

Land Issues before the SADC Tribunal: A Case for Human Rights?

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Over the past few decades, land issues have climbed to the top of the agenda in many African countries. These issues are a highly sensitive topic as they reflect African history, on the one hand, and are an indicator for the future development of African states and the African people on the other. The status quo of land distribution still shows the imprints of colonial powers that have left their indelible mark in African history over the past few centuries. This is probably why, whenever land issues are being discussed, emotions run high – more often than not culminating in violence and even cold-blooded murder.

Member states of the Southern African Development Community (SADC) have experienced the whole range of difficulties attached to land issues, with Zimbabwe being an extreme and sad example. In the latter country, a government programme of land redistribution in 2000 resulted in the invasion of largely white-owned farms, accompanied by massive violence tolerated and even encouraged by the Zimbabwean government.

Undoubtedly, the issue of land distribution needs to be addressed in a manner that rectifies colonial land distribution and other social injustices such regimes spawned. However, this should not be allowed to justify the neglect of national and international human rights standards; in particular, supranational organisations cannot turn a blind eye to states where land redistribution is undertaken in an inhuman and illegal manner. The case of Zimbabwe has come to the attention of SADC and its judicial organ, the Windhoek based SADC Tribunal, and will continue to be of national and international interest in the near future.

The case of Mike Campbell (PVT) Limited, challenging human rights violations by the expropriation of agricultural land in Zimbabwe by the government of Zimbabwe has become prominent, also by means of the 2009 documentary film *Mugabe and the White African* by Lucy Bailey and Andrew Thompson. The film documents the lives of a white family who run a farm in Chegutu, Zimbabwe, as they challenge the land redistribution programme that began in 2000. The film follows Campbell and his family as he challenges Robert Mugabe and the Zimbabwean government before the SADC Tribunal for racial discrimination and human rights violations.

This paper intends to introduce SADC, the SADC Tribunal, and their relevance for the protection and promotion of human rights in the region. The case of *Mike Campbell (Pvt) Ltd v The Republic of Zimbabwe* will be discussed exemplarily. To put the case in context, the history of land distribution in Zimbabwe will be outlined comparatively, with a special emphasis on the legal background to the land reform process in the region (eg. Namibia and South Africa).