

OWNERSHIP OF LAND

AN ONGOING SOURCE OF CONFLICT WORLDWIDE

By E. Osborne

Imagine this: after a prolonged absence, you return to your vacation cottage in the woods only to find it occupied by a squatter. You explain to the person that the cottage belongs to you and that he must leave. But the interloper, producing a firearm, rebuffs you, saying, “No one has been here in a very long time, so I assumed the place was abandoned and moved in. This spot is mine now.”

Now flashback to the period between the 16th and 20th centuries, when scenarios similar to the above were played out regularly in Africa, mainland Asia, the Pacific basin and the Americas. This was the so-called “Age of Exploration,” a time when adventurers set out from various European countries in search of new lands to plunder, settle, and to proselytize. Happening upon an area, and encountering no inhabitants, the newcomers typically would plant their nation’s flag in the soil, and claim the land for their king or queen.

But how is it that people could just show up and claim ownership of lands that they had no right to?

In a few instances, these interlopers laid claim to lands they had ventured to because, upon arrival, they initially saw no evidence that the areas were inhabited. Such was the case when, in 1606, the Dutch explorer Willem Janszoon arrived in what was to become Australia and dubbed the territory Terra Australis Incognita, “Unknown Southland. However, it was Captain James Cook who, arriving in 1770, planted a British flag on the coast and claimed the continent for Britain. Similarly, when South Africa’s Apartheid Era government took most of the land and banished the Bantu population to the so-called “homelands.” They justified the action based on the false assertion that the area was uninhabited when the Dutch arrived to settle the Cape of Good Hope in 1652.

At times the invaders were able to take territory by force; at other times they often did so by deceitful means. This typically involved tricking the inhabitants into “selling” land they assumed they were leasing to the newcomers. Unlike the Europeans, who viewed land as a commodity that could be bought and sold, the inhabitants of the various lands they ventured to had different notions about land ownership. For the inhabitants of these newfound areas, the notion of individual, private ownership of land was almost universally an alien one. Among both Native American and African groups, for example, the land was a possession of the community – the living, the dead, and the unborn – and could neither be bought nor sold. Rather than “ownership” what these societies had was a form of land tenure based on stewardship – the right to use the land so long as the user tended and cared for it.

THE BIG STEAL

By far the most blatant instance of a land grab was the so-called “Scramble for Africa,” which saw the seizure of a wide swath of African land and the displacement of millions of people. It began with the Berlin Conference of 1884 when German Chancellor Otto von Bismark brought together representatives from the United States and 13 European nations – among them Belgium, Germany, France, England, Italy and Spain – to discuss

how to lessen tension among themselves by creating borders around their territorial claims in Africa. Notably, the resulting boundaries, which demarcated some 50 African territories, were agreed upon without the consent of the African inhabitants.

A prominent feature of these boundaries is that they were arbitrary, with the result that often they were drawn so that the colony thus created contained two or more groups that were culturally and linguistically unrelated (e.g. the Yoruba, Hausa and Igbo of Nigeria). At other times the borders were drawn through communities speaking the same languages, with the result that their members ended up in two, or even three, colonial territories (e.g. the Ewe people of Ghana and Togo and the Wolof of present-day Senegal and The Gambia).

In a real sense, the establishment of borders around colonized African territories by the attendees at the Berlin Conference is a cause of the turmoil that has plagued the continent over the years: the disputes over the ownership of land, waterways, and access to natural resources, the oftentimes violent contests for political office, the civil wars and the inter-ethnic conflicts. One example is the Nigerian Civil War of 1967-1970, which

erupted when the predominantly Igbo state of Biafra declared its independence and broke away to form the Republic of Biafra. This conflict was fueled in part by economic and political competition that resulted in anti-Igbo riots in the north of the country.

Another example is the off-and-on, low-level conflict in Casamance, the sliver of Senegal sandwiched between The Gambia and Guinea-Bissau. There, since the early 1980s, the military of Senegal has been engaged in an ongoing struggle with a rebel group, the Mouvement des Forces Démocratiques de la Casamance (Movement of Democratic Forces of Casamance), seeking independence for the region. The secession movement is driven in part by the perception on the part of the Jola and other indigenous people that the Wolof, who dominate the economy, are responsible for the lack of economic growth in the region.

Yet another place where the inter-communal rivalry has led to violence is Rwanda. In 1994 a contest between the Tutsis and Hutus for political leadership led to fighting in which some 800,000 people, most of them Tutsis, were slaughtered. One of the worst genocides of the 20th century, its origins lay in part in the divide-and-conquer strategy used during the colonial era to put

the Hutu majority against the privileged Tutsi minority – the distinction between the two groups being one of class rather than physical difference. After the Berlin Conference, the colonial authorities gave the Tutsis the responsibility of administering their policies, and the Tutsis used their position of authority to gain Hutu land. It was the historic Hutu resentment of Tutsi overlordship that Hutu politicians exploited during the early 1990s to incite violence against the Tutsis for political gain.

INSTANCES OF LAND RECLAMATION

Zimbabwe and South Africa are two countries where post-independence governments have instituted programs designed to return to the indigenous inhabitants land that was lost to white immigrants during the colonial period. In the former, the Fast Track Land Reform Program was instituted to accomplish this task. The process proved to be chaotic and violent, however, and ended up having such a negative effect that the Zimbabwean economy collapsed in the early 2000s. Similarly, in neighboring South Africa, the government has passed legislation that allows for the return – without compensation to whites – of land that was taken from indigenous inhabitants

through the 1913 Native Land Act.

The African continent is hardly the only place where movements seeking land restitution have sprung up. For example, indigenous populations have undertaken efforts to recover land dispossessed during colonial rule in Canada, Australia, and Hawaii, the nation’s 50th state. In the latter, the takeover was accomplished by a small group of planters who conspired with the U.S. envoy to orchestrate a coup to overthrow the last Hawaiian monarch, Queen Lili’uokalani, and forcefully annex the island chain to the United States in 1893. Because the sovereign movement considers the deposition and annexation as illegal acts – acknowledged as such by the U.S. Congress in a 1993 Apology Resolution – its aim is to secede from the union and reestablish an independent nation.

And why not? After all, what if the situation were reversed? What if foreigners were to arrive in your country – let’s call it, say, Freeland – plant their flag on the shore, and, by force of arms, claim the territory as their own? Wouldn’t you and your fellow nationals have a right to unite and demand that the interlopers either leave altogether or, if permitted to stay, at least return ownership of the land to you?

