hungry black majority and a privileged white-minority farming community that holds and controls lands with the most agricultural potential. The main difference to most other works in this field is that the book openly shows that persistent systematic administrative failures in the regulation of land allocation and use in affected SADC States have a long history that is traceable to the culturally biased pre-colonial stage; and exacerbated in the racially discriminatory colonial stage; and unfolding transitional post-colonial stage. The book proposes rightly that this conglomerate requires Solomonic tools that neither the Courts, nor human rights centric morality alone could resolutely attend.

Following this introduction, Robert Home provides the basis for the subsequent analyses in later chapters. He outlines the continued exclusion from land ownership of the African majority population by a white minority and foreign investors. It is important for the whole project that he highlights the paradox that southern Africa should have enough land to support its fast growing population, yet in reality the lack of access to land for basic shelter and livelihood remains a major cause of poverty. It is a properly chosen approach to start with the Dutch colonisers of the Cape after 1653 and then continue through these histories concluding with the post-independence period. Robert Home does not overlook the tremendous population growth and comes to the conclusion that the ‘land problem’ is nothing new in southern Africa, although in the colonial period it referred to rather different issues than it does at present.

Thereafter Martin Adams and Rachael Knight examine the land policy developments and setbacks in southern Africa. In their chapter they highlight the challenges with land tenure policy and related legislative reform progressed in several countries, particularly in those nations where efforts have been made to integrate customary and statutory land administration into a national legal system, as well as in nations that have moved to decentralised authority over land administration as a way of strengthening the tenure
security of poor rural communities. Importantly, they demonstrate that despite good laws, governments have, in many circumstances, subsequently amended or implemented them in such a way as to undermine their worthy aims. In a very illustrative way they describe the different topics of land policy developments, namely first, the repossession of land alienated by Europeans; second the land tenure reform and the harmonisation of received customary law; and third the transformation of the colonial systems of land administration geared to private and government land. Thus, they provide a solid basis for understanding the later contributions.

The chapter written by Horman Chitonge focuses on land use and the closely related theme of ownership, both of which have a bearing on food security and poverty reduction in the region. Diverging from the dominant literature, which has largely focused on land tenure reforms, this chapter looks at the size and main characteristics of the land resources in SADC, how these resources are distributed between the different types of users and how the resources are utilised. While acknowledging that tenure, institutional and legal reforms are important in the region, the chapter highlights landownership and use, linking these two themes to issues of food insecurity. Like in Robert Home’s chapter it is argued that, even after discounting the precarious climatic conditions in the region, SADC has sufficient land and human resources, which if used effectively should eliminate the perennial problem of chronic and transitory food insecurity among its population. This argumentation is supported by empirical data and thereby not only convincing but also gives the reader important background knowledge for the understanding of the whole problem. Being an overview on land ownership and use, the chapter does not provide detailed land use characteristics for individual SADC countries, but highlights some of the common challenges that the region faces with regard to land ownership, management and use and thereby identifies some of the key challenges for individual countries which can be the basis for empirical research on land use in the region.

In order not to be too theoretical, Oliver C. Ruppel provides a significant contribution. His chapter deals with the land issues before the Southern African Development Community Tribunal and questions whether these issues are a case for human rights. His remark that the concept of regional integration plays a vital role in that it strives to harmonise law and jurisprudence with regard to human rights, is noteworthy, since the states in Europe have had a similar experience. One should use this approach to think further about an international or even better supranational body controlling the land policy issue – possibly on the level of SADC. Therefore, this chapter introduces SADC, the SADC Tribunal, and their relevance for the protection and promotion of human rights – even if the protection of human rights is not within the focal range of the regional economic communities on the African continent.