

Land and Human Security in Africa
L'Observatoire de l'Afrique
Didimala Game Lodge, Limpopo, South Africa
Session 3: The Challenge of Land Governance
30 May 2011

The Politics of Land in Zimbabwe
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Introduction

This paper takes a different approach. It will focus on the politics of land in Zimbabwe, rather than on land in Zimbabwe. It will very briefly explain the historical role of land since independence by denoting certain major events that demonstrate the politicisation of land. Finally, I will share my analysis of the current political situation in Zimbabwe.

In Zimbabwe, land is a highly emotive and political issue. Many Zimbabweans view land within the context of justness and fairness, citing historical grievances that go back generations.

As we will see in Zimbabwe, land has been abused. As Zanu PF struggled to retain its political power, they politicised and racialised the land issue as to remind Zimbabweans of their role in the liberation struggle and re-establish their legitimacy. For example, during the 2000 parliamentary elections and in the midst of a severe economic crises, Zanu PF campaigned with the slogan “Land is the Economy and the Economy is Land.”

By forfeiting sensible land policies that would benefit all Zimbabweans, black and white, Zanu PF or MDC, Mugabe and Zanu PF's failure of implementing a fair and transparent land reform programme has had adverse impacts on the economy, food production, sustainable livelihoods, and civil and political rights. It has also had the effect of threatening the stability of neighbouring countries as well as the legitimacy of SADC.

It should be noted that Zimbabwe remains a country in transition. The 2008 Global Political Agreement (GPA) between Zanu PF and the two formations of the Movement for Democratic Change (MDC-T and MDC-M/N) ushered in a power-sharing government that averted a complete political and economic collapse of the state.

Despite this progress, serious structural impediments continue to engender uncertainty and instability. The issue of land remains one of those impediments. Zimbabwe remains deeply polarised with the GPA teetering between collapse and continued stalemate.

Historical Status of Land

The Land Apportionment Act of 1930 legalised land segregation and established four categories of land tenure: European Areas, Native Reserves, Native Purchase Areas and Forests.

In European Areas, land was considered private property whereby title deeds were issued. Native Reserves were communal areas without title deeds (establishing the bifurcation of land tenure). Chiefs were allowed to allocate land under the supervision of Native Commissioners.

Native Purchase Areas were established as the middle ground between the two races. A small African rural middle class was allowed to purchase land adjacent to the reserves. However, the soil in both the reserves and the purchase areas were of poor quality.

Increasing competition between farmers and mine owners for cheap labour encouraged land expropriation as it became a part of a broader strategy of creating property-less natives dependent on selling their labour¹.

The Politicisation of Land: Three Phases of Land Reform in Post Independence Zimbabwe

- 1980-1989
- 1990-1999
- 2000-Present

1980-1989

At independence, 42 per cent of the land was owed by some 6,000 commercial farmers, most of whom were White. In addition to one-man one-vote, the injustices of land tenure – namely the redistribution to the black population – was at the centre of the liberation struggle and the negotiations that produced Zimbabwe's constitution.

Zimbabwe inherited a bifurcated land tenure system, based on race, that divided commercial farms (largely White) and communal areas (largely black). Following independence, the Government of Zimbabwe largely had two stated objectives in relation to land: (1) to correct the historical and racial imbalance in land ownership and (2) to alleviate the overcrowding in the communal areas².

Land reform was guided by the Lancaster House constitution, a negotiated political settlement that designed to defuse the land issue rather than settle solve it. The

¹ Ndlovu-Gatsheni, Sabelo, "Mapping Cultural and Colonial Encounters, 1880s-1930s," in *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*, Eds. Brian Raftopoulos and Alois Mlambo (Harare: Weaver Press, 2009): 65.

² The Africa All Party Parliamentary Group, "Land in Zimbabwe: Past Mistakes, Future Prospects," December 2009: 27.

Constitution enshrined the ‘willing-buyer willing-seller’ formula in order to protect the property rights of commercial farmers for a period of ten years.

The initial Land Resettlement Programme, established with the UK, resettled 71,000 families on 3.5million hectares. However, expectations, both within the population and the government were high and ultimately proved to be unrealistic. By 1990, only 14 per cent of the targeted had been acquired. Despite reassurances from the UK and the United States, financial support for land resettlement projects was slow and inadequate.

Those who had been resettled were not given title deeds for fear that they would resell the land on the open market. There was also little support or follow-up after the acquisition of land. As such, many of those who had been resettled were not capable of cultivating their farms and were doomed to fail, remaining impoverished.

Additionally, during the 1980s, around 1m hectares changed hands on the private market, with many of the new black elite buying into land³.

1990-1999

In 1990 the constitution was amended to allow the government to purchase land at set prices without the right to appeal; thus effectively ending the willing-buyer willing seller formula. The government went even further in 1992 when it passed the Land Acquisition Act. The Act strengthened the government’s ability to acquire land for resettlement, including the ability to limit the size of farms and the introduction of a new land tax.

During the 1990 elections, both Mugabe and Joshua Nkomo made land into a core election issue. At the time, a newly unified Zanu PF faced a series of corruption allegations and economic challenges, as well as a possible threat from a new political party, the Zimbabwe Unity Movement.

However, public dissatisfaction and anger ensued as early as 1993 and 1994 when Zimbabwean media disclosed that senior politicians, military officials and ministers received farms well below market value⁴. As Scoones notes, little happened between 1990 and 1996. Only 20,000 households had been resettled⁵.

It was 1997 when a series of developments began that would culminate in the violent land seizures that characterised the Fast Track Land Reform process.

In 1997 benefits and payments to War Veterans, had been suspended when it was found that corruption and theft had left the War Victims fund empty.

³ Scoones, Ian, *Zimbabwe’s Land Reform: Myths + Realities* (Harare: Weaver Press, 2010): 15.

⁴ International Crisis Group, “Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa,” Africa Report N°85, 17 September 2004: 49.

⁵ Scoones, 18.

As a result, the War Veterans Association applied significant public pressure on Mugabe through demonstrations, vandalising Zanu PF headquarters and publicly heckling Mugabe on a nationally televised event. A group of ranking veteran's forced a meeting with Mugabe and demanded that if they did not receive land and other forms of compensation they would begin to seize commercial farms.

Shortly after, Mugabe, bypassing parliament, unilaterally announced that veterans would receive a one-time payment of Z\$4,100 and a monthly life pension of Z\$163. The government, at the time, was not able to pay for these unbudgeted benefits.

Around the same time, the Labour Government came into power in the UK. The new government decided to withhold funds for land acquisition citing concerns over transparency and that the beneficiaries of land acquisition were not the most poor. Mugabe responded by ordering his ministers to list 1,500 farms for immediate acquisition and demanded the UK compensate the farmers. This was a radical departure from previous policy.

As a result, the Zimbabwean dollar lost more than half of its value. As Zanu PF struggled to find funds for payments for the War Veterans, Mugabe sought to push significant tax increases through parliament. Despite holding the overwhelming majority of seats, tax increases were rejected and violent street protests ensued.

The Zimbabwe Confederation of Trade Unions chaired by General Secretary Morgan Tsvangirai led a widely supported general strike that provoked a violent government reaction. The government accused the trade unions of siding with the Whites⁶.

At the Zanu PF party congress at end of 1997, the war veterans dominated the proceedings. Their influence tipped the balance of power within Zanu PF away from the technocrats that had been responsible for reform toward more radical and populist members. The influence of the war veterans reshaped the politics of land and was detrimental to the relationship between commercial farmers and the state.

Economic pressures on the government were mounting. There was a sharp increase in defence spending after the government's unilateral entry into the DRC war in 1998; significant increases of civil service wages in the run-up to the parliamentary elections in June 2000; and the surge in interest as government struggled to service its external debt; all of which pushed the budget deficit to nearly 18 per cent of the GDP in 2000⁷.

As a result of Zimbabwe's war in the DRC, donors were largely cool toward Zimbabwe during an international donor conference organised by UNDP in 1998. The conference secures less than US 1 million for a new land reform and resettlement program. By 1999,

⁶ International Crisis Group, "Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa," Africa Report N°85, 17 September 2004: 58.

⁷ International Monetary Fund, *Zimbabwe: Selected Issues and Statistical Appendix* (IMF Country Report No. 05/359, October 2005), p.18.

The Zanu PF led government was not able to manage its land reform programme. Many of the farms listed for acquisition ran into legal snags and were deemed inappropriate for redistribution. Bureaucracies and institutions were under-funded and did not have the capacity to carry out reforms. There was demonstrable evidence that funds intended for land reform were being diverted to party elites and supporters. More importantly, Zanu PF lacked the political will to implement a coherent land reform policy.

The Movement for Democratic Change emerged in 1999 with Morgan Tsvangirai as its leader. The formation of the MDC as a viable opposition party helped politically remobilise Whites as a response to their deliberate exclusion and threats to their interests and security increased.

That same year, a coalition of civil society, academia and activists emerged under the National Constitutional Assembly. Together, the MDC and the NCA pushed for major constitutional revisions. However, the commission responsible for drafting the new constitution comprised mainly of Zanu PF loyalists with many civics relegated to the sidelines. Mugabe ultimately sidelined the commissioners, deleted many of the key clauses aimed at opening political space, and decided his version of the constitution would be voted on during the February 2000 referendum.

Had the new Constitution been accepted in the referendum, it would have:

- given the government greater power to censor the press and restrict individual rights;
- granted the president sweeping emergency powers and almost complete immunity from prosecution; and
- allowed the government to seize farms without compensation, compensation would have become the responsibility of the UK.

The clauses in the draft constitution threatened to disenfranchise farmers. The farmers joined the civics that had mobilised in opposition to the draft constitution. They were able to successfully mobilise their farm workers and encourage them to reject the constitution in a referendum. The unprecedented opposition to Zanu PF turned into a groundswell of anti-government sentiment.

The draft constitution was rejected. This was the first time that Zanu PF's first defeat since independence. It was widely viewed as a rejection of not only the draft constitution, but of Zanu PF itself. As the parliamentary elections approached, it was highly evident that Zanu PF would lose its monopoly on state power.

2000-Present

The period between 2000 and 2008 is when we see the overt abuse of land reform. In response to the failed referendum, a series of land occupations ensued. While land occupations have occurred in the past, these occupations represented a decisive shift in power politics within Zanu PF.

Zanu PF portrayed the farm invasions as driven by populists. In fact, when we look at the pattern of land invasions and land redistribution during this period, we can draw the conclusion the fast track land reform was used to systematically purge commercial farms in areas where the MDC received support from both farmers and farmworkers. The redistribution of the land was designed to placate key constituencies and individuals as a way to shore up support for Zanu PF⁸.

Another trend has been that land has taken a primary place in Zanu PF's election strategy with land seizures dramatically increasing during elections. Reason being: power is obtained through elections. And land can get votes and get votes fast. During elections, Zanu PF has successfully shaped a narrative, with land as a key issue, to tap into people's emotions and remind them about Zanu PF's role as a liberator – namely from the Whites, and to remind them of how Zimbabweans feel about their nation and that land is the nation.

According to the Research and Advocacy Unit, a Zimbabwe based NGO, Zanu PF has shaped the land message in the following way: land reform leads to Western-imposed sanctions, which leads to the desire by the West for regime change through elections and that now Western puppets – namely the MDC and civil society – are planning to interfere with Zimbabwe's sovereignty by imposing a roadmap for elections.

As you can see, land is a central issue for Zanu PF in which they have proven able to contain, coerce and demobilise disenfranchise the opposition. This has won sympathy from some neighbouring countries that have similar land issues to Zimbabwe – particularly Namibia.

As Brian Raftopolous suggests, the characteristics of this process took the following forms:

First, Zanu PF's nationalist ideology was recast in a more authoritarian, selective and racialised notions of citizenship and belonging⁹.

The rule of law and the judiciary have been systematically dismantled. The state repeatedly refused to abide by judgements opposed to its land policies. Judges on the High and Supreme Courts were forced off the bench and replaced with Zanu PF stalwarts who would support the government. And amnesties were granted to individuals who had carried out violent acts on behalf of the ruling party.

Draconian legislation was introduced. The Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act severely restricted the activities of opposition, civil society and the media.

⁸ Diamonds and Clubs: The Militarized Control of Diamonds and Power in Zimbabwe, Partnership Africa Canada, June 2010: 11.

⁹ Raftopolous, Brian, "The Crises in Zimbabwe 1998-2008," in *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*, Eds. Brian Raftopoulos and Alois Mlambo (Harare: Weaver Press, 2009): 213.

Finally, the state has increasingly relied on intimidation and violence during elections. State structures have been militarised¹⁰.

In the face of greater internal and external pressures and opposition, Mugabe openly sought to align himself with the War Veterans and other hardliners within the party as a way to preserve power. And, for the first time, Zanu PF youths joined the movement as well as others from both communal and urban areas.

The Global Political Agreement and the Government of National Unity

Following the immense campaign of state sponsored violence in the run-up to the presidential run-off in June 2008, a power-sharing agreement known as the Global Political Agreement (GPA) was agreed to by Zanu PF and the two MDC's. The GPA covered a wide range of issues, but at its heart was a commitment that a revised Constitution should be agreed, followed – on no specified date – by new elections, the successful conclusion of which would complete Zimbabwe's return to a democratic political dispensation.

Zanu's politicisation of land helped the MDC in terms of membership and fundraising. Yet the MDC it seems with the advent of the GPA, the MDC has largely abandoned some of their key constituents.

According to the Research and Advocacy Unit, Article V of the GPA specifically addresses the land question. The Article contains elements that are both purely political and quasi-legal. The purely political undertakings are (1) placing the primary obligation of compensation on the UK (2) for the parties to work together to support land reform (3) and for the parties to work toward achieving productivity of the land and, finally, (4) that all previous land acquisitions are "irreversible"¹¹.

Article V requires a comprehensive land audit for the "purpose of establishing accountability and eliminating multiple farm ownerships" and to see that land is allocated irrespective of race, gender, religion, ethnicity, or political affiliation. An audit is a massive undertaking and will require substantial funding from donors who remain sceptical. It would have to be overseen by relevant ministries – local government, agriculture and/of land – each of which remain in the hands of Zanu PF¹².

Without any control or influence over these relevant ministries, the MDC has not been able to compel the implementation of an audit. The GPA also states that land tenure should be secured, but tenure is not defined. Currently, many farmers in Zimbabwe hold property based on lease agreements that can be terminated at any time by Zanu PF affiliated officials.

¹⁰ Raftopolous, Brian, "The Crises in Zimbabwe 1998-2008," in *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*, Eds. Brian Raftopoulos and Alois Mlambo (Harare: Weaver Press, 2009): 213-215.

¹¹ Matyszak, Derek and Tony Reeler, Articles of Faith: Assessing Zimbabwe's "GPA" as a Mechanism for Change – A Legal Perspective, Research and Advocacy Unit: 14.

¹² Matyszak, Derek, 15.

Furthermore, the GPA recognised that all land should be used productively to benefit all “Zimbabweans.” Yet citizenship in Zimbabwe, as defined by Zanu PF, generally excludes Whites and farm labourers – those that the party and its supporters perceive to support the opposition.

As of today, an agreement as to how to proceed with a land audit still has not been reached. An investigation in December 2010 found that nearly 40 per cent of the land seized in the fast track land reform programme has been allocated to Mugabe and his allies. Grace Mugabe is reported to own 14 farms, while Vice President Mujuru and her husband are reported to own 25 farms. The investigation also found that all Zanu PF's 56 politburo members, 98 members of parliament and 35 elected and unelected senators were allocated farms, and all 10 provincial governors have seized them, with four being multiple owners. Sixteen supreme court and high court judges also own farms¹³.

SADC Tribunal

Leaders in the Southern African Development Community (SADC), two weeks ago, dissolved the human rights Tribunal for at least another year. This is both a ‘regressive’ and a serious blow for the protection of the rights of SADC citizens.

In 2008, the SADC Tribunal’s verdict in *Mike Campbell (Pvt) and Others v. Republic of Zimbabwe* found Robert Mugabe’s brutal land grab campaign was unlawful. The Tribunal also ordered Zimbabwe not to evict the 78 farmers that had brought the case forward until the state pays full compensation to those it had already forced off farms. The ruling raised hope among farmers they could keep their land or get compensation for farms already seized.

Although the rulings of the Tribunal, under the SADC treaty, are binding on all member states, Zimbabwe has reused to comply. Mugabe has publicly dismissed the Tribunal's while the Zimbabwean High Court has refused to register the Tribunal's ruling; positing that the judgment would have a negative impact on Zimbabwe's agrarian reforms

Justice Minister Patrick Chinamasa insisted that the court's constituting treaty had not been ratified by two-thirds of the regional bloc's members as required, thereby calling the legitimacy of the Tribunal into question. As a direct result, SADC shied away from confronting Mugabe and instead suspended the Tribunal, ordering a review its functions and terms of reference.

The review has since been completed, and has upheld the Tribunal’s rulings. The review also clarified that the court has the jurisdiction to rule on matters in Zimbabwe. But despite this, SADC leaders have once again suspended the court for a further 12 months, for yet another review.

¹³ “Mugabe and Allies Own 40% of Seized Land, *Mail & Guardian*, 1 December 2010: <http://mg.co.za/article/2010-12-01-mugabe-and-allies-own-40-of-seized-land>.

This is a fundamental erosion of SADC principles vis-à-vis the land issue. Many SADC countries face similar pressures with land. By letting Zimbabwe ignore the rule of law and delegitimise a key SADC institution that was designed to protect citizen's rights from encroachment by states, SADC has sent a message that it lacks the political will to work toward more inclusive and transparent methods of reform.

There has been a whisp of silver lining. Zimbabwean farmers have been able to find some redress in the South African judicial system. Following the Tribunal verdict, farmers successfully applied for the judgment to be enforced in South Africa. Eleven properties owned by the Zimbabwean government, including houses in Cape Town worth hundreds of thousands of pounds, were seized by South Africa in order to compensate the farmers.

Zimbabwe Today

In Zimbabwe today, power has been consolidated by the securocrats. These individuals have benefited tremendously from fast track land reform. Today, Zanu PF and hardliners within the security sector continue to exploit land, but interests have shifted toward diamonds and indiginisation.

The diamond trade in Marange is inextricably linked to land reform. To have proper land reform and redistribution in Zimbabwe today would mean that property rights would be restored. If property rights are restored, the military/economic complex responsible for the diamond trade would not be able to operate.

A key note to keep in mind is, while SADC and South Africa pressure Zanu PF and the securocrats to embark on security sector reform as a part of the elections road map, how do you convince a small cabal of securocrats to relinquish land that has diamonds worth millions and millions of dollars?

Diamond sales do not yield any profits for the Zimbabwean state. This has a series of consequences, including: hindering the rehabilitation of the economy, stalling efforts to re-legitimise public institutions and engendering a lack of confidence in the inclusive government¹⁴. Not just Zanu PF, but also the MDC.

Many erroneously assume that the real battle for power in Zimbabwe is between Zanu PF and the MDC led by Morgan Tsvangirai. In fact, it is within Zanu PF. More specifically, between Vice President Joyce Mujuru and her husband and former general Solomon and Defense Minister Emmerson Mnangagwa.

The composition of parliament is at the heart of a succession dispute between Mujuru and Mnangagwa; with the former urging a delay and the latter advocating for early elections. Elections would allow the reconfiguration of parliament which could be used to promote Mnangagwa to the post of Deputy Vice President, a coveted position as we all watch Mugabe get older. A push for elections, which could still happen this

¹⁴ Diamonds and Clubs, 2-3.

year, although South Africa is exercising significant pressure to postpone the elections until 2012 or beyond, is being driven by the military. This past Friday, Brigadier General Douglas Nyikayaramba, told the Zimbabwe Independent newspaper that that Mr. Mugabe's Zanu PF party would win the next elections and "ensure stability."

Conclusion

The need for a transparent land audit that redresses imbalances and restores the legitimacy of the land reform process is key. However, none of the political parties has come up with a real plan for reform.

No solution is going to be easy. Land resettlement means different things for different people: a source of private accumulation or someone's main source of livelihood, security, and for other's, land holds a symbolic value¹⁵.

Instead of speeding up land transfers, increased politicization and racialisation of land by Zanu PF became a central figure in land reforms failure. Zanu PF's rhetoric and policies marginalized white commercial farmers and donors in the international community. Pragmatic and consensus-seeking elements in Zanu PF have been sidelined.

Finally, SADC – vis-à-vis South Africa – is the guarantor of the GPA. To let the power sharing government in Zimbabwe fail would be perceived as a failure of both SADC and South Africa. And this could ultimately pose negative reverberations throughout the region.

¹⁵ Scoones, 9.

Biography

Bryan M. Sims is a researcher with the States in Transition Observatory unit with Idasa, an African democracy institute, in Pretoria, South Africa. He previously worked for the National Endowment for Democracy, a private non-governmental organization dedicated to the growth and strengthening of democratic institutions around the world in Washington, DC.

Bryan holds an MA, with honours, in International Conflict Analysis with a focus on east and southern Africa, from the University of Kent in the United Kingdom. He also holds a BA in International Relations and a BA in Political Science from Northeastern University in Boston, Massachusetts.

Currently, Bryan is pursuing his PhD at Stellenbosch University in South Africa. The intent of his research seeks to examine how civil society and political leadership within South Africa and Zimbabwe impact land policy as well as land policy's impact on stability within each.