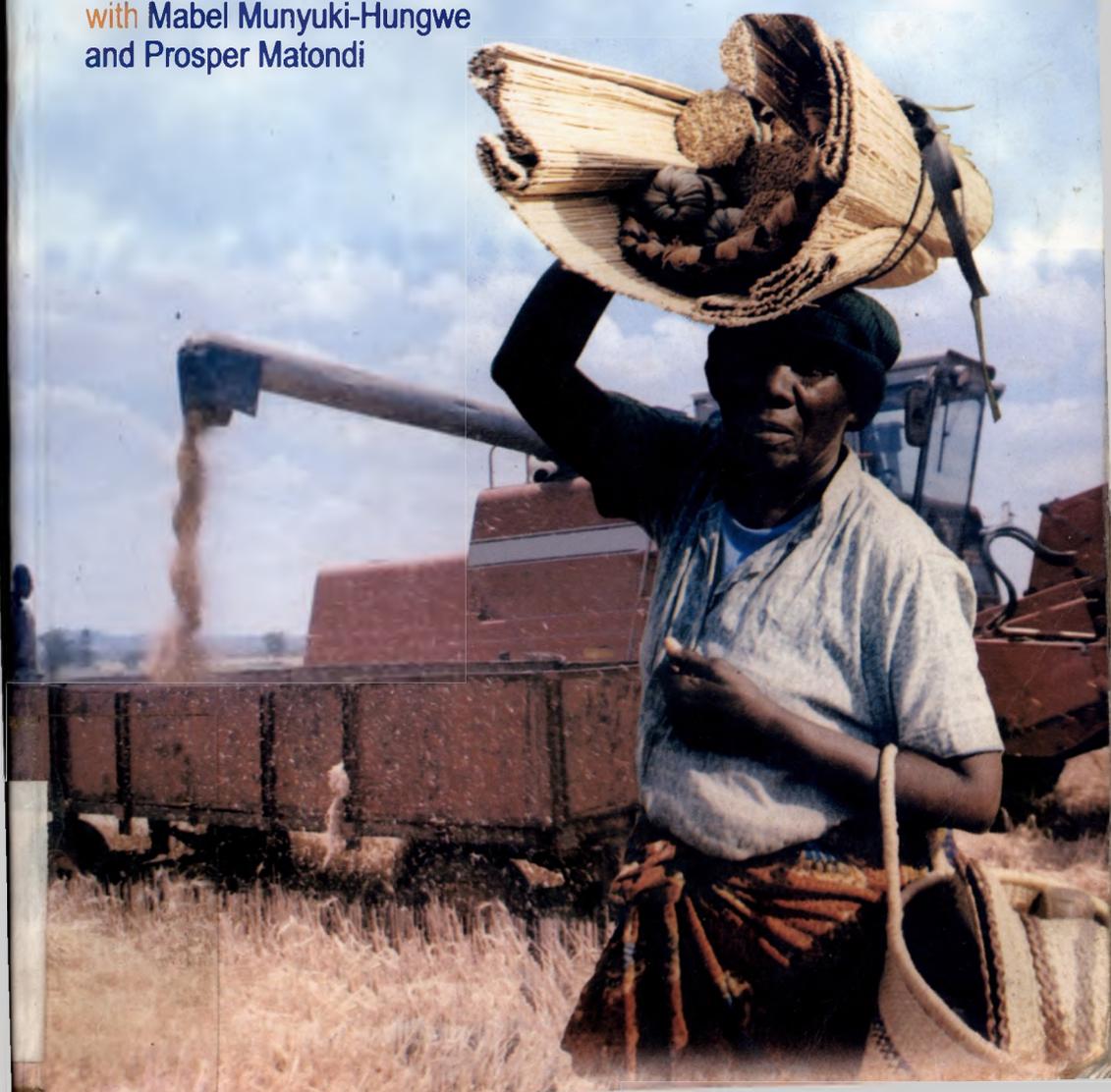


ZIMBABWE'S AGRICULTURAL REVOLUTION REVISITED

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Zimbabwe's land ownership was defined by racially-based inequalities

The evolution of Zimbabwe's land acquisition

Sam Moyo

The land reform programme in Zimbabwe has raised a number of critical political economy questions. The massive transfer of land within a short period of time and without international financial support calls for a rethinking of our understanding of the process of land reform in Africa (Berry, 1993; Platteau, 1996; Moyo, 2000). Across the African continent, competition over land intensified in the late twentieth century, leading to rising land values, increasingly commercialized patterns of land acquisition, concentration of landholdings, prolonged litigation, and sometimes to assault and even murder. Evidence of growing land pressure and increasing conflict has prompted some observers to argue that land reform, once considered a low priority on a continent with plenty of land to go around, is now a matter of urgency. Rather than debate the case for or against land reform per se, this chapter explores the trends in land acquisition in Zimbabwe in the context of broader debates over economic and political transformations.

The purpose of this chapter is to walk the reader through the land acquisition process throughout the 25 years of Zimbabwe's independence. The chapter focuses on land acquisition which has been an area of contest throughout the independence period. The chapter should be read concurrently with chapters by Matondi and Munyuki-Hungwe (chapter 3) and Makadho (chapter 7) to get a clear picture of the linkages of land acquisition, redistribution and national land policy.

This chapter seeks to accomplish five things. Firstly it discusses the land acquisition issue within Zimbabwe's political economy. In this context the section briefly revisits Zimbabwe's experiences with using market-assisted approaches in land reform. At the same time, it examines the complexity of attempting compulsory land acquisition in the context of market liberalization of the economy. Secondly, it elaborates on the key structure of land demand, in a context in which land occupations represented a major focus in sustaining and signifying land hunger in Zimbabwe. Thirdly, it analyzes the trends and legal aspects of the fast track land acquisition experiences. Fourthly, it elaborates on the framework for land reform negotiations internally, bilaterally with the British government, and its international and regional dimension. Finally, land re-

Table 6.1 The land acquisition process

Phase 1 1980-1986: Land acquisition era

- Rehabilitation and state formation context
- Market land purchases (mainly marginal lands)
- British co-financing with Government of Zimbabwe matching grants
- High intensity land occupations
- 'Accelerated redistribution programme'

Phase 2 1987-1996: Policy reform and reduced acquisition

- Economic liberalization
- Black capitalist farmers with minimal state support
- Compulsory acquisition legislated
- Failed renegotiation of British support in land reform
- Low intensity, scattered and low profile occupations

Phase 3 1997-2000: Compulsory land acquisition

- Economic decline and crisis context
- High intensity, high profile land occupations
- Compulsory land acquisition on a mass scale attempted
- Land reform models negotiations (state versus market assisted)
- Revised law and policy for compulsory acquisition
- Political succession conflicts and land occupations

Phase 4 2001-2009: Mass land acquisition

- Economic decline and crisis context
- Massive land occupations
- Compulsory land acquisition carried out
- Revised constitutional provisions for land acquisitions
- Mass resettlement of people with government acquiring occupied and unoccupied land
- Renewed agricultural support

Source: Updated from Moyo (2001)

form negotiations are examined on the assumption that they offer the best chance of minimizing conflicts and reviving agricultural production activities.

Land reform in historical context

~ The protracted liberation struggle that led to Zimbabwe's independence in 1980 was rooted in redressing colonial land expropriation and broader societal injustices. In spite of that struggle, the structural roots of Zimbabwe's political conflict and economic crisis remained largely defined by racially-based inequalities in land ownership (Jacobs, 1984; Gaidzanwa, 1988; Herbst, 1990; Moyo,

2000a).⁸⁸ The Lancaster House agreement in 1979 generally provided for a political compromise and merely tinkered with respect to land reform and economic development of the majority blacks. Land resettlement was thus part of government policy to address the unequal access to land with the hope of creating political stability and economic development (Kinsey, 1982; Tshuma, 1997; Moyana, 1984; Government of Zimbabwe, 1998). However, power relations in Zimbabwe as in most of the former settler colonies (Moyo, 2000c) were intrinsically based upon inequitable (economic) structures developed over a century, mainly through minority white rule and control over land.

Zimbabwe's land reform history is complex but it can be conceptualized in terms of an erratically phased process of differential implementation of land acquisition for redistribution, defined by changing policy objectives, approaches, financing and impacts (table 6.1). Such a periodization based on significant variations in the quantities of land acquired and redistributed over time was largely influenced by the changing political and economic contexts.

The first phase commenced in the early 1980s when government acquired over 65 per cent of the 3.6 million hectares transferred to poor families by 1997. Most of these land transfers took place in a context of land occupations by peasants, especially from 1980 to 1985, and mostly in the Eastern Highlands (Tshuma, 1997; Moyana, 1984). These occupations were regularized into official allocation through the accelerated land resettlement programme. The budget allocations of the government and the £37 million provided by the United Kingdom government were used for both land acquisition and settler emplacement (Utete, 2003).⁸⁹ The phase ended in 1987 with a policy review⁹⁰ that ushered in a cautious economic structural adjustment programme which led to reduced land acquisition and resettlement. In 1996 there was failure to reach agreement on extending British support to land reform following the election of the Labour party.

The second phase was characterized by limited land acquisition and redistribution. The policy thrust of promoting small and large-scale black commer-

⁸⁸ In a country where the agriculture sector dominates the economy, access to land and related resources has implications for economic control and power relations. The majority blacks residing in communal lands largely remained inferior in terms of lifestyles and wealth compared to whites who had access to better quality land, controlled the non-farm sectors (finance, manufacturing, services), had better education, and so on.

⁸⁹ The United Kingdom government committed £40 million but due to stringent conditions based on the disbursement of counterpart funds to match Zimbabwean funds, at least £3 million remained unspent by the time the negotiations broke down. The Government of Zimbabwe at times failed to match the British financial inputs, especially when fiscal deficits expanded from the late 1980s onwards.

⁹⁰ This included the Land Acquisition Act of 1992, *Zimbabwe: a framework for economic reform 1991-1995*, *Second five-year national development plan, 1991-1995*, and the report of the Commission of Inquiry into appropriate land tenure systems.

cial farmers was pronounced, albeit without allocating much land or finance to this sector. The promotion of black agrarian capitalists was announced⁹⁰ but government support was not provided to start such farming. Eventually more of the poorer small-scale black farmers benefited from the redistribution, while 400 large-scale black farmers accessed 400,000 hectares of state leasehold land. This amounted to about 10 per cent of all land transferred to blacks. Laws to enhance compulsory land acquisition were developed in 1991 and tested without success throughout this period, while British and donor finance were minimal.

The third period started partially in 1997 with the designation of 1,471 large farms for possible compulsory acquisition. Most of the farms (804) were delisted as the government, donors and large-scale farmers sought a negotiated framework. This led to the donors' conference in September of 1998 and the 'inception phase framework plan'. During this period less than 250,000 hectares of land were acquired by government (table 6.2). In 1998, there were spontaneous land occupations in most parts of the country that were subsequently suppressed by the government before the end of the year, in the spirit of negotiations. However, the state also changed its policy tide as it veered towards constitutional issues. The expectation was that the land question would be addressed through constitutional provisions. However, following the rejection of the draft constitution in 2000 in a referendum, war veterans and other ZANU-PF supporters moved on to white-owned farms.

Table 6.2 Periodization of land acquisition

Period	Total hectares acquired	Average hectares acquired per year	No. households settled	Context
1980-1984 (5 years)	2,147,855	429,571	30,000	Constitutional constraints
1985-1990 (6 years)	447,791	74,632	20,000	Land Acquisition Act, 1985
1992-1997 (5 years: 1996 omitted)	789,645	157,929	20,000	Land Acquisition Act, 1992
1998-2000 (3 years)	228,839	76,279	1,000	Land reform negotiations
2000-2004 (4 years)	12,387,571		135,000	Compulsory land acquisition under fast track
Total 23 years	16,001,701	190,217	201,000	

The fourth period elaborately discussed below saw the Government of Zimbabwe increasingly pursuing land reform with minimal reference to donor or commercial farmer collaboration from 2000. This was based on government misgivings that these could offer money or land on reasonable terms for a rapid distribution programme. This 'go it alone' period demanded by radicals in ZANU-PF was based on massive compulsory land acquisition efforts circumscribed by escalating land occupations. These forceful approaches were, however, intermittently laced with high profile negotiation and dialogue between the Government of Zimbabwe, the Commercial Farmers' Union and donors.⁹¹ Nonetheless, although by August 2000 over 3,000 farms had been targeted for compulsory acquisition, less than 30 farms amounting to less than 60,000 hectares had been acquired through compulsory methods. Over 95 per cent of all redistributed land was acquired through markets and, of this, over 60 per cent of the land acquisition costs were paid for by the government. This period saw even greater fiscal deficits and a growing economic crisis which was accompanied by increasingly aggressive demands for land redistribution.

~~X~~ The dominant land acquisition approach between 1980 and 1997 can be described as a state-centred market-assisted approach.⁹² Land was purchased by the state for redistribution following willing-seller/willing-buyer procedures that were agreed to in the Lancaster House agreement. The private sector identified the land available for resettlement while the central government purchased land on offer. The government then provided land to beneficiaries selected mainly by district officials under the supervision of central government officials. The Zimbabwe experience with the market approach was that the amount, quality, location⁹³ and price of land acquired for redistribution,⁹⁴ was driven by landholders. It was neither the government, as driver of the land acquisition policy, nor the beneficiaries who controlled the process. Moreover, since the state had been a key buyer of land on offer, this in itself conditioned

⁹¹ The United Nations Development Programme did send several missions such as the one led by the senior administrator Malloch Brown to Commonwealth negotiations in Abuja, culminating in an agreement that could have released 26 million pounds from Britain for land acquisition.

⁹² It was state centred in the sense that the state had the right of first refusal of all large-scale commercial farms put on the market. The Government of Zimbabwe had introduced a 'certificate of no present interest' through the 1985 Land Acquisition Act. Though the willing seller/willing buyer remained the framework for land acquisition the state was central in determining which farms it was interested in for resettlement purposes.

⁹³ Over 70 per cent of the land acquired for resettlement on the market tended to be agro-ecologically marginal and located mainly in four provinces in the south of Zimbabwe. This left much of the prime lands of the three Mashonaland provinces untouched.

⁹⁴ Indeed, Government of Zimbabwe officials complained that not only was the quality of land transferred poor but the prices were inflationary. Moreover, the fact that farms offered were scattered geographically meant that moving a few settlers to single farms isolated from communal areas was expensive and logistically ineffective.

the parameters of the land market in terms of land prices and a procurement process amenable to the government's settlement planning system. Whereas policy debates, especially on the second phase of land reform, emphasized the need for land acquisition to be implemented in a transparent, cost-effective, efficient and fair manner, there was less debate on how market land acquisition governed and limited the supply of land.

Land demand and land occupations

↳ The land question in Zimbabwe was fuelled by the long-standing urban and rural⁹⁵ demands for land within the entire spectrum of land ownership (private, state and communal), pitting various classes, ethnicities, citizenry and various social categories of the poor against landowners, the state and each other (Moyo, 2000). The demands for land by black families or households were also differentiated by gender, class, location, use and even citizenship. Demands were made in relation to the redress of lost land rights, residential land,⁹⁶ the need for land to subsist on through agricultural production for own consumption and sale of surpluses, and for purely commercial purposes in agriculture, tourism, real estate and general business premises.⁹⁷ The demand was also expressed through various leadership levels. Thus local chiefs, headmen, party chiefs, members of parliament and other people not only competed with central government politicians and bureaucrats over land control, they also competed amongst themselves for the political and economic capital to be gained from control over allocating land rights (Moyo, 1995). The demand for land however was strongly expressed through land occupations.⁹⁸

⁹⁵ The Riddell Commission of inquiry into incomes, prices and conditions of service, assessing the land requirements, estimated that at independence there were about 780,000 farming families in the peasant communal sector. On the basis of conservation and extension criteria, communal areas could carry and provide with an adequate income only a total of 325,000 families. Assuming that 235,000 families were partly dependent upon incomes from migrant worker family members, the commission concluded that there remained some 219,000 families needing to be resettled.

⁹⁶ There were the unrecognized land needs or rights of the urban poor and young professionals relegated to homelessness, illegal squatting, crowded lodging and long distance or peri-urban commuting by the escalating land and housing market prices in a situation of diminished state support for basic home ownership. There was increased agitation for urban land rights for housing and peri-urban agriculture.

⁹⁷ Whilst the focus on land demand was in the communal areas, a major methodological problem was that many of the people in the communal areas had moved to urban centres where there was an even weaker social security system and sources of economic reproduction. Thus if we combine the land short and landless in both communal areas and urban areas, a significant population of blacks was landless in the first 20 years of independence.

⁹⁸ Land occupation in the Zimbabwean debate can be conceptualized in three broad types. These are: the Government of Zimbabwe conceptualization of these as *political demon-*

The incidence of land occupations in Zimbabwe was presented in the domestic and international media as new, yet illegal occupations in the 1980s affected commercial farms, communal lands, national parks, urban areas and state land, often through violent means. These land occupations coincided in intensity with the period when most of the land was acquired using the willing-seller/willing-buyer instrument. The state formalized land occupations in what they called then an 'accelerated land reform programme' as opposed to a normal intensive land reform (Herbst, 1990; Moyo, 1998; Alexander, 1994; Hughes, 1998; Matondi, 2001; Kinsey, 1983; Moyo, 1995; Hughes, 1998; Moyo, 1987). Communities became central in land identification, as they identified those farms they deemed underused through 'squatting' and central government then came in to purchase such land. Subsequently, the Government of Zimbabwe used forced evictions⁹⁹ to restrain this approach but used them as a major impetus in negotiating for resources to finance market processes of land acquisition. In general the control of illegal land occupations was circumscribed by government through a 'squatter policy', regular promises of land redistribution as well as through other forms of agricultural support schemes intended to improve the intensity of communal area land-use *in situ* and returns.

During the 1990s, landless communities increased illegal occupations of land and poaching of natural resources in private, state and communally owned lands, and in urban areas (Moyo, 1998). By the end of 1997, isolated land occupations started to occur, with the explicit aim of redistributing land from white farmers to landless villagers and war veterans. The occupations came in waves, starting with just a few in 1997 (Moyo, 1998; Moyo, 2001) and reaching just under a thousand by 2000.¹⁰⁰ In some instances, the farm occupations were peaceful and farm work was allowed to continue; in other instances, white farmers and farmworkers were driven off the land. The Zimbabwe police took no action to prevent the farm occupations, claiming that they lacked the capability to repel the squatters or that these conflicts had to be resolved at the

strations in which land is not literally seized but transgressed to make a statement. The next type is defined by the Commercial Farmer's Union as *illegal occupations or aggressive seizure*. The third type is the *invasions*, which include occupations and short visits. The fourth type is squatting which includes opportunists who are occupiers not recognized by war veterans or those regarded as criminal elements.

⁹⁹ The government formally opposed land invasions or private occupations (Alexander, 1994), and encouraged – through the law, court actions and the police, in collaboration with large-scale commercial farmers and local authorities – the regular eviction of squatters, at times through violent removals (for example, torching of squatter houses, destruction of personal effects, dumping the squatters at places without facilities).

¹⁰⁰ The land occupations were characterized by revolutionary songs and occasionally threatening gestures but did not physically abuse farmers or farmworkers or damage property. On some occasions, violence that included physical damage to people, property and livestock occurred. The state then used the army and the land committees to control such damage.

political level. Court orders requiring the squatters to leave were ignored. Government of Zimbabwe was, however, under strong international pressure to exercise restraint with land designations. Donors and international financial institutions warned that the proposed takeover programme would inflict severe economic damage by deterring investors and cutting exports. The International Monetary Fund delayed a balance of payments support disbursement primarily because of concerns over government's land policy and its effect on investment. The land occupations changed the rural agrarian landscape and relations as for the first time large-scale white farmers had to co-exist with numerous black farmers.

In summary the government's policy on controlling occupation was mired in legal and political complexity that has shaped Zimbabwe's land question and the nature of its land reform programme since 1980. Poaching, encroaching, squatting and trespassing largely became the available means of expressing land demand and through them a war of attrition was waged against the prevailing property regime. Yet it is critical to understand that land occupations were a colonial creation and phenomenon and remained part and parcel of Zimbabwe's history. The policy's legal basis was to affirm the particular land rights of land owners¹⁰¹ against the land claims and land grabbing of the landless and homeless who bid for land rights, and the long-standing victims of direct land expropriation who sought restitution. It is this control of land occupations and change of heart in 2000 which questioned the whole motive of the state in condoning the land occupations on large commercial farms. While squatting could have been occasioned by the political instigation of a few ruling party members or by the failed, delayed or unrealistic promises of land, there is no doubt that the homeless and landless unemployed had a right to some minimum quantum of land. The social forces, organizational precedence and legacy underlying occupations were a key barometer for understanding the shortfall of the land reform programme. When war veterans demanded a resolution of the land question, a radical leadership was born to take advantage of disgruntled rural communities who felt the government had under-delivered on its promises of land reform.

Fast track compulsory land acquisition

Trends in fast track land reforms

In view of the land occupations, initially led by the war veterans and later including a broad section of Zimbabwean society, the government took a policy stance to embark on a speedier land reform programme in 2000. The land occu-

¹⁰¹ In the large-scale commercial farms, small-scale commercial farms, official occupiers in communal and resettlement areas, as well as state agencies in parks, forests and state farms or leasehold lands.

pations and a number of other events and issues influenced the adoption of fast track land reform:

- The collapse of the 1996 negotiations with the British government over finances for land acquisition;
- Ambivalent donors responses to the inception phase framework plan and lack of mobilizing resources at the 1998 donors' conference;
- The continued legal challenges by white commercial farmers, especially with respect to the 804 farms of the 1,471 farms identified in 1997 that had been delisted;
- The rejection of the 2000 draft constitution which could have facilitated speedier government land acquisition.

The fast track land reform programme was designed to be undertaken in an accelerated manner and with reliance on domestic resources. According to Utete (2003) the programme was a turning point in government land policy in terms of philosophy, practices and procedures of acquiring land and resettling people. The key elements of the fast track were:

- To speed up the identification for compulsory acquisition of not less than 5 million hectares of land for resettlement;
- To accelerate the planning and demarcation of acquired land and settler emplacement on this land;
- To provide limited basic infrastructure (such as boreholes, dip tanks and access roads) and farmer support services (such as tillage and agricultural inputs).

In the midst of the fast track reform in 2001, the government land acquisition policy targets were revised from the original target of 5 million hectares

Table 6.3 Farms gazetted under the fast track programme

Province	Number of farms	Area (ha)	% of land
Mashonaland West	1,489	1,814,270	14.65
Mashonaland East	1,316	1,402,116	11.32
Mashonaland Central	876	976,655	7.88
Manicaland	755	682,257	5.51
Midlands	699	1,350,483	10.9
Matabeleland North	638	2,043,764	16.5
Matabeleland South	492	2,129,171	17.19
Masvingo	444	1,992,158	16.08
Total	6,712	12,387,571	100

Source: ZANU PF Conference, Central Committee Report, 2003

(Makadho, chapter 7) to 11 million hectares. This implied that government intended to acquire all large-scale commercial farms or that government land tenure policy had veered towards converting acquired agricultural freehold land to leasehold land.¹⁰² The Utete (2003) committee estimated 6,422 farms covering 10,839,108 hectares being acquired by government by October 2003. However, by 3 November 2003, 6,712 farms covering an area of 12,387,571 hectares nationwide had been gazetted (see table 6.3).¹⁰³ The differences between the findings of the Utete (2003) committee and the government report deserve some explanation.

Government officials attribute the variance to time differences between the two assessments (African Institute for Agrarian Studies, 2003). Government worked on the basis that there were 8,758 farm properties in existence prior to the fast track land reform programme while the Utete (2003) committee identified 9,135 properties. The fact that the gazetted figures in area exceeded 12 million hectares created further confusion given that all large-scale farms did not exceed 11.6 million hectares. It seems that the number of white-owned farms that were not appropriated was not clearly known. The Utete (2003) report found that 1,332 farmers were still farming on 1,377 farms covering 1,175,607 hectares by 31 July 2003. On the contrary the Commercial Farmers' Union estimated that only 485 of their members were left with their farms. This created the impression there may have been some double counting of farms.¹⁰⁴

At the core of the slow pace in concluding the land acquisition process were the disagreements on valuation of farm improvements and lack of resources on the part of government to offer compensation. The Commercial Farmers' Union and Justice for Agriculture contended that the amounts offered by government were below the true value of the farms.¹⁰⁵ By December 2003, only 3,310 farms, or less than half, had been inspected for valuation and compensation purposes. Conflicting figures were reported on the number of farm-

¹⁰² The gazetting and re-gazetting of farms, including farms protected under investment agreements beyond 2003, reflected also in the policy to move acquisition targets upwards, to shift the entire land tenure regime and to increase the bargaining position of the Government of Zimbabwe in its negotiations over former large-scale commercial farm land-owner retentions and delistings (African Institute for Agrarian Studies, 2003).

¹⁰³ The majority of the farms were acquired in the three Mashonaland provinces which contributed 55 per cent of the farms but only 34 per cent of the acreage. In acreage terms the relatively drier Matabeleland and Masvingo provinces provided the most land, contributing 49.8 per cent to the total gazetted area.

¹⁰⁴ The residual differences arose from weakness in the land acquisition data management system, especially in the entry statistical analyses, exacerbated by the frequent changes occasioned by the need to gazette most farms which were successfully contested in courts or those whose time-bound notices and orders expired before hearings.

¹⁰⁵ This was in the context of a high inflationary environment which reached a peak of 622 per cent by the end of 2003.

ers who were compensated. The Ministry of Lands, Agriculture and Rural Resettlement reported that about 300 out of the more than 4,500 farmers who were displaced by the land reform programme had claimed compensation (*Financial Gazette*, 12 December 2003). However, a report presented at the ZANU-PF conference in early December 2003 claimed that only 156 displaced commercial farmers had received compensation.

The government set aside a total of Z\$8 billion for farm improvement compensation, Z\$4.5 billion of which was pledged in the 2003/04 budget (ZANU-PF Annual conference, 2003). Whereas government estimated the Z\$4.5 billion could have compensated 500 farms, the Commercial Farmers' Union estimated that the Z\$8 billion at over 500 per cent inflation-influenced prices could only compensate 30 farms. This represented a huge gap in perceptions between the two sides creating further polarization. The negotiation processes were not helped by threats issued by the agriculture minister that the government could disburse the money accumulated for compensation to resettled black farmers if displaced farmers continued to refuse to accept government assessed compensation (*Financial Gazette*, 12 December 2003). The wide gap between what government offered and what farmers claimed was the true value of their improvements (an 800 per cent difference) indicated that settlement was going to be difficult to reach.

Legal issues in the fast track land reform programme

The empirical patterns of compulsory land acquisition reflect the official approach that had been evolving over the last 20 years through the gradual enactment of suitable legislation (Moyo, 1998). The Government of Zimbabwe regarded the Lancaster House constitution as a major hindrance to the resolution of the land question and in particular as a major constraint on the government's land reform and redistribution programme. Accordingly, after the entrenched provisions of the Lancaster House constitution expired in 1990, government amended the constitution to remove those aspects which it viewed as a major hindrance to effective acquisition of land for redistribution. In this regard the Constitution of Zimbabwe Amendment (No. 11) Act 30 of 1990 and the Constitution of Zimbabwe (No. 12) Act 4 of 1993 were enacted. These were followed by a new land acquisition framework embodying the new constitutional principles in the form of the Land Acquisition Act, of 1992 (Government of Zimbabwe, 1992). These constitutional amendments became a basis for the Land Acquisition Act (Chapter 20:10). These were highly contested both in the political and legal arenas as they were viewed by many, but in particular by the predominantly white commercial farming sector, as constituting a serious threat, not just to the security of tenure and to agricultural investment, but also to the viability of commercial agriculture in the country.

Before 1990, the compensation provision obliged the acquiring authority

to 'pay promptly adequate compensation' for land acquisition and such compensation was required to be paid in foreign currency in any country of the owner's choice, whenever the owner so elected. It was this part of the Lancaster House constitution which received the most severe criticism and was seen as the major hindrance to land acquisition and redistribution. Not only did it mean that relatively high prices had to be paid for the land acquired but also such payments had to be made in scarce foreign currency. In 1990 the Eleventh Amendment to the Constitution eliminated the requirement to pay compensation in foreign currency and the concomitant right of remittance thereof in the hope that land for resettlement would thereafter become much more affordable to the state.

The requirement to pay compensation was also modified from the payment of prompt, adequate compensation to payment of 'fair compensation within a reasonable time' from the time of acquisition. The new laws also sought to deny the courts power to declare unconstitutional any law which may be seen as fixing or providing for compensation which was not fair. However, the courts still retained jurisdiction to determine the level of compensation where there was no agreement between the parties. But the attempt to oust the jurisdiction of the courts in the invalidation of unfair compensation laws was severely criticized and was the main cause of the country's bad image over the protection of landed property rights. All in all, the land acquisition framework established by the constitution was not merely fairly rigorous and tight but clearly entrenched the judicial method of expropriation as against the administrative method under which expropriation was carried out through purely administrative acts without judicial control or supervision (Government of Zimbabwe, 2001).

The Eleventh Amendment to the Constitution in 2000 (Government of Zimbabwe, 2000a) absolved the Government of Zimbabwe from compensating for land if a fund was created in which the former colonial power could deposit requisite monies to compensate for the soil. The government was only obliged to pay for improvements and even on this it could deduct from the sale price the previous government subsidies which accrued to landowners. The amendment also stipulated a variety of factors which could be considered in estimating the compensation value for improvements (for example, amounts paid to previous landowners by the current landholder, the value of investments, and so on).

Following the above constitutional changes, the Land Acquisition Act (Government of Zimbabwe, 2000b) was amended in 2000. This was done to free the government from any obligation to pay for unimproved land and to define the process and valuation of compensation for improvements. Secondly, the Land Acquisition Act (Government of Zimbabwe, 2000b) streamlined the previous Act's dual route of compulsory acquisition by eliminating the designa-

tion route (which slowed the land acquisition process) and by retaining the direct acquisition route but with more clearly defined procedures for compensation. Thirdly, the Land Acquisition Act Amendment (Government of Zimbabwe, 2000b) removed numerous administrative and/or legal procedural encumbrances and time-consuming processes which led to the mostly successful litigations against compulsory acquisition between 1993 and 1999.

Land reform negotiations

Land reform negotiations between government, landowners and donors have been attempted since independence. Land reform negotiations could be an acceptable route for land reform – where parties are prepared to compromise their privileges and positions for less conflict-ridden land reform to be a success. Whilst in the past large-scale farmers buttressed by donors and the private sector remained steadfast in their ‘resistance to compromise’ of their privileges, the government and the ruling party also adopted the ‘resistance to compromise’ stance during the fast track period. In most of the 1980s until the middle 1990s, the government negotiated from a weak vantage given that it had no resources, no land and received minimal support from donors. There were overtures from government to landowners to reach an internal compromise on many of the contentious land reform issues. Government and various representative organizations (including war veterans, farmers, academics and farming unions) all pushed for dialogue rather than confrontation. Yet in an effort to reach a win-win situation, some interest groups such as war veterans used force through land occupations (and liberation war credentials) to arm twist both government and large-scale farmers to speed up the land reform process.

Most dialogue initiatives of white landowners led by the Commercial Farmers’ Union in the 1990s predominantly focused on defending the economic values of land to the nation. They tended to ignore the political implications of resisting land reform in a context of growing inequalities. The lack of partnerships with adjacent peasant communities, poor treatment of trespassers, violation of farmworker rights and unfair produce and labour extraction from peasant communities through unfair contract farming arrangements further alienated the large-scale farmers. There were a few localized cases of successful co-existence between landowners and local peasants but these were only based on labour-inputs relations and tillage provisions and did not involve the sharing or ceding of land to those landless communities. Whereas many blacks as historical victims of land expropriation¹⁰⁶ were prepared, under normal circumstances

¹⁰⁶The land restitution approach to land transfer, which would have to be guided by the formal review of substantiated land claims to be restored to specific claimants, was rejected by the Government of Zimbabwe on grounds of its being too legalistic, bureaucratically cumbersome and slow.

of non-confrontation or polarization, to negotiate land redistribution as a development and poverty reduction issue, their instinctive demand was for political redress through unconditional return of land rights.

At times the government's posture appeared not to provide room for negotiation when in fact negotiations and trade-offs with stakeholders were part of the earlier resettlement programme. The fact that such negotiations were not widely publicized alienated the less-informed international community and important segments of the Zimbabwean public. The efforts of the landowners to offer land were testimony that there was some level of dialogue which needed to be strengthened by both domestic and international forces. The highly charged political environment that obtained from 2000 and the unreliable information such as the extent of occupations, production patterns and issues of rule of law used by all stakeholders to buttress their subjective positions, created conflicts rather than consensus. Thus the credibility of land reform was affected by the absence of a transparent plan and policy dialogue process which was necessary to counteract attempts to sensationalize the perceived relative costs and benefits of land reform. For instance, land reform negotiations could have been based on:

- The land offers by large-scale commercial farmers in 1997 of 1.5 million hectares;
- The financial pledges made at the 1998 donor's conference;
- The 118 farms offered by large-scale commercial farmers within the context of the inception phase framework plan in 1999;
- The Zimbabwe joint resettlement initiative with provisions for 1 million hectares and financial support that could have been mobilized by commercial farmers in 2001; and
- The Abuja agreement where the British government promised 26 million pounds for land reform in 2001.

In fact, had all parties committed to firm agreements, progress on negotiations could have been achieved. The Zimbabwe joint resettlement initiative, which offered 20 per cent (1 million hectares) of the government's initial target of 5 million hectares, was the first attempt by landowners to cooperate with government in a major land redistribution effort. This initiative addressed government's needs and concurrently provided a basis for the mobilization of substantial international resources for land compensation as well as resettlement. This approach could have succeeded if it had represented one step in a process of commitment to transfer the targeted 5 million hectares of land. However, this approach to dialogue led by land offers could have succeeded if it was backed by guarantees for compensation to landowners. The offers were however not backed by adequate political commitment at the international level as was expected by all parties in Zimbabwe.

Key stakeholders in the land reform programme left it until too late to negotiate on the programme to avert violent conflicts that became instrumentalized after 2000. In fact, by resorting to the use of courts to redress the problem, this further alienated and hardened the positions of all the stakeholders (farmers, government and war veterans). The emergence of the Movement for Democratic Change (MDC) and its alleged links with the white commercial farmers and the British government further created problems. It became the basis upon which ZANU-PF mobilized its propaganda strategies.¹⁰⁷ The benefits of the land transfers and the untenable situation that existed due to the political party confrontation inadvertently benefited the land reform programme with respect to land transfers. However, the negative impact has seen the contraction of the economy, disruption of exports, rapid unemployment and disruption of food security. A bipartisan negotiating framework would have benefited both parties and eliminated the negative impact of the land reform programme. Given the high stakes, this has not been possible.

Zimbabwe's relationship with international donors, including bilateral donor agencies and multilateral donors such as the World Bank and International Monetary Fund, in financing land reform and land acquisition in particular has been negative and often characterized by mutual distrust and suspicion. In the late 1980s, the World Bank promoted market-based land reforms (Moyo, 2000b) while failing to provide resources for land reforms during the economic structural adjustment programme period from 1991 to 1995 (Government of Zimbabwe, 1991). Moreover, the economic structural adjustment programme internationalized interests in Zimbabwe's land¹⁰⁸ through land stock-owning and shareholder arrangements, introducing yet another source of conflict in the land equation (Moyo, 2000a).¹⁰⁹ In general white landowners, non-governmental organizations and some political parties entered negotiations towards 'alternative' market-assisted and community-based models of land transfer, as prac-

¹⁰⁷ The Movement for Democratic Change in its policy proposal suggested that it would acquire 7 million hectares instead of the ZANU-PF target of 5 million hectares. ZANU (PF) responded by increasing its target to 9 million hectares and eventually to 12 million hectares. Occasionally Movement for Democratic Change was accused of reversing the gains of land reform and it was said they would give back the land to the whites.

¹⁰⁸ There was the growth of external investors in the agricultural sector, particularly in horticulture production, beef ranching, wildlife and eco-tourism. Such investors resisted attempts to compulsorily acquire land by the state, thus internationalizing Zimbabwe's question (see Moyo, 2000a, for an elaborate discussion of these trends).

¹⁰⁹ It brought conflicts in the sense that those large-scale commercial farmers who wanted to avoid land designation would go into partnership with investors as Government of Zimbabwe policy exempted those farms purchased or used by investors for their enterprises. The tendency, particularly in the conservancies, was to exclude the neighbouring communities who became embroiled in poaching wildlife in those conservancies. A second problem was the conversion of arable land into wildlife ranching, particularly in the Mashonaland provinces, which threatened food security (Moyo, 2000a).

tised in Brazil (Moyo, 2001). Many Zimbabweans feared that alternative approaches were a ploy aimed at enriching élites who had held on to land speculatively as they would demand market prices for their land from the beneficiaries.

At the bilateral level there were various differences over financing land acquisitions between the government and the British. The British contended that some farms purchased were not entirely voluntarily sold due to land occupations. Later on, the British alleged that the Government of Zimbabwe had used some of the land purchased with United Kingdom monies for state farming (Agricultural and Rural Development Authority estates), and that such land was later given to black élite commercial farmers. In turn the government accused the landowners of not being serious about land reform as most of the land purchased under the British monitoring scheme was marginal land offloaded at exorbitant prices. This diminished the opportunity cost of government matching funds in the land acquisition and resettlement programme.

Moreover, in 1997 the newly elected British Labour government proposed that the new Department for International Development poverty-oriented development aid provided the policy framework for assistance to Zimbabwe land reform. The Labour government also contended that it did not have historic responsibility for Zimbabwe's land expropriation because the British government was not of landowning or settler stock (Utete, 2003). Claire Short (British Secretary for Overseas Development) stated:

'I should make it clear that we do not accept that Britain has a special responsibility to meet the costs of land purchase in Zimbabwe. We are a new government from diverse backgrounds without links to former colonial interests. My own origins are Irish and as you know we were colonized not colonizers' (Short, in Utete, 2003:15).

This new impasse was followed by a series of diplomatic conflicts that degenerated in the period 1997–2000.

When attempts at negotiations were made at the height of the fast track programme, the British government rationalized land financing conditions premised on political issues (such as the need for electoral monitoring, reducing electoral violence and enforcing the rule of law on the farms), while key land reform principles and issues (resources to compensate for land, policy on black commercial farming and the role of land reform in poverty alleviation) were sidelined (Dashwood, 2000). The United Kingdom emphasized the need for macro-economic stability and governance reforms as a basis for offering money for land reform while refusing to acknowledge its failure to act on the inception phase immediately after the 1998 donors' conference in Harare in support of the purchase of 118 farms that had been on offer. The British government reiterated the need to stick to inception phase principles but failed to acknowledge that donors did not play their part.

Governments in the southern African region initially regarded the problem as a United Kingdom–Government of Zimbabwe colonial and post-colonial affair. This was before the land occupation crisis spilled over into these countries. For instance in South Africa, the Landless Peoples' Movement promoted land occupations in some provinces and in the periphery of Johannesburg. In Namibia, there were some movements onto farms with government threatening that they would condone the occupations if the landowners were unwilling to release land for resettlement. In Malawi in the southern part of the country, the Malawi Congress party and the United Democratic Front promoted land occupations. The governments in southern Africa also realized the calamity of the Zimbabwe land crisis when faced by the potential menace of economic and political refugees spilling over into their own countries. Various initiatives led by the Commonwealth and the United Nations Development Programme sought to reduce political conflicts but failed because it was too late as Zimbabwe was entrapped in conflicts. The government refused to remove land occupiers until meaningful resources were made available. The international partners on the other hand convoluted the land reform programme with internal political processes creating a deep-seated crisis in Zimbabwe.

Lessons and prospects in the next decade

In the next decade Zimbabwe has many choices to make with respect to land policy. Negotiations should be given a chance to lessen the negative impact of the land reform programme on agricultural production. Radicalism in land transfer and management should not be a permanent feature in Zimbabwe's agrarian system and economy. It damages the country's international image when the success of agricultural performance as recorded in the first and second agricultural revolutions were based on Zimbabwe's ability to tap into international markets. Therefore Zimbabwe needs to revive its agriculture through specific policies that address productivity.

Zimbabwe's land acquisition experience is not exceptional or unique when compared to numerous countries which have undertaken land reforms in the last 50 years. That experience shows that land redistribution programmes based primarily on market land purchases are universally contested (Moyo, 2001) and in fact proscribed or driven by real struggles to control land through organized social actions at the local level, which in turn lead to state initiatives to redistribute land. But the international community – notably multilateral agencies – have corollarily diminished their activist role in the last 15 years of land reform, leading to unsustainable local land reform and greater conflict from land and resource inequities.

Land-related issues that still need attention include the conclusion of land acquisition, including settling of some large-scale commercial farmers on ap-

appropriately sized plots, as well as addressing the security of tenure issue spelling out the rights and obligations of settlers. There is need for policy with regard to the conditions under which land transfers (besides through inheritance) will be allowed and/or how land markets will be allowed to operate or regulated. Land ownership and use conversions (for example to three tier schemes, wildlife conservancies and farm size and equity holdings) should be sped up through technical support and new forms of tenure assigned with flexibility.

The institutions that emerged within the context of the fast track programme were not essentially democratic. They had a job to do within the context of radical land transfers. Now that the job is done, there is a need to reorganize the institutional framework for land management. The separation of the land administration functions from agriculture seems to have created more conflicts than solutions. This means there is need to create an independent land institution that will rationalize and strengthen dispersed land institutions. This will allow for better coordination of regular land policy formulation, monitoring and implementation, as well as inter-agency (central/local) relations and responsibilities (land allocation, registration, acquisition). Such a framework will give confidence to land users in their efforts to work the land rather than continue dealing with dissipated institutions fighting for the political control of the land reform process.

Then there is the question of the separation of administrative functions from adjudicatory (land dispute resolution) powers, at the central government administrative level and in the decentralized structures (district administration, chiefs, village committees versus local and traditional court independence). The independence of the land agency from other developmental functions such as the agriculture and local government ministries is an issue that will minimize intra-governmental conflict of interest and concentration of power, and the limitations that this brings to accountability within the government. Decentralization should be sought to improve the participation of land users, vulnerable groups (women and young men), farmers' associations and wider local stakeholders, in addition to government officials and traditional authorities, in decision-making over land matters.

Conclusion

This chapter has reviewed Zimbabwe's land acquisition experience since independence and has shown how it was guided by market-assisted and compulsory instruments. The actual Government of Zimbabwe land acquisition policy outcome of the 1990s remained slightly contradictory or hesitant in terms of the pace of land acquisition and the level of financial allocations made by the government for the implementation of its land acquisition and resettlement pro-

gramme. The demand for land and the illegal occupation of land became a strategic instrument used by the government when eventually opting for a fast track approach. However, the scale of land acquisition, the social forces agitating for it and the instruments used in the first 20 years of Zimbabwe's independence exhibit a systematic pattern of change. The interactive processes of different land acquisition instruments reflected some level of negotiation framework. Peasants and war veterans used land occupations to arm-twist both government and farmers for the land question to be resolved. At the international level, government presented such occupations as requiring international partners to pay for the costs of land reform. The high ground negotiating bid of the government was the threat of mass compulsory land acquisition which they eventually carried out through the fast track programme.

However, since 2000, land transfers have been done on a massive scale with no international financial support. This alone is unprecedented in the history of land reforms internationally. There is now a precise need to understand more clearly the strategies that work for land reform based on Zimbabwe's experiences. The experiences of the first agricultural revolution which consolidated large-scale commercial farming and the second agricultural revolution which buttressed the smallholder or peasant production provides a potential framework for minimizing the negative impact of the land transfers. Zimbabwe, with the highest rate of inflation in the world, a negative gross domestic product growth, little foreign currency and contracted export markets due to sanctions was forced to carry out a fast track land reform programme using internal resources. Clearly many people have benefited from the land reform as for the first time some have land of good quality. The most significant cost of the land acquisition was the failure to find a means of negotiating and combining the interests of the key stakeholders and the nation at large. As Zimbabwe grapples with the multiple and fluid complexities that have emerged from its land reform programme, effective policies need to be put in place for people to use the land productively.

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