

Property Rights, Land and Territory in the European Overseas Empires

Direitos de Propriedade, Terra e Território nos Impérios
Ultramarinos Europeus

Edited by José Vicente Serrão
Bárbara Direito, Eugénia Rodrigues
and Susana Münch Miranda

© 2014 CEHC-IUL and the authors.

All rights reserved.

Title: Property Rights, Land and Territory in the European Overseas Empires.

Edited by: José Vicente Serrão, Bárbara Direito, Eugénia Rodrigues, Susana Münch Miranda.

Editorial Assistant: Graça Almeida Borges.

Year of Publication: 2014.

Online Publication Date: April 2015.

Published by: CEHC, ISCTE-IUL. Avenida das Forças Armadas, 1649-026 Lisboa, Portugal. Tel.: +351 217903000. E-mail: cehc@iscte.pt.

Type: digital edition (e-book).

ISBN: 978-989-98499-4-5

DOI: [10.15847/cehc.prlteoe.945X000](https://doi.org/10.15847/cehc.prlteoe.945X000)

Cover image: “The home of a ‘Labrador’ in Brazil”, by Frans Post, c. 1650-1655 (Louvre Museum).

This book incorporates the activities of the FCT-funded Research Project (PTDC/HIS-HIS/113654/2009)
“Lands Over Seas: Property Rights in the Early Modern Portuguese Empire”.

Contents | Índice

Introduction	
Property, land and territory in the making of overseas empires <i>José Vicente Serrão</i>	7
Part I Organisation and perceptions of territory Organização e representação do território	
1. Ownership and indigenous territories in New France (1603-1760) <i>Michel Morin</i>	21
2. Brazilian landscape perception through literary sources (16th-18th centuries) <i>Ana Duarte Rodrigues</i>	31
3. Apropriação econômica da natureza em uma fronteira do império atlântico português: o Rio de Janeiro (século XVII) <i>Maria Sarita Mota</i>	43
4. A manutenção do território na América portuguesa frente à invasão espanhola da ilha de Santa Catarina em 1777 <i>Jeferson Mendes</i>	55
5. Urbanística e ordenamento do território na ocupação do Atlântico: as ilhas como laboratório <i>Antonieta Reis Leite</i>	67
6. Do mar à serra: a apropriação do solo na ilha da Madeira <i>Nelson Veríssimo</i>	81
7. Cartografia de uma propriedade na ilha de São Miguel: as Furnas de José do Canto (século XIX) <i>Pedro Maurício Borges</i>	89
Part II European institutions in colonial contexts Instituições europeias em contextos coloniais	
8. Bens, direitos e rendimentos no reino e na América portuguesa: o morgado e a capitania (século XVI) <i>Maria Leonor García da Cruz</i>	99
9. Capelas e terras de ónus de missa na ilha do Fogo, Cabo Verde (séculos XVI-XVIII) <i>Maria João Soares</i>	115
10. Valorização e exploração do património vinculado em São Miguel (séculos XVII-XVIII) <i>José Damião Rodrigues</i>	123
11. História da propriedade eclesiástica nos Açores: o património do convento de São João de Ponta Delgada (século XVII) <i>Graça Delfim</i>	135
12. A exploração da terra sob o regime da <i>colônia</i> no arquipélago da Madeira <i>João Palla Lizardo</i>	145
13. A persistência dos sistemas tradicionais de propriedade fundiária em Damão e Baçaim (século XVI) <i>Luis Frederico Dias Antunes</i>	155
14. Property rights and social uses of land in Portuguese India: the Province of the North (1534-1739) <i>Susana Münch Miranda</i>	169

Part III Colonial land policies		
Políticas de terras coloniais		
15.	The Portuguese land policies in Ceylon: on the possibilities and limits of a process of territorial occupation <i>José Vicente Serrão</i>	183
16.	Influência política, ocupação territorial e administração (in)direta em Timor (1702-1914) <i>Manuel Lobato</i>	197
17.	A expulsão dos jesuítas e a secularização da propriedade da terra no Pará do Setecentos <i>José Alves de Souza Junior</i>	211
18.	Conquest, occupation, colonialism and exclusion: land disputes in Angola <i>Mariana Pinho Candido</i>	223
19.	Labour exploitation and the question of land rights in colonial Malawi (Nyasaland) <i>Davemonie Sawasawa</i>	235
20.	Regime de terras e cultivo de algodão em dois contextos coloniais: Uganda e Moçambique (1895-1930) <i>Albert Farré</i>	245
21.	African access to land in early 20th century Portuguese colonial thought <i>Bárbara Direito</i>	255
Part IV Property, society and conflict		
Propriedade, sociedade e conflito		
22.	Traders, middlemen, smugglers: the Chinese and the formation of colonial Timor (18th-19th centuries) <i>Paulo Jorge de Sousa Pinto</i>	267
23.	As repercussões do elitismo colonial português na exploração da terra em Moçambique (século XX) <i>Martinho Pedro</i>	279
24.	Direito à terra e ao território em Moçambique no período colonial e após a independência <i>José Gil Vicente</i>	291
25.	Land law and polygamy in the Bamiléké tribe in Cameroon <i>Mathurin Clovis Tadonkeng</i>	305
26.	As dívidas do açúcar na capitania de Pernambuco (século XVIII) <i>Teresa Cristina de Novaes Marques</i>	313
27.	Territorialidade e sentidos da posse da terra na Zona da Mata de Pernambuco <i>Ana Luísa Micaelo</i>	325
28.	The transformation of the property regime in 19th century Argentina <i>Federico Benninghoff Prados</i>	335

Labour exploitation and the question of land rights in colonial Malawi (Nyasaland)

Davemonie Sawasawa¹

Abstract: Malawi became a British Protectorate (Nyasaland) in 1891. The first people to settle in this country were a group of farmers belonging to the general group of the Bantu people. Malawi remains an agrarian nation and its people depend on agricultural production for their daily basic needs. Land is therefore considered as a fundamental natural resource on which Malawi's economy is built. However, land has been at the centre of social, political, and economic problems in the history of the country. Looking at the continuous increasing levels of poverty in this country, I argue that land reforms and policies carried out from the colonial period to the present multiparty period have not been effective in improving the social and economic life of poor families. Property and land holding rights are some of the problems that have not been fully resolved by various regimes in Malawi. The British colonial rule supported white settlers by introducing land policies that denied natives the right to own land. This policy was more exploitative than progressive. Labourers were forced to work on the farms of the European settlers for low wages or for free (thangata – help). This problem led to the 1915 uprising. People reacted against the continued exploitation of African labourers on the estates of white settlers. Land grabbing, human and labour exploitation by white settlers did not only violate the right to own land, but also their dignity and right to development. The unjust holding of land contributed to the poverty experienced by Malawians today. The gap between the rich and the poor, and insecurity regarding food are a result of inequality in land distribution in Malawi.

Resumo: Em 1891, o Malawi tornou-se um protectorado britânico (Niassalândia). As primeiras pessoas a fixarem-se no actual estado do Malawi foram agricultores. Até aos dias de hoje, continua a ser uma nação agrícola e a população sempre dependeu da terra para a sua sobrevivência: na era pré-colonial, colonial e pós-colonial. A terra é o principal recurso natural e os seus frutos a maior fonte para a economia. Na história deste país, a terra tem estado no centro das questões políticas e económicas. O direito à terra e a exploração laboral são alguns dos problemas para os quais ainda não foi encontrada uma solução, tendo dado origem a uma revolta, em 1915, como reacção à contínua exploração dos trabalhadores africanos, forçados a trabalhar nas fazendas dos colonos brancos. A ocupação destas terras pelos colonos europeus, com o auxílio do governo colonial, não só violava o direito à posse da terra, mas também a dignidade dos trabalhadores africanos e o direito ao desenvolvimento. A ocupação das terras colocava em causa o desenvolvimento integral das pessoas, portanto, o desenvolvimento social, económico, político e espiritual. Os ricos, investidos de poderes políticos, eram os titulares de vastas terras utilizadas para agricultura comercial, cultivando chá, tabaco, café, borracha, entre outras culturas de rendimento. Daqui derivou o aumento do fosso entre ricos e pobres, bem como o problema da segurança alimentar, provocando uma fome crónica.

¹ Accademia Alfonsiana of Lateran University, Italy, sawa25@gmail.com.

José Vicente Serrão, Bárbara Direito, Eugénia Rodrigues, Susana Münch Miranda (eds.). *Property Rights, Land and Territory in the European Overseas Empires*. Lisbon: CEHC-IUL, 2014. ISBN: 978-989-98499-4-5.

© 2014 CEHC-IUL and Davemonie Sawasawa. Chapter DOI:10.15847/cehc.prteoe.945X019.

Malawi, formally known as Nyasaland, is a landlocked country, bordering Tanzania to the north, Zambia to the west and Mozambique to the east and south (Cullen 1994: 9; Ross 1996: 15). The country ranks among the world's poorest countries (Dossani 2012). It has a population density of about 120 people per square kilometre. There is also a steady population growth. The country's poverty is attributed to the presence of insufficient means of production required to satisfy the population's basic needs such as food. It is further aggravated by poor water supply system, large number of illiteracy levels, poor health facilities, and high levels of unemployment. Malawi has about 85% of the population living in rural areas her economy is highly dependent on agriculture. Land is fertile and the majority of the population are farmers who derive their livelihood either directly or indirectly from land (Owens 1998: 20). Malawi produces both cash (commercial) and food crops. The main cash crops are tobacco, tea, cotton, and sugar. Tobacco remains the major export crop despite efforts to diversify the export base. Maize is the staple food although other food crops such as millet, cassava, and groundnuts are also grown throughout the country. To date, Malawi's agricultural activities are chiefly dependent on seasonal rains despite having a good network of perennial rivers and fresh water lakes that could be used for irrigation. Droughts and other meteorological hazards have a negative impact on the national economy.

1. Pre-colonial Malawi: land ownership and the meaning of labour

The history of the inhabitants of Malawi is complex because of the fact that it is not made of one ethnic community. It is a union or mosaic of traditional and cultural practices. The original inhabitants of Malawi were the Akafula (Khoisan) people who lived in the country from about fifty thousand years ago (Le Maitre, Bouare and Lijenda 2003: 106). The Akafula lived in caves and trees near lakes and rivers and their main activities were fruit gathering, hunting, and fishing. Apparently, this people had not well organised political or economic structures. They lived a scattered life in different parts of the country. In fact some lived along the lake and some preferred to go around the forests. There were no agricultural developments, as they did not depend on farming or domestication of animals. The Akafula supremacy in the area lasted until the 15th century AD, when the Maravi people arrived from the Congo area (Nervi 1999: 44). The arrival of the Maravi ground threatened the lives of the Akafula, who were often attacked and killed.

While it can be accepted that the life of the Akafula was disturbed by the newcomers (the Malavi), it is equally difficult to think of their economic power, as there is no mention of any trade links with other people or kingdoms. The Akafula's failure to form a united front to stop the invasion of the Maravi shows how weak they were, politically, economically as well as militarily. Apart from being weak, the Akafula were also less skilled warriors than the Maravi, who used iron weapons. As the Maravi were determined to take possession of the whole territory, they systematically hunted down and destroyed the Akafula. In the end, the Akafula were either eliminated or relocated to other areas (Nervi 1999: 44). The Maravi are commonly believed to have immigrated to Malawi in search of a better land for farming, pasture for grazing their cattle and a new peaceful settlement. It is also believed that upon arrival in the territory now called Malawi these people lived in villages and practiced a mixed type of economy. The Maravi were farmers and always looked for new lands to cultivate and rear animals. Like other migrants, their political organisation was feudal in structure; its kings controlled other chiefs who paid tribute to the king. When the Maravi arrived in Malawi

they mixed with the other Bantu inhabitants, and the mixture produced different groups. Among the members belonging to the Malawi group are the Chewa, the Mang'anja and the Nyanja. The Maravi were divided into clans and each had a specific role to play in the society. The most dominant clans were the Phiri and the Banda. The Phiri was the ruling clan, while the Banda was responsible for religious activities, most importantly, the rainmaking beliefs. For example, Makewana Shrine at Msinja, the present Central Region of Malawi, and Mbona Shrine at Khuluvi, in the lower Shire valley, were important for rainmaking under the Banda priestesses. The Banda are in many traditions portrayed as having a special affinity with land, along with the power of making rain (McCracken 2012: 20). It is necessary to note that the rainmaking shrines were important because the people depended very much on the rain for land to produce fruits. John McCracken states that, "*It was to mediums and officials of the shrines that peasant farmers turned to for advice and support when confronted by the ever-present threats of blights and pests, floods and droughts*" (McCracken 2012: 12). The Maravi were successful cultivators and they were admired for their ability to choose the right plots for particular crops (McCracken 2012: 12). The success of the farmers was not only due to the skills and methods they employed in the cultivation of various crops, but also due to the fact that the area had fertile land that was suitable for such crops. The Maravi practiced agricultural production at a household level and depended on human labour rather than on animals or any other form of technology.

The other group of settlers who entered Malawi were the Ngoni, who originated from South Africa in the 19th century. They were driven by the necessity of searching for more land. The Ngoni migration was also a result of internal conflicts. The Ngoni people are traditionally warriors. They fought many wars wherever they went either to gain passage or to get free food from their captives. Thus, they fought with those people they encountered on their journey from South Africa to Malawi. Although the Ngoni were also agriculturalists like the Maravi, they concentrated on animal farming. They kept large herds of cattle, something that played a great role in their economy. Crop and animal husbandry requires vast land and good water supply for both people and animals. Aside conquests, the Ngoni and other groups obtained land that was largely unoccupied or cultivated. By the time the Maravi and the Ngoni people migrated to Malawi, the right to own land as a property was automatically vested in those who had political, economic, or religious powers. It is important to note that during this era, the question of land ownership as a right was not developed in the same way as it is in our modern times. Although people were not claiming these natural rights from those who controlled and ruled them, they were granted partial rights of ownership by being allowed to use the land for the cultivation of food crops or the construction of their shelters or settlements.

The above-mentioned factors, which led to the immigration of the Maravi and the Ngoni, also forced other groups such as the Yao, Lomwe, Makuwa, etc., to come and settle in Malawi, especially in the Shire Highlands and Lower Shire Valley. In fact, all these groups had different farming skills. For example, the Mang'anja people, who broke away from the Maravi kingdom and settled in the south, were praised by David Livingstone during his journeys in Malawi in the mid-1800s for having a sound agricultural system. David Livingstone reported that the Mang'anja, who stayed in the highlands, had already laid down the foundations for a successful cash-crop economy. According to John McCracken, even though they were affected by intruders such as the Yao, the Mang'anja maintained their agricultural skills, growing crops like tobacco, sugarcane and cotton (McCracken 2000: 49). By reflecting on the mentioned factors

that led to the coming of various groups to present-day Malawi, one can note that all these groups found an environment that was conducive and suitable for the agricultural production. The crops these groups grew gave them food supply at the household level and the surplus for trade. The good and favourable climate and fertile soils of Malawi were essential for the cultivation of different crops. The same good weather conditions attracted white settlers and missionaries to settle in the territory and to cultivate their crops.

Before the coming of the British, land in Malawi was controlled by kings, chiefs, or clan members. The kings, chiefs, or clan leaders exercised political and economic power over their people. They were both political and religious leaders who played a fundamental role over their subjects. Among the Maravi, there was a system of religious kingship where the king was both the ruler and the leader of religion. The subjects did not own the land but had only a right to use that land for their livelihood. This right could be withdrawn at any time if the societal norms were violated, because land was an inheritance handed down by the ancestors and its continued use was tied to a good relationship with them and the entire community. Disputes arising from landholdings were handled by the courts established by kings or chiefs who were considered to be the owners of the land. Although the kings exercised great control over land, they had to make their decisions in consultation with the spirits of their ancestors.

It should be stated that the traditional way of viewing and using land in the pre-colonial time differs from our modern times. Today, there are legal frameworks governing the process of acquiring land and the fact is that every person has the right to acquire land after meeting all requirements. It is noteworthy that in pre-colonial Malawi there was no question of a right to the ownership by individual members within a kingdom, chieftaincy, or village. As stated above, land belonged to the leaders by virtue of their position. This statement should not mean that the subjects of kings or chiefs had no rights to own land but, instead, the ideologies of the time alienated them from the system. This made people ignorant of the understanding that land property was a natural right for everybody. However, the control of land by kings or chiefs had a positive impact, since it had a unitary element in that people had a feeling of belonging to their leaders and land was thought to be theirs, though indirectly. Land and the entire nature were connected to the life of the people. Thus, land was a collective property belonging to the whole community.

Before colonialism, Malawians had their own methods of farming. People had the ability to choose the right plots for settlement, cultivation, and animal farming. Land rights were associated with the right of belonging to a particular group. It was the leader's duty to secure and defend the land, either through wars or treaties. Even though the right to land was not in the vocabulary of the people, they conceived it in their minds. This was evident in times of invasion: villagers under a chief or clan defended their land from invaders militarily. The defence of the land meant exercising their right to land ownership, though this right was partially accorded to them. This is the stewardship, i.e. to regard land as a personal property that has to be taken care of, by protecting all natural resources and making good use to pass it on to the future generations. Work or labour in pre-colonial Malawi had always been a humanitarian issue, thus, it was through work that people could come together and help each other for a common good. It was not only considered as an activity, but it had also both a social and a spiritual dimension. Regarding the social aspect, members of a village used to work together at a certain period of the year, mainly in the garden of their king, chief, or clan leader. At times, families assisted each other in working in the gardens for more

production. This was communal work called *thangata*. *Thangata* was nothing but a social institution based on reciprocal labour. At the end of the working day, the chief or clan leader could offer beer or any type of food in appreciation for the help rendered to him. It should also be noted that this was a kind of investment because in times of need leaders could support the population with food from their food reserves. On the spiritual aspect, labour was connected with the entire nature. Ancestral powers were believed to have control over land and what it produced. When the villagers worked well in their gardens and, yet, rains were not coming, it was believed that some individuals or the whole community had transgressed against the gods. In times of disaster or poor crop yield in a particular year, it was believed that the gods were angry with the people. On the moral ground, the behaviour of people that went against the wishes of the ancestors had a consequence on the entire population. People had to offer sacrifices to the ancestors and the gods in form of agricultural products such as food and animals.

It should also be mentioned that pre-colonial Malawi labour was also marred with injustices practised by chiefs or kings. At times, slaves were used to cultivate land. Such slaves together with the land were considered as property of the king or chief. Mostly, slaves were obtained through wars and used in heavy duties. Like in most places, these slaves were not considered as full human beings. Even though food was provided to these slaves, they were deprived of their liberty and their right to own land as property. Slaves were considered as property (objects) to be used for gains, rather than subjects, which were persons with dignity and human rights like their masters.

2. Colonial Malawi (Nyasaland): territorial control and the question of land rights

History has it that many European nations were involved in the colonisation of almost all the present African and American nations. Portugal should be given credit for the great innovations that allowed its great sailors to go around the world. For Portugal, it was easy to get to the African continent because of its favourable geographical position. The voyages the sailors made facilitated the contact between the Portuguese and the African continent, and Malawi in particular. The Portuguese traded with some Malawian chiefs in ivory from the 16th century onwards, operating from their trading ports at Sena and Tete along the Zambezi River. Also using the Zambezi River, the Portuguese were able to reach what is today the Lake Malawi. The Portuguese did not only look for ivory as a trade commodity but they also looked for slaves. The reason for their involvement in slave trade was the same as the Arabs', i.e., to supply labour to the newly established plantations along the seacoast, but also to supply labour to the American territories. Nevertheless, it is difficult to establish the figures of Malawians who were taken into slavery. Therefore it is difficult to establish whether or not they were taken to Portugal.

While the Portuguese were trying to control the Malawi, the British, mainly of Scottish origin, arrived in the region around the mid-1800s. The Scottish were led by David Livingstone, who, upon seeing slave caravans along Lake Nyasa (present-day Lake Malawi), decided to establish missions to curb slave trade practiced by Swahili-Arabs in collaboration with the Yao chiefs. Livingstone's expedition to Africa, Malawi inclusive, aimed at introducing commerce, civilisation, and Christianity. Livingstone and his team reached Malawi by late March 1859 (Ross 2013: 13). While sailing up the Shire River, the team met the Mang'anja people and Livingstone narrated: "*The Mang'anja is an industrious race; and in addition to working in iron, cotton, and basket-making, they cultivate the soil intensively – all the people of the village turn out to labour in the*

fields. It is no uncommon thing to see men, women, and children hard at work". This narration is a testimony that the people of Malawi depended on agriculture. Kenneth Ross is of the idea that, "*The fertile land and industrious people [the Mang'anja] quickly led Livingstone to conclude that he may have found the area he had been seeking – a place where productive agriculture would create commercial possibilities which in due course would undermine the slave trade*" (Ross 2013: 14)².

Livingstone's wish to introduce Christianity and civilization through commerce in Malawi is viewed as more than just converting souls to Christianity, but a commitment of ending slave trade and Malawians to trade of agricultural products as well as finished products. This was the introduction of the legitimate trade in commodities that could replace trade in human beings, which degraded and reduced human beings to mere objects. Trade in commodities mainly from the agricultural sector could improve the economy of the people, since the Europeans were prepared to buy ivory, cotton and other products from Africans.

Following the expedition of Livingstone, more missions were opened in Malawi. One of the most notable missions was the Anglican Universities Mission to Central Africa (UMCA), which came to Malawi in 1875. A year after, in 1876, the Presbyterian Free Church of Scotland established the Blantyre Mission, which was followed by the Livingstonia Mission in 1894. These missions opened up several mission stations in Malawi. The Scottish Presbyterian Missionaries did not only establish missions for spiritual reasons, but they also made significant contributions to education in Malawi. The missionaries opened mission schools that were very effective and became centres of learning, mainly in the northern region of Malawi. Inspired by this vision, Scottish Presbyterian missions were established in the 1870s and, as Kenneth Ross states, "[these missions] *were highly influential in bringing Malawi under British jurisdiction in 1889-91*" (Ross 1996: 15). This was the coming of Christianity and the beginning of colonial rule in Malawi.

With the influence of the Scottish Presbyterian Missionaries, Malawi became under British jurisdiction. A British Protectorate was declared in 1891 (Ross 1996: 15) and the country was named Nyasaland. The British colonial rule in Malawi lasted for more than 70 years. Kenneth Ross believes that it was not the British rule that was sought by missionaries but rather an intervention from Britain to ensure that neither the Portuguese nor the Swahili were allowed to take over the area (Ross 2013: 55). Nevertheless, the Scottish played a great role in the advent of colonial rule in Malawi. Since the Scottish Protestant missionaries helped in the establishment of the colonial regime in Nyasaland, their missions supported colonial government. This was not the case with the Catholic Missionaries who did not want to get involved in the local politics.

The presence of Scottish missionaries in Malawi brought social changes to the people's lives. On the one hand, local people had to adhere to the Christian values upon conversion to Christianity, while on the other hand missions provided jobs and education in addition to security. Although it may be indicated that these Christian missionaries were motivated by the universality of the Christian message in the promotion of the human dignity of every person, it appeared that missionaries lacked a clear vision and a common methodology in their work. Some helped the government in grabbing land from natives, while others, like Joseph Booth of the Zambezi Industrial

² See also Matecheta 1951: 1.

Mission, opposed to the oppressive and dictatorial colonial government and supported the African resistance to it. This lack of coordination was the result of individual interests, and also of Britain's interests, in the raw materials of Malawi. The introduction of colonial government settled the issues of governance, law, and order, as it created a central government. Consequently, African leaders lost their political powers to the new administrators, either willingly or unwillingly. Chiefs who resisted the imposition of British authority were subdued by the overwhelming military superiority of the occupying forces (Ross 1996: 15). The police and the army used violence to control various chiefs who owned armies, such as the Ngoni, and those who continued slave trade, such as Makanjira and Mponda of Mangochi.

3. The settlers and land grabbing: *thangata* as a form of labour exploitation

From the establishment of colonial rule, the white minority government supported white settlers who opened up estates. In 1891, most of these were primarily engaged as traders, transporters, and ivory hunters (McCracken 2012: 77). Kenneth Ross states that, “*settlers established estates on much of the best land, producing tea, tobacco and cotton which yielded healthy profits to their owners [European settlers] but scanty rewards to the Africans on whose labour they depended*” (Ross 1996: 15). Land once controlled by chiefs and family (clan) leaders was now controlled by white settlers who had support from the government. The first British governor, Sir Harry Johnston, issued legal titles in form of a ‘certificate of claim’ to almost all the land acquired by Europeans up to 1891, or at least claimed by them (McCracken 2012: 77). The pioneers of commercial crops, such as John Buchanan, had introduced coffee growing on a small scale on his Mulungizi Estate and employed many African workers who provided cheap labour. It is believed that, in support of his fellow whites, Sir Harry Johnston wrote: “*Our favourable conditions are suitable climate, sufficient rain supply, the enormous extent of virgin soils, and relative abundance and cheapness of native labour*” (McCracken 2012: 77). By favouring white settlers in getting vast lands from local Malawians, colonial government lacked its responsibility to ensure equitable distribution of natural resources. This violated social justice, which would be essential for narrowing the gap between the rich and the poor.

In order to protect the acclaimed rights of occupancy and by virtue of the ‘certificate of claim’ issued by the governor, the settlers acquired the ‘non-disturbance’ clauses designed to protect the occupancy rights from the villagers of the alienated land. Both the certificate of claim and the non-disturbance clauses gave the settlers the right to own as personal property the vast lands they grabbed from African chiefs and their subjects. The problem was that the non-disturbance clauses did not indicate or demarcate the boundaries of the estates or farms claimed by white settlers. Consequently, as John McCracken states, “*landlords came to treat all Africans [Malawians] living on the estate as tenants at will*” (McCracken 2012: 78). This was the beginning of forced tenancy, which was called *thangata*. By owning vast lands, the settlers violated the concept of property rights in that many settlers acquired land that they even failed to cultivate. For example, in the Shire Highlands, a small number of companies and estate owners owned far more land than they had capital or labour to cultivate (McCracken 2012: 79). By depriving or denying land to people, they were also denying them their natural right to have land as their own property.

The word *thangata* comes from the Chewa language and it means “to assist.” Originally, the term had a foundation in the conditions of the purely African life under

which the members of the village community worked at a certain time of the year in the garden of their chief. The settler farmers misinterpreted this benevolent phenomenon of free labour for the common good in order to maximize their production. This twist of the concept also changed the meaning of work for Malawians. Village members no longer worked on the garden of their chiefs but, instead, on the settlers' estates and they did it for free or for a lower wage. It was only when the settlers took vast lands from Africans that *thangata* became a form of forced labour. Under *thangata* Africans were permitted to work on small plots of land on European estates in return for a considerable amount of labour (Ross 1996: 15). Most of the Africans in this condition were those who remained on the land when the certificates of claim were issued or those who came to these lands to work as tenants. Those people were forced to work on the farm for free if they wished to remain on the land. Even though all people who came from near the estate's premises were employed, they were paid less.

The *thangata* system benefited only the settler farmers. They had high production and profits at the expense of poor Africans who worked for long hours with little or no pay. Unwritten contracts allowed Malawians to work on the estate for low payment or by paying tax in commodities from the land they rented. Furthermore, the Malawians living or working on these settler estates were subject to cruel treatment. For example, Krishnamurthy states that estate owners regularly abused peasant farmers engaged in *thangata* by withholding cash payments, physical abuse, and crop burnings (Krishnamurthy 1972: 395). The worst of the situations was, as Chipeta states, "*people were literally captured, tied with ropes, and dragged to work by White settlers*" (Chipeta 1986: 137). All these ill treatments did not go without reactions. Apart from the short and unsuccessful armed revolt of 1915 led by Reverend John Chilembwe, (a native Malawian) of the Providence Industrial Mission (PIM), and as Isaacman states, "[some] *landless peasants ruined cotton seeds by boiling them in water, representing a resistance act or trick to lead British colonisers into believing that local land was unsuitable for cotton production*" (Isaacman 1990: 36). Such indirect resistance or reactions were enough reasons for the settlers to understand the grievances of the people.

4. Independent Malawi and land reforms

As the winds of change began to blow on the African continent towards independence, Malawians were also together with the rest of the continent crying for freedom from colonial powers. By the 1950s, a group of people in Malawi began exerting pressure on the colonial government for independence. The then Nyasaland was declared an independent state in 1963 and got political independence from the British in 1964, when it took the name Malawi. Hastings Kamuzu Banda became the first president of the republic. The dreams of the freedom fighters for a free and democratic Malawi were betrayed by the new administration. Kamuzu Banda yielded a lot of power and was declared the Life President in 1971. Thus, the aspirations of the people did not materialize, since the fruits of the struggle for independence were enjoyed by only a few of Kamuzu's closest allies. Kamuzu's dictatorial regime lasted 30 years, until 1994.

The Banda regime had put much emphasis on agriculture. It wanted to improve the agricultural sector so that the products from Malawi could be of good quality to meet the international standard and fetch good prices on the world market, thus improving the country's economy. The developmental strategy of the new government focused mainly on the expansion of the estate sector and on the agricultural export (Owens 1998: 25).

Smallholder farmers were encouraged to grow cash crops such as tobacco or cotton and to sell them to the established government market: the Agricultural Marketing and Development Cooperation (ADMARC). Even though the government encouraged smallholder farmers to grow such crops, their land was converted into leasehold estates.

The leased estates were allocated as a source of political patronage to politicians, bureaucrats, and senior military leaders (Owens 1998: 25). This was the same as what the colonial regime did, i.e. taking vast lands that were shared only among whites with political and economic powers. After independence, land grabbing was done by Africans themselves. The attempted land reforms made by the Banda government did not solve the land problems in Malawi. Nearly all estates or lands left by the white settlers were taken by those in government. This misappropriation of land harmed social and economic development of local farmers since land was under the government's control. The president himself and a small elite established more tobacco estates in Malawi. On these estates (owned by Malawians), exploitative labour continued, and it was illegal to stage a strike to protest against low wages because people were led to believe that the leader knew what was good for them. Those who tried to raise their concerns were severely punished by the regime. Trade unions, where workers could present their problems, were not allowed. The lack of labour unions to defend the interests of tenants and other peasants who sold their products to the market established by the government made it hard for any change to happen on the lives of local people. They remained landless, and social conditions similar to those under colonial government forced them to work on the newly established estates under tenancy.

Conclusion

Colonialism in Africa, in general, and Malawi, in particular, has received more criticisms than applauds. Criticisms focus on what the colonial regime and its associates, the settlers, did to natives in Malawi. African natives were treated unjustly in issues regarding land and governance. Many were deprived of their rights to land ownership, and land was no longer a property for an African. Landless Malawians were not only deprived of the right to land but also of their right to property. Other rights related with these, such as the right to food, were also violated. The lack of land to cultivate food-crops led to the vulnerability of the people to hunger. Depriving a person from land is to deny that person his/her natural right to seek what is required to live.

The positive developments of the colonial government focus on the introduction of education, new agricultural systems, infrastructures such as roads, hospitals, etc. Other government bodies, such as courts, the army, and police, aimed at the security of the country, were put in place.

References

- Chipeta, Obyrne. 1986. *Labour in Colonial Malawi: A Study of the Growth and Development of the Malawi Working Class, 1891-1961*. Master thesis. Dalhousie University.
- Cullen, Trevor. 1994. *Malawi: A Turning Point*. Durham: The Pentland Press.
- Dossani, Salman. 2012. "Malawi: A Development Puzzle?". *Global Majority E-Journal*, vol. 3, n. 1, June: 20-32.

- Isaacman, Allen. 1990. "Peasants and Rural Social Protest in Africa". *African Studies Review*, 33, n. 2: 1-120.
- Krishnamurthy, B. 1972. "Economic Policy, Land, and Labour in Nyasaland, 1890-1914". In *The Early History of Malawi*, ed. Bridglal Pachai, London: Longman.
- Le Maitre, A.; Bouare, J.; and Lijenda, B. 2003. "Strides in History Book 1". Blantyre: Longman Malawi.
- Matecheta, H. K. 1951. *Blantyre Mission: Nkani ya Ciyambi Cace*. Blantyre: Hetherwick Press.
- McCracken, John. 2000. *Politics and Christianity in Malawi, 1875-1940: The Impact of the Livingstonia Mission in the Northern Province*. Blantyre: CLAIM.
- McCracken, John. 2012. *A History of Malawi, 1859-1966*. Woodbridge: James Currey/ Rochester: Boydell and Brewer.
- Nervi, Luciano. 1999. *Malawi: flames in the African Sky*. Bergamo: Velar.
- Owens, Peggy (ed.). 1998. *When Maize and Tobacco are not Enough: A Church Study of Malawi's Agro-Economy*. Blantyre: Assemblies of God Press.
- Ross, Kenneth. 1996. *God, People and Power in Malawi*. Blantyre: CLAIM.
- Ross, Kenneth. 2013. *Malawi and Scotland Together in the Talking Place since 1859*. Mzuzu: Mzuzu Press.